ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Senate go into executive session to resume its consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. For the information of the Senate, as well as the Senator from Indiana, will our distinguished deputy majority leader be so kind as to give us a rundown on the parliamentary situation tomorrow? I have had several Senators inquire whether it would be possible for them to make speeches which would not be germane to the subject of the executive matter before the Senate.

Mr. BYRD of West Virginia. In response to the inquiry of the distinguished Senator from Indiana, once the 3 hours under the Pastore rule have elapsed—if my understanding of the rules and procedures of the Senate is correct—the Senate could not proceed, while in executive session, to the consideration of legislative business without unanimous consent or by motion. However, one can speak on a nongermane subject in executive session without a point of order being raised, after the Pastore rule of germaneness has expired.

Mr. BAYH. I thank the Senator. I am just trying to be in a position to advise Senators. So that 3 hours after the speaking orders, anyone who wants to make a speech on India, for example, it would be the perfect time for speaking. Is that correct?

Mr. BYRD of West Virginia. It is not necessarily 3 hours after the conclusion of orders for the recognition of Senators to make 15-minute speeches. It is 3 hours following the triggering of the Pastore germaneness rule, whatever the trigger may be—the transaction, for example, of some business by unanimous consent on the legislaitve calendar the first thing tomorrow morning; if the leader calls up and disposes of a bill on the legislative calendar by unanimous consent, that would trigger the Pastore rule, and the 3 hours would start to run; or if no business is transacted until the conclusion of the routine morning business and the Senate then goes into executive session to resume debate on the Rehnquist nomination, at that point the 3 hours under the Pastore rule would be triggered. During the course of that 3 hours one could not speak on a nongermane subject, except by unanimous consent; but once the Pastore rule expires, as I stated—and I would like to ask the Chair if I am correct—although one could proceed in executive session to take up legislative business only by unanmious consent or by motion, there is no rule of germaneness in executive session and one may speak on a nongermane subject at that time without unanimous consent.

May I ask the Chair if I am correct?

The PRESIDING OFFICER. The rule of germaneness would apply in the first 3 hours, whether it be an executive session or a legislative session.

Mr. BYRD of West Virginia. That is what I have stated.

The PRESIDING OFFICER. That is what the Senator from West Virginia stated. The Senator is correct.

Mr. BYRD of West Virginia. And once the Pastore rule has expired, is there any rule of germaneness in executive session?

The PRESIDING OFFICER. There is no rule of germaneness at that point.

Mr. BYRD of West Virginia. Although legislative business cannot be taken up in executive session except by unanimous consent, or by motion, a Senator may speak on a nongermane subject once the Pastore rule of germaneness expires.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. I thank the Senator.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. PEARSON, Mr. ROTH, Mr. KENNEDY, Mr. BYRD of West Virginia; at the conclusion of which orders there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

When morning business has been concluded, the Senate will go into executive session to resume consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

ADJOURNMENT UNTIL 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 adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 7, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 6 (legislative day of December 4), 1971:

SUPREME COURT OF THE UNITED STATES

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States.

DEPARTMENT OF THE TREASURY

Romana Acosta Banuelos, of California, to be Treasurer of the United States.

Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury.

U.S. DISTRICT COURTS

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

U.S. POSTAL SERVICE

The following-named persons to be Governors of the U.S. Postal Service for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Elmer T. Klassen, of Massachusetts, for a term of 1 year.

Frederick Russell Kappel, of New York, for a term of 2 years.

Theodore W. Braun, of California, for a term of 3 years.

Andrew D. Holt, of Tennessee, for a term of 4 years.

George E. Johnson, of Illinois, for a term of 5 years.

Crocker Nevin, of New York, for a term of 6 years.

Charles H. Codding, of Oklahoma, for a term of 7 years.

Patrick E. Haggerty, of Texas, for a term of 8 years.

M. A. Wright, of Texas, for a term of 9 years.

HOUSE OF REPRESENTATIVES—*Monday, December 6, 1971*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. TEAGUE of Texas.

DESIGNATION OF SPEAKER PRO TEMPORE

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

DECEMBER 6, 1971.

I hereby designate the Honorable OLIN E. TEAGUE to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Mrs. James Wyker, D.D., the Union Church, Berea, Ky., offered the following prayer:

Our Father, we thank Thee for responsible freedom, for a nation demanding its right to worship, assemble, and speak, according to the dictates of conscience.

We ask Thee today to hallow our freedom of yesterday in the enactments of tomorrow. May we dedicate our wealth and leadership to one world, under God.

We pray for our Representatives in the Congress as daily they must make far-

reaching decisions for 200 million people. "There is no loneliness in all the world like the loneliness of command." Bless them as they serve, we pray.

May clergy in all religious faiths not only pressure our Government for social justice but minister, in the deepest sense, to those who carry such heavy burdens. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of forty hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance; and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70.

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

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial;

H.R. 11932. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11932) entitled "An act 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," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. PERCY, Mr. BOGGS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. MCGEE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public land."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

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

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes;

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse;

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner;

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes;

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; and

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology.

The message also announced that Mr. ROTH was appointed as a conferee on the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes," in lieu of Mr. BENNETT.

APPOINTMENT OF CONFEREES ON H.R. 11932, DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PRYOR of Arkansas, OBEY, STOKES, MCKAY, MAHON, DAVIS of Wisconsin, SCHERLE, MCEWEN, MYERS, and BOW.

THE REVEREND MRS. JAMES WYKER

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute.)

Mrs. GREEN of Oregon. Mr. Speaker, today marks another first, I am told. According to Dr. Latch, our regular Chaplain, today is the first time in the history of the House of Representatives that the invocation has been given by a woman. I count it a special privilege, because she has been a longtime friend of mine and, as I see it, she is one of America's most outstanding women. She is an ordained minister in the Christian Church. She was the first woman to receive an honorary doctor of divinity degree from Transylvania University of Lexington, Ky. She served as the acting president of the International Assembly of the Christian Church. The Christian Church was represented by Mrs. Wyker at meetings of the World Council of Churches at Amsterdam, Holland. She served as a member of the Commission on the World Council of Churches for 6

years, attending meetings in Germany, Denmark, and Scotland.

She was the national president of the Church Women United from 1950 to 1955.

She served as the leader of an international team sent by Church Women United on a mission of good will around the world.

She spent 7 weeks in Europe speaking in Scotland, England, Spain, Morocco, Italy, and Germany for the Protestant Women of the Chapel—wives of our servicemen stationed in these countries. She also served as a member of the Commission on the Status of Women from the State of Kentucky.

So, Mr. Speaker, I consider it a very special privilege to have this friend Mossie Wyker, here today to give the invocation in the House of Representatives.

CONSENT CALENDAR

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

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

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

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

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

There was no objection.

EXTENSION OF AUTHORITY OF AGENCY HEADS TO DRAW CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS

The Clerk called the bill (H.R. 8708) to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

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

H.R. 8708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 492 of title 31 of the United States Code 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended by adding below subsection (c) thereof the following new subsection:

"(d) EXTENSION OF AUTHORIZATION FOR DRAWING CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS.—Procedures authorized in subsection (b) of this section, for the making of a payment in the form of a check drawn in favor of a financial organization, may be extended to any class of recurring payments, upon the written request of the person to whom payment is to be made and in accordance with regulations to be prescribed by the Secretary of the Treasury under authority of such subsection."

With the following committee amendment:

Page 1, line 3, strike out "That section 492 of title 31 of the United States Code is" and insert in lieu thereof "That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is".

The committee amendment was agreed to.

Mr. MONAGAN. Mr. Speaker, H.R. 8708 will extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments.

Public Law 89–145, enacted in 1965, provided authority for heads of Federal agencies to authorize disbursing officers to draw checks in favor of financial organizations, such as banks, savings banks, savings and loan associations or similar institutions, or Federal and State chartered credit unions. This permissive statutory authority for classes of payments other than salaries and wages was inadvertently dropped when 31 U.S.C. 492 was amended by Public Law 90–365 in 1968. This act, originating in the House Banking and Currency Committee, provided for savings allotments and inadvertently, the previous authority for retiree direct check deposits was omitted.

The House Government Operations Committee has been greatly interested in this employee-optional method of payment of salaries and wages because of its enormous potential for reducing the cost of disbursing operations throughout the Government. Recurring payments, the subject of this bill, involve social security recipients, veteran's pensioners, civil service retirees and recipients of railroad retirement benefits. Included in the approximately 600 million checks issued by the Government annually are 264 million social security checks, 60 million VA checks, 12 million railroad retirement checks and approximately 900,000 civil service retirement checks. The cost savings potential involved by adoption of the composite check procedure for such large numbers of recurring payments is truly substantial.

In hearings before the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations in August 1970, the Treasury reported a significant increase in the numbers of Federal employees availing themselves of the direct-deposit option; and in May of this year, the Commissioner of Accounts of the Treasury reported to us the results of a Government-wide census taken in December 1970. That study showed that almost 650,000 Federal employees had elected to be paid by direct deposit in their checking accounts. Further, the use of the composite check procedure in their applications where sufficient numbers of employees on a given payroll designated the same financial organization made possible the avoidance of over 2.5 million checks annually. This equated to annual cost savings of $223,000.

H.R. 8708 would allow extension of the direct-deposit technique to recurring payments made to the public—such as those for social security benefits, veterans' benefits, and civil service and railroad retirement benefits. It does not require implementation but merely paves the way for voluntary adoption if and when the Treasury and the program agencies determine it to be feasible. We think it desirable, however, to have the option available at the earliest possible time so that the procedure could be readily implemented if and when the joint agency-Treasury studies showed it to be possible. I want to emphasize quite strongly that there would be nothing mandatory on the part of the beneficiaries in these programs if the direct-deposit option were authorized; that is, individuals receiving benefits would be permitted to submit a written request to the program agency to have their payments credited directly to their accounts in financial organizations.

Finally, while cost estimates are difficult to obtain, the protection from theft and forgery afforded by the direct credit procedure, including the potential for composite checks, is an important consideration in evaluating the need for this legislation. The incidence of check thefts, involving primarily mail bags of checks in transit, and raids on apartment mail boxes on the established and well-known pay dates, is an ever increasing problem. Such thefts cause extreme hardship for the payees and they create costs at every point—in the program agency, the Treasury—in its check insurance, check payment, and law enforcement operations—the Post Office, and in the banking system.

Mr. Speaker, the Committee on Government Operations unanimously reported out H.R. 8708 on November 11, 1971, and directed that it be placed on the Consent Calendar. I urge my colleagues to support the measure.

Mr. FASCELL. Mr. Speaker, H.R. 8708 will restore the authority of agency heads to draw checks in favor of financial organizations when requested by individual retirees and annuitants. The passage of Public Law 90–365 in 1968, the savings allotment legislation originating in the Banking and Currency Committee, omitted the permissive statutory authority which will be restored by the passage of H.R. 8708.

The authority set forth in H.R. 8708 is permissive in nature to enable each agency to work out its own problems. Each individual retiree and annuitant must request the direct-deposit check procedure in writing. Under no circumstances can any individual be compelled to utilize this procedure when adopted by the agency, should the retiree desire to continue to receive directly his or her individual check.

The Government Operations Committee has encouraged for many years the adoption of the composite check procedure beginning with the Air Force as far back as 1951. Frequent hearings have been held, the result of which has been to encourage the civilian agencies to adopt the system perfected by the military. Of the over 600 million checks issued annually by the Government, over 300 million are for retirees and annuitants, the subject of H.R. 8708.

The passage of H.R. 8708 is still another step toward achieving greater cost savings by a significant reduction in the number of checks issued each year.

I urge my colleagues to support this measure.

Mr. THONE. Mr. Speaker, as has been indicated, H.R. 8708 merely restores the authority to the various agencies to permit the use of direct deposit and composite checks for retirees, inadvertently dropped with the passage of Public Law 90–365. During hearings on this measure, representatives of the Treasury Department indicated in response to my questioning that they did not have an opportunity to testify on the savings allotment legislation—Public Law 90–365—and as a consequence authority permitting composite checks for annuitants and retirees was omitted.

In addition to the compelling points made by Chairman MONAGAN, I wish to emphasize the difficulties financial institutions are having in processing the ever-increasing number of social security checks, over 270 million annually. Since the checks are generally received in the first 5 days of each month, this has led to long lines and inconvenience to the general public. As a result, the American Bankers Association has consistently supported the efforts of this committee to make it possible for the large number of individual checks to be reduced. The American Bankers Association's statement of support is set forth in the printed hearings.

Since the authority set forth in the bill is permissive in nature, there will be no cost to the Government until such time as each individual agency works out its own problems and elects to make the composite-check procedure available. Clearly, however, at such time as the conversion is made, the obvious cost savings involved will far outweigh any administrative costs required for changeover.

Mr. Speaker, it was my privilege before the full Committee on Government Operations to move for the unanimous adoption of H.R. 8708 on November 11, 1971. It was so adopted. I now urge adoption of H.R. 8708 by unanimous consent.

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

AUTHORIZING THE SECRETARY OF DEFENSE TO LEND CERTAIN EQUIPMENT AND TO PROVIDE TRANSPORTATION AND OTHER SERVICES TO THE BOY SCOUTS OF AMERICA IN CONNECTION WITH BOY SCOUT JAMBOREES

The Clerk called the bill (H.R. 11738) to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes.

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

H.R. 11738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 151 of title 10, United States Code, is amended by adding the following new section, and a corresponding item in the analysis.

"§ 2544. Equipment and other services: Boy Scout Jamborees

"(a) The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of Scouts, Scouters, and officials who attend any national or world Boy Scout Jamboree, such cots, blankets, commissary equipment, flags, refrigerators, and other equipment and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful to the extent that items are in stock and items or services are available.

"(b) Such equipment is authorized to be delivered at such time prior to the holding of any national or world Boy Scout Jamboree, and to be returned at such time after the close of any such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

"(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

"(d) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sea Transportation Service or aircraft of the Military Air Transportation Service for (1) those Boy Scouts of America, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America at any national or world Boy Scout Jamboree, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this Act to the extent that such transportation will not interfere with the requirements of military operations.

"(e) Before furnishing any transportation under subsection (d), the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

"(f) Amounts paid to the United States to reimburse it for expenses incurred under subsection (b) and for the actual costs of transportation furnished under subsection (d) shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

"(g) Other departments of the Federal Government are authorized, under such regulations as may be prescribed by the Secretary thereof, to provide to the Boy Scouts of America, equipment and other services, under the same conditions and restrictions prescribed in the preceding subsections for the Secretary of Defense."

With the following committee amendments:

On page 3, line 2, delete the words "Sea Transportation Service" and insert in place thereof the words "Sealift Command".

On page 3, line 3, delete the words "Air Transportation Service" and insert in place thereof the words "Airlift Command".

On page 3, line 9, delete the word "Act" and insert in place thereof the word section".

The committee amendments were agreed to.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 11738, authorizing certain Federal assistance for the Boy Scouts jamborees in 1973. Representing the State which has been privileged to host the first world jamboree held in America, as well as a national Jamboree 2 years later, with an international encampment sponsored by the Boy Scouts within the L.D.S. Church in the intervening year, and all at Farragut State Park, and as an advocate of the program and principles of the Boy Scouts of America, I enthusiastically support this action in their behalf. One-half of the 1973 jamboree will again be held at Farragut State Park in Idaho which has unique facilities for handling the 40,000 Scouts.

Under the dynamic leadership of Chief Scout Executive Alden G. Barber, the Boy Scouts of America are engaged in a program relevant to the needs of today's boy in all the areas and sections of our country. The program is of vital interest not only to the Boy Scouts, but to all of America.

In granting a Federal charter to the Boy Scouts of America, the Congress placed itself strongly behind their patriotic endeavors, and the Scouts have responded in a manner befitting their responsibilities. It is a part of our national heritage that during the conflict in the two world wars and our country's involvement in Korea and Vietnam, the Boy Scouts have participated in and contributed to every bond drive, every Red Cross campaign, and everything, in sum, that they were asked to do. They often volunteer before the asking. In times of natural disaster of any kind, the Scouts extend their services to the victims, and have won the admiration of a nation and a world.

In keeping with the spirit of the Federal charter granted by the Congress to this superb organization, I wholly approve and recommend the purposes of this bill.

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

AUTHORIZING AN ADDITIONAL DEPUTY SECRETARY OF DEFENSE

The Clerk called the bill (H.R. 8856) to authorize an additional Deputy Secretary of Defense, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to know why an additional Deputy Secretary of Defense is needed?

Mr. HÉBERT. Mr. Speaker, if the gentleman will yield, I will tell the gentleman from Iowa the present situation is that there is one Secretary of Defense and one single Deputy Secretary of Defense. The workload of the Deputy has become so enormous, it becomes necessary that a portion of this workload be vested in another Deputy Secretary. Thus, for example, one could be involved in procurement and the other in administrative work.

Mr. GROSS. How many Deputy Secretaries are there?

Mr. HÉBERT. There is only one.

Mr. GROSS. How many Assistant Deputy Secretaries?

Mr. HÉBERT. There are eight Assistant Secretaries and one Deputy Secretary.

Mr. GROSS. This is an additional Deputy Secretary?

Mr. HÉBERT. This will increase the Deputy Secretaries to two instead of the one, and the Assistants will be increased by one, from eight to nine. They requested originally two Assistants, and we deleted one.

Mr. GROSS. This is confirming the fears I have had from the beginning of the creation of the Department of Defense, that it would grow and grow and grow, and simply constitute another layer of fat added to the military establishment. I do not recall any cutbacks in any of the Secretaryships in the various departments such as the Departments of the Army, Navy, and Air Force. Congress, in establishing the Defense Department, simply added another layer of fat on top of the departments we already had.

I note on page 5 that this is not supposed to result in any increased budgetary requirements to the Department of Defense. How is it possible to create another Deputy Secretary and not create additional expense, or is the answer that the Defense Department is funded to such an extent that it can support another office of this high nature?

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his comment. His observation is an observation which I share about the spread of the Department of Defense, and I think the gentleman and I are among those who opposed the expansion heretofore. Here is the typical example of the earnestness and the attitude of the Committee on Armed Services in watching these things very closely. As I indicated before, they came up with a request for two Assistant Secretaries, and we deleted one but retained the other which was recommended by a Special Subcommittee of the House Armed Services Committee.

Now, as to the fiscal aspects. Very simply, the attrition rate of civilian personnel of the Department of Defense makes it possible, through funds realized through not filling these vacancies caused by attrition, to utilize that money for the payment of these extra secretaries.

Mr. GROSS. I am not going to pursue this discussion, but I just do not understand how, considering the cost that goes with the creation of an assistant secretary and office staff, it can be taken out of funds already appropriated unless the Department of Defense has a lot of funding flexibility or is overfunded.

Mr. Speaker, I withdraw my reservation.

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

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

H.R. 8856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of title 10, United States Code, is amended as follows:

(1) Section 134 is amended to read as follows:

§ 134. Deputy Secretaries of Defense: appointment; powers and duties; precedence

"(a) There are two Deputy Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as a Deputy Secretary of Defense within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) The Deputy Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary designated by the President shall act for, and exercise the powers of, the Secretary when the Secretary is disabled or there is no Secretary of Defense.

"(c) The Deputy Secretaries take precedence in the Department of Defense immediately after the Secretary."

(2) Sections 135(c) and 136(e) are each amended by striking out "Deputy Secretary" and inserting in place thereof "Deputy Secretaries".

(3) Section 136(a) is amended by striking out "eight" and inserting in place thereof "ten"

(4) The item in the analysis relating to section 134 is amended to read as follows:

"134. Deputy Secretaries of Defense: appointment; powers and duties; precedence."

SEC. 2. Section 171(a)(2) of title 10, United States Code, is amended by striking out "the" and inserting in place thereof "a".

SEC. 3. Section 5313(1) of title 5, United States Code, is amended to read as follows:

"(1) Deputy Secretaries of Defense (2)."

SEC. 4. Section 5315(13) of title 5, United States Code, is amended to read as follows:

"(13) Assistant Secretaries of Defense 10."

SEC. 5. Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended to read as follows:

"(c) Notwithstanding section 133(d) of title 10, United States Code, only the Deputy Secretaries of Defense and the Director of the National Security Agency may be delegated any authority vested in the Secretary of Defense by subsection (a)."

With the following committee amendments:

On page 1, line 8, delete the word "are" and substitute the words "shall be" in lieu thereof.

On page 2, line 14, delete the word "ten" and substitute the word "nine" in lieu thereof.

On page 3, line 1, delete the number "10" and substitute the number "9" in lieu thereof.

The committee amendments were agreed to.

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

WATER SUPPLY STORAGE IN BENBROOK RESERVOIR

The Clerk called the bill (H.R. 9886) to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir.

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

H.R. 9886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632), as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

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

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

Mr. HALL. Mr. Speaker, inasmuch as this joint resolution is excessive in amount, according to the criteria for the Consent Calendar, I ask unanimous consent that the joint resolution be passed over without prejudice.

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

There was no objection.

ORDER OF BUSINESS

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

Mr. ASPINALL. Mr. Speaker, I take this time for the purpose of pointing out that the next six bills on the Consent Calendar fail by 1 day for eligibility on the Consent Calendar. However, they have been publicized. Members of the House have had an opportunity to see the reports. They are noncontroversial.

Mr. Speaker, unless there is objection, I ask unanimous consent for immediate consideration of each one of these bills as they come before us.

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

Mr. HALL. Mr. Speaker, reserving the right to object, the distinguished chairman of the Committee on Interior and Insular Affairs and the chairman of his subcommittee, as well as the ranking minority member, have seen fit to discuss these bills with me last week, which we ordinarily refer to, on the Consent Calendar, as the Indian tribal judgment bills.

At that time we knew they would not be eligible according to the Consent Calendar rules. We have had an opportunity to review them.

Inasmuch as the proper courts have found these judgments, and they simply make in order under the Subcommittee on Interior Affairs of the Committee on Interior and Insular Affairs the necessary action on the part of the Congress, I see

no objection, and I believe it would expedite the business of the Congress and certainly of that committee, and perhaps of adjournment sine die. So the official objectors will not object.

Mr. Speaker, I withdraw my reservation.

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

Mr. ASPINALL. I yield to my friend from Pennsylvania.

Mr. SAYLOR. In addition to the comments which have been made by the gentleman from Missouri (Mr. HALL) I should like to say that these bills all have been reported by the House Committee on Interior and Insular Affairs unanimously.

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

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore. The Clerk will call the next bill on the Consent Calendar.

DISPOSING OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, FLATHEAD RESERVATION, MONT.

The Clerk called the bill (H.R. 3333) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes.

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

H.R. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 and docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

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

With the following committee amendments:

Page 1, line 8, after "expenses," insert "shall be used as follows: 90 percent thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder".

Page 2, after line 5 insert a new section as follows:

"SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 3333 is to authorize the use of two judgments against the United States recovered in the court of claims by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana. One of the judgments for $6 million has been appropriated, and the other one for approximately $20 million is contained in the pending supplemental appropriations bill.

The bill as amended by the committee provides that 90 percent of the two judgments, after paying attorney fees and other litigation expenses, shall be distributed in equal per capita shares to each member of the tribe who is enrolled or entitled to be enrolled on the date the bill is enacted into law. The remaining 10 percent of the money will be used for program purposes on the reservation.

The tribe contains approximately 5,600 members. About half of them live on or near the reservation, and half live elsewhere. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. At the hearing before the committee, tribal representatives submitted a tribal council resolution proposing the 90 percent distribution, and the representatives of the Department of the Interior concurred.

The money retained for program purposes will be divided equally between a land purchase program, a credit program, and an educational program. The tribe is presently conducting these three programs with other tribal funds, and the additional capital proposed from the judgment fund should be adequate to supplement those funds.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 602).

To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the bill as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

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

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

MOTION OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 602 and insert in lieu thereof the provisions of H.R. 3333 as passed, as follows:

That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 90 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

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

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

The motion was agreed to.

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

A similar House bill (H.R. 3333) was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN FAVOR OF JICARILLA APACHE TRIBE

The Clerk called the bill (H.R. 9019) to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket No. 22–A, and for other purposes.

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

H.R. 9019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, together with the interest thereon, after payment of attorney fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior de-

termines appropriate to protect the best interests of such persons.

SEC. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes or to any lien, debt, or attorney fees except delinquent debts owed to the tribe or to the United States.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 2, line 9, delete "taxes" and insert "taxes." and strike out the remainder of the sentence.

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9019 is to authorize the use of a judgment against the United States recovered in the Indian Claims Commission by the Jicarilla Apache Tribes in New Mexico. The net amount available is $9,232,709, subject to the payment of attorney fees and litigation expenses. The money has been appropriated.

The bill permits the money to be used for any purpose requested by the tribe and approved by the Secretary of the Interior. The tribe has adopted a resolution calling for the following uses, and the Department of the Interior concurs:

First, community improvement: $1,500,000 to be invested and the interest drawn upon as needed to provide capital or matching funds for construction of detention and correctional facilities, expansion of the domestic water system, paving of streets, and construction of new systems.

Second, capital improvement: $3,135,000 to be invested for income and job-producing purposes, including the development of additional lakes to complete the planned recreation program; improvement of a tribal livestock operation; creation of additional game parks; construction of a tribal sawmill; and the acquisition of stocks and bonds.

Third, per capital payments: $4,515,000 to be used to make a quarterly per capita payment until each tribal member has received a total of $2,000—$800 initial payment and $200 each quarter thereafter.

The tribe has a membership of 1,888, and 250 of them live away from the reservation.

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

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN BLACKFEET TRIBE OF BLACKFEET INDIAN RESERVATION, MONT., AND GROS VENTRE TRIBE OF FORT BELKNAP RESERVATION, MONT.

The Clerk called the bill (H.R. 9325) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes.

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

H.R. 9325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The entire amount of funds credited under the first section of this Act to the Blackfeet Tribe shall be distributed by means of one per capita payment to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Gros Ventre Tribe has adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of such funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

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

With the following committee amendments:

Page 2, lines 6 through 15, strike out all of section 2 and insert a new section 2 as follows:

"SEC. 2. The sum of $5,671,156.00 from the funds credited to the Blackfeet Tribe under Section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under Section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons."

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, line 23 through page 3, line 4, strike out the text of Section 4 and insert the following:

"The balance of each tribe's share of the funds may be advanced, expended, invested or reinvested for any purposes that are authorized by the respective tribal of governing bodies and approved by the Secretary of the Interior."

Page 3, lines 5 through 8, strike out the text of Section 5 and insert the following:

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

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9325 is to divide a $8,679,814 judgment, plus accumulated interest of about $1,152,578, between the Blackfeet Tribe and the Gros Ventre Tribe, and to authorize the use of the money. The money has been appropriated.

The bill as amended by the committee divides the money between the two tribes on a 73.2/26.8 percent basis, which is a formula agreed to by the two tribes. The bill also provides that after paying attorney fees and litigation expenses, a specified portion of the money shall be distributed in equal per capita shares to the members of each tribe, and that the remainder shall be used for program purposes in each reservation. This use has also been requested by the two tribes and endorsed by the Department of the Interior. The funds distributed per capita will amount to about 89 percent of the total.

The Blackfeet Tribe has an estimated membership of 10,000 of whom 4,000 live away from the reservation. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. The tribe requested a 100-percent per capita distribution, but after departmental urging it agreed to a 90-percent distribution. It plans to use the program money to acquire additional land and to finance educational improvements.

The Gros Ventre Tribe has an estimated 2,500 members, about half of whom live outside the reservation. The tribal governing body and the off-reservation members support the proposed legislation.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of

the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum of the Gros Ventre Tribe.

SEC. 2. From the funds so credited to the Blackfeet Tribe, a per capita payment of $150 shall be made to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollee less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Blackfeet Tribe and the Gros Ventre Tribe have adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of the funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

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

MOTION OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 671 and insert in lieu thereof the provisions of H.R. 9325 as passed, as follows:

That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The motion was agreed to.

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

A similar House bill (H.R. 9325) was laid on the table.

DECLARING PUBLIC LANDS HELD IN TRUST BY UNITED STATES FOR SUMMIT LAKE PAIUTE TRIBE

The Clerk called the bill (H.R. 9702) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 952, be considered in lieu of the House bill.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to lots 1, 2, 3, 4, northwest quarter northeast quarter, south half northeast quarter, section 7, and the north half section 8, township 41 north, range 26 east, Mount Diablo meridian, Nevada, containing six hundred acres, more or less together with all improvements thereon, are hereby declared to be held by the United States in trust for the Summit Lake Paiute Tribe and shall hereafter constitute a part of the Summit Lake Indian Reservation, Nevada, subject to the reservation of a right of access across said lands to the northeast quarter northeast quarter, section 7, township 41 north, range 26 each. Mount Diablo meridian, Nevada, for the benefit of the owner thereof.

SEC. 2. Notwithstanding any other provision of law, the Summit Lake Paiute Tribe is hereby authorized to negotiate a purchase of the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, from the owner thereof and to cause the title to be conveyed to the United States in trust for the benefit of the Summit Lake Paiute Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 952 is to convey to the Summit Lake Pauite Tribe in Nevada the beneficial interest in 600 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for setoff purposes in any claims award made by the Commission.

The land is vacant, unappropriated, public domain, and is contiguous to the south boundary of the Summit Lake Reservation. The reservation is a small one of only 10,500 acres, and the tribe consists of only 50 members. The land was fenced in the 1930's by the Civilian Conservation Corps as a part of the reservation, and the land contains water that is essential to grazing on the southern part of the reservation.

The value of the land is $9,000. It has no mineral value.

The 600 acres completely surround a 40-acre tract that is owned by a non-Indian. The owner is interested in selling it to the Indians, but a transfer of title in trust is prohibited unless specifically authorized by statute. The bill contains this authorization.

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

A similar House bill (H.R. 9702) was laid on the table.

DECLARING CERTAIN FEDERALLY OWNED LAND HELD BY THE UNITED STATES IN TRUST FOR THE FORT BELKNAP INDIAN COMMUNITY

The Clerk called the bill (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community.

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

H.R. 10702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in lands described as the southeast quarter

southeast quarter southeast quarter northwest quarter section 14, township 26 north, range 25 east, and the southwest quarter southwest quarter northwest quarter northwest quarter section 29, township 27 north, range 26 east, principal meridian, Montana, comprising five acres, more or less, are hereby declared to be held by the United States in trust for the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1964 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

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

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10702 is to convey to the Fort Belknap Indian Community in Montana the beneficial interest in 5 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for set-off purposes in any claims award made by the Commission.

The land consists of two tracts that were purchased by the United States in 1934 as the sites for two Indian schools. The purchase price of both tracts was $50. They have a present value of $200. Although the land has some potential value for coal, oil, and gas, the Department of the Interior reports that this potential value is slight.

The Indian schools were closed in 1937 and the children were sent to other schools. The land is excess to the needs of the Department of the Interior, but is desired by the Fort Belknap Indian Community for use in conjunction with other tribal lands.

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

PROVIDING FOR THE APPORTIONMENT OF FUNDS IN PAYMENT OF JUDGMENT IN FAVOR OF THE SHOSHONE TRIBE

The Clerk called the bill (H.R. 10846) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets No. 326–D, 326–E, 326–F, 326–G, 326–H, 366, 367 before the Indian Claims Commission, and for other purposes.

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

H.R. 10846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone–Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendedent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of the Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be sub-

ject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 7, line 21, after "tax" insert a period and strike out the remainder of the sentence.

The committee amendment was agreed to.

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

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10846 is to divide a $15,700,000 judgment, plus accumulated interest of about $2,665,388, between the three parts of the Shoshone Tribe, and to authorize the use of the money. The money has been appropriated.

The three parts of the Shoshone Tribe that are entitled to share the judgment are the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho, the Shoshone Tribe of the Wind River Reservation in Wyoming, and the Northwestern Band of Shoshone Indians in Utah.

For more than 3 years the three groups were unable to agree on a division of the judgment. After extended negotiations an agreement was finally reached, and that agreement is incorporated in H.R. 10846.

The bill provides that the entire share of the Northwestern Band will be distributed per capita, because they have no reservation and no formal organization. The bill provides that the Fort Hall Indians will distribute 75 percent of their share per capita and use the remainder, with secretarial approval, for reservation program purposes. The Wind River Indians will use their money as provided in a 1947 statute, which requires 85 percent to be distributed per capita and the remainder to be used for tribal purposes.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 10846, which provides for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe. This bill is cosponsored by my distinguished colleague from Idaho, the Honorable JAMES MCCLURE. An identical bill, S. 2042, as amended, sponsored by Idaho Senators FRANK CHURCH and LEN B. JORDAN, was passed by the Senate October 13, 1971.

The purpose of the legislation is to distribute a judgment in the sum of $15,700,000 which was entered by the Indian Claims Commission in consolidated dockets 326–D through 326–H, 366, and 367. Funds to cover the award were appropriated by the act of June 19, 1968 (82 Stat. 239).

The judgment represents compensation to the Shoshone-Bannock Tribes in compromise of claims for the taking in 1868 and 1869 of about 38 million acres of land in Idaho, Wyoming, Utah, and Nevada from the Shoshone Tribe; the use of funds of the Shoshone-Bannock Tribes of Fort Hall Reservation for irrigation purposes; the taking of about 297,000 acres of Fort Hall Reservation land in 1889; the taking of about 407,000 acres of Fort Hall Reservation land in 1898; and failure of the United States to provide a reservation for the Bannock Tribe as promised by the Treaty of February 16, 1869.

No previous judgments or compensation have been granted to the Shoshone-Bannock Tribes of Fort Hall Reservation or to the Northwestern Band of Shoshones.

Fort Hall Reservation was first established by an Executive order dated June 14, 1867, for various Shoshone groups in southern Idaho. A subsequent Executive order, on July 30, 1869, provided a reservation for the Bannock Indians "within the limits of the tract reserved by Executive order of June 14, 1867, for the Indians of southern Idaho." The 1867 order provided for a reservation of 1,800,000 acres, but before any allotments or extensive settlements were developed, there were two major cessions of land to the United States. These occurred in 1889 and 1898, and resulted in a reduction of the reservation to its present area of 523,168 acres.

The Shoshone-Bannock Tribes, with an estimated membership of 2,300, are governed by a tribal business council of seven members elected from the reservation at large. Income is derived mainly from mineral and surface leasing. A substantial portion of this income is used in the tribal land acquisition program.

In recent years, council members have exerted extensive efforts in attempts to improve conditions on the reservation. Primarily through their endeavors, the Shoshone-Bannock Tribes have established very helpful relationships with several Government agencies—in addition to the Bureau of Indian Affairs. For example, they have promoted a VISTA program, Headstart, Upward Bound, and Neighborhood Youth Corps. They have worked with the Economic Development Administration and Federal Water Pollution Control Administration in expansion of existing businesses, and for a community water and sewer project. However, there still is considerable unemployment on the reservation and a relatively low educational level. The Indians are unable to compete successfully for industry with non-Indian communities near the reservation; consequently, industrial development on the reservation is practically nonexistent.

The delay in bringing this legislation before the Congress has been occasioned by a longstanding dispute among the various tribal bands as to the manner in which the judgment funds should be divided. Now that an agreement has been reached, funds remaining after the per capita distribution, as provided in the bill, will be used for the benefit of the tribes at large. Although the Fort Hall Business Council has not yet made a definite decision in this respect, studies are being undertaken as to possible cattle programs, housing, education, and industrial development.

I urge that prompt action be taken so that these much needed funds may be put to useful purpose for the benefit of these people. May I again stress—no new money is involved. The appropriation was made more than 2 years ago. This distribution has the approval of the Department of the Interior and the Office of Management and Budget.

To have this money available before Christmas is not only possible, but would enable many individuals and families to enjoy this special time through the addition of comforts which most of us take for granted, and to begin planning immediately for many improvements in areas now sorely deficient.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 2042

An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll rated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorney's fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of the Senate bill S. 2042 and insert in lieu thereof the provisions of H.R. 10846, as passed, as follows:

That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoeshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they posses one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty

days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per captia distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendment was agreed to.

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

A similar House bill (H.R. 10846) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on any of the Indian bills just passed.

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

There was no objection.

INTERNATIONAL BOOK YEAR

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 149) to authorize and request the President to proclaim the year 1972 as "International Book Year".

The Clerk read the title of the Senate joint resolution.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, does this resolution require the expenditure of any Federal funds in any way?

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, this does not require the expenditure of any Federal funds in any way.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of (1) the fact that the United States, during its entire history, has recognized importance of universal education in a free society and the commitment of the people and Government of the United States to the free flow of information, (2) the fact that books are basic to both universal education and the free flow of information, and (3) the designation by the United Nations Educational, Scientific, and Cultural Organization of the year 1972 as "International Book Year", the President is authorized and requested to issue a proclamation designating the year 1972 as "International Book Year", and calling upon executive departments and agencies, the people of the United States, and interested groups and organizations to observe such year with appropriate ceremonies and activities both within and without the United States.

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

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Senate joint resolution just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file certain privileged reports.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman amplify what is proposed to be filed?

Mr. YOUNG of Texas. Mr. Speaker, if the gentleman will yield, the Committee on Rules is meeting this afternoon at 3:30, and plans to take up the foreign assistance appropriations and the Strategic Storable Agricultural Commodities Act, H.R. 1163.

Mr. GROSS. I presume that at least in the case of the foreign handout bill that will come in under a closed rule insofar as waiving points of order is concerned.

Mr. YOUNG of Texas. No, it would not be under a closed rule, but I am sure that the purpose in getting a rule is that there must be some point of order that would lie against it.

Mr. GROSS. I thank the gentleman for his explanation, and I withdraw my reservation of objection.

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

Mr. MAYNE. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Texas with regard to the so-called Strategic Storable Agricultural Commodities Act if a rule is granted will this waive points of order to permit the offer of the $20,000 limitation of payments amendment which the gentleman from Illinois (Mr. FINDLEY) advised the committee he wishes to offer?

Mr. YOUNG of Texas. If the gentleman will yield, this action has nothing to do with the type of rule. That has not been voted on yet. Of course, when the Committee on Rules finishes hearing the testimony, which it is anticipated it will this afternoon, then the type of rule would be decided on then, and then the House would have to adopt it. This is just procedural to allow the Committee on Rules to file the privileged reports.

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

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

There was no objection.

SECRETARY BUTZ ANNOUNCES THAT USDA TO BUY CORN IN THE OPEN MARKET

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

Mr. MAYNE. Mr. Speaker, the announcement by Secretary of Agriculture Earl Butz of last Friday, December 3, that the Department of Agriculture will soon begin purchasing corn in the open market is good news indeed for the American feed grain farmer. Coming as it did less than 24 hours after the new Secretary was sworn in, this action proves him capable of moving promptly and decisively in the farmers' interest.

The purpose of this purchase operation is to improve corn prices which declined sharply earlier this year as a result of serious overproduction of corn, the 1971 crop now being estimated at 5.54 billion bushels. This action combined with the already strengthened and broadened commodity loan program as well as the recent large sale of U.S. corn to the Soviet Union gives farmers a wide choice of alternatives in handling and marketing this year's corn crop.

Record quantities of corn are going under loan earlier in the season this year than ever before. A preliminary report indicates that nearly 240 million bushels of 1971 crop corn had gone under loan through November 26. This is more than 2½ times the previous record amount of corn put under loan from the beginning of harvest through November. It is hoped that additional extensive use of the loan program by farmers plus the on the market purchases ordered Friday will substantially strengthen the market price of corn.

BOBBY LANGSTON, CEREBRAL PALSY VICTIM, SHARES UNIVERSITY OF TENNESSEE VICTORY CELEBRATION

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

Mr. DUNCAN. Mr. Speaker, there is little that I can say which would more dramatically show the high character of the University of Tennessee football team and its coaches than an article from the Knoxville News-Sentinel.

This story tells of how the players invited a courageous, young newspaper boy named Bobby Langston to the dressing room to share in their celebration following the team's tremendous upset victory over Penn State.

Bobby Langston is afflicted with cerebral palsy but despite his handicap, he is always cheerful and willing to help others. He puts in long hours each day selling newspapers at the athletic dormitory to support himself and he is certainly admired and respected by all who know him.

The Tennessee football team gave the game ball to Bobby Langston, showing not only that they appreciated the support of a loyal fan, but also and perhaps more importantly, that even in their own moment of glory, they would take time out to pay tribute to another.

THE FARMER PAYS FOR STRIKES IN TRANSPORTATION

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

Mr. NELSEN. Mr. Speaker, how long must we sit before something can be done here in the Congress about these disastrous dock strikes that have so disastrously depressed feed grain prices and tied up U.S. agricultural exports? To date, legislation that would lead to the permanent settlement of these national transportation strikes has been pending in Congress for 23 months.

The farmers of Minnesota depend on export markets for a large portion of their farm income. In fiscal year 1971 they ranked seventh among the States in dollar value of all commodities exported. Out of a national total of $7.8 billion, the Minnesota farmers' share was $356.6 million.

We are important soybean exporters—last year the value of Minnesota soybean exports was $92.3 million, plus another $29.3 million in protein meal and another $17.7 million in soybean oil. Our dairy products exported last year topped the Nation with a value of $36.8 million; and we exported $25.6 million worth of wheat and flour.

Mr. Speaker, 80 percent of the soybean exports and 75 percent of the corn exports ordinarily move through gulf ports. Imagine what happens to Minnesota prices for these commodities when gulf ports are closed down and the normal movement is stopped and begins to back up along the river, rail, and highway arteries of trade.

American agriculture depends on the export of one out of every four acres of production. Obviously this is not possible if the ports are closed.

Equally obvious is the fact that the farmer winds up on the short end of any situation that blocks sales at the seacoast and then backs up the movement of commodities along inland routes all the way to the farmstead.

We must act now to prevent situations like the one we are experiencing this year. We can do this by enacting H.R. 3596 or similar legislation in the 92d Congress.

ANOTHER SPIKE IN THE U.N. COFFIN

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

Mr. RARICK. Mr. Speaker, the weekend activity in the United Nations Security Council should offer a disenchanting eye opener to those adherents who somehow believe that the United Nations is an instrument of world peace.

Russia, in twice vetoing cease-fire resolutions, has again proven to the world that she does not believe in peace when she or her pawns are winning. Quite noteworthy, her veto of the U.S. middle-of-the-road resolution, which simply called for a cease-fire by both India and Pakistan and a return to their frontiers, is exactly the opposite of the Russian position in the Middle East.

The real peacemaker in the U.N.-thwarted action was the United States, who in trying to favor neither side lost both and is now being linked with Pakistan on the strange rationale that we do not support India. The Soviets' siding with India in this aggressive issue should surprise no one since the Soviets always back the side with the largest population and for some reason the minority-conscious media goes out of its way to throw the U.S. support behind the nation with the least number of people.

But the big loser was the United Nations, which has become but a debating society for the major Communist parties to harangue over dialectic issues while innocent people are again victimized by the ravages of war.

I feel the American people support the President's reported position, that as a sovereign nation we do everything in our power, first, to stay out of the war, and second, to employ every diplomatic pressure to stop the conflict.

With the United Nations again proving to be a failure, the United States will find that it can accomplish more on its own than could ever be accomplished through the U.N. bureaucracy.

I again remind my colleagues that discharge petition No. 10 to discharge H.R. 2632, a bill to rescind and revoke U.S. participation in the United Nations is at the clerk's desk awaiting signatures.

INDIA-PAKISTAN CEASE-FIRE RESOLUTION

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

Mr. GERALD R. FORD. Mr. Speaker, tragically, the fighting between India and Pakistan intensifies while efforts to bring about a cease-fire and a mutual troop pullback are blocked in the United Nations Security Council by the Soviet Union.

Mr. Speaker, it is imperative that the United States take the lead in shifting the India-Pakistan cease-fire resolution away from the Security Council and placing it before the General Assembly. Only there can the peace-loving nations of the world work their will.

If this tragic war is to be ended, it is clear that there must be a withdrawal of Indian and Pakistani troops to their own territories. In short, we must implement the provisions of the U.S. resolutions introduced in the United Nations. The Soviet veto does not alter the facts of the situation. Any political settlement between India and Pakistan can only come about after the fighting stops.

Mr. Speaker, there is $184,350,000 in economic assistance for India in the pending foreign aid bill. I am sure India will appeal to the United States for aid in dealing with problems she herself is now creating. I do not believe that the American public and its representatives in the Congress will be receptive to such appeals should India continue to employ her troops in efforts to take over Pakistani

territory. In other words any nation that refuses to cooperate with the U.N. in its peace-keeping efforts should not expect a receptive atmosphere in the Congress or by the American people.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice, as amended.

The Clerk read as follows:

H.R. 45

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

SECTION 1. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 404.—INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. Establishment; purpose

"There is hereby established an Institute for Continuing Studies of Juvenile Justice (hereinafter referred to as the 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection, the preparation, and the dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, juvenile welfare workers, juvenile judges, and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

"§ 5042. Functions

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(c) to disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(d) to prepare, in cooperation with bar associations, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to juvenile justice and related matters including comparisons and analyses of State and Federal laws and model laws and recommendations designed to promote an effective and efficient system of juvenile justice;

"(e) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(f) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

"(g) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

"§ 5043. Director and staff

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. Powers

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the President and the Congress annually on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

"§ 5045. ADVISORY COMMISSION

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of:

"(1) the following officials of the Federal Government:

"(A) the Director of the Institute;

"(B) the Administrator of the Law Enforcement Assistance Adminisrtation:

(C) the Director of the Bureau of Prisons;

(D) the Admiinstrator of the Youth Development and Delinquency Prevention Administration;

(E) the Director of the National Institute of Mental Health;

(F) the Director of the United States Judicial Center; and

"(2) 15 persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

"(A) law enforcement officers (two persons);

"(B) juvenile or family court judges (two persons);

"(C) probation personnel (two persons);

"(D) correctional personnel (two persons);

"(E) representatives of private organizations concerned with juvenile delinquency (five persons); and

"(F) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968 or under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

"(c) Members appointed by the President to the Advisory Commission shall serve for terms of four years and shall be eligible for reappointments, except that for the first composition of the Commission, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any member appointed to the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the section of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"§ 5047 Curriculum

"The Advisory Commission shall design and supervise a curriculum utilizing multidisciplinary approach (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall

be appropriate to the needs of the Institute's enrollees.

"§ 5048 Enrollment

"(a) Each candidate for admission to the Institute shall apply to the State agency established under the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462; 42 U.S.C. 3801 et seq.), or the State agency established under title I of the Omnibus Crime and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

SEC. 2. The table of contents to "PART IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency---------- 5031"

the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice---------- 5041".

SEC. 3. There are authorized to be appropriated $2,000,000 during fiscal year 1972, and $2,000,000 annually for the three succeeding fiscal years to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

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

Mr. DEVINE. Mr. Speaker, is the gentleman opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Oregon opposed to the bill?

Mr. DELLENBACK. I am not, Mr. Speaker.

Mr. DEVINE. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. The gentleman from Ohio demands a second. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin will be recognized for 20 minutes, and the gentleman from Ohio will be recognized for 20 minutes. The Chair recognizes the gentleman from Wisconsin.

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

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I would like to ask the gentleman if this institute is intended to set up provisions for schooling or instruction for State juvenile judges?

Mr. KASTENMEIER. Yes, it is, indeed. One of the principal functions is to do that, and we have a number of State judges who have asked previously for this sort of training.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, having been at one time a State judge with juvenile jurisdiction, in the late fifties, I am wondering if this is a similar program to the one which at that time, was being funded by seed money from various tax-free foundations, and which has now been accepted to the point where it is going to be funded by taxpayers' dollars?

Mr. KASTENMEIER. On that I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I would just say to the gentleman that I think the difference in this approach is that we are trying, I think with a rather modest expenditure—modest as compared to most other government programs—modest expenditure—modest as compared to most other government programs—to bring together at one central training institute people who have been nominated by the State or local government officials, but it would be more than just juvenile court judges. It would be law enforcement officers and probationary officers and judicial and correctional personnel, the idea being obviously that if we attack it from a multidiscipline approach, they will each be able to see what the others are doing. In other words, they will share their expertise, but it is meant to be patterned after what I consider to be the very successful FBI Training Academy, which with modest expenditure has been able to train 200 law officers each year from State and local places, who have been able to go back and teach their colleagues.

Mr. RARICK. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I am sympathetic to the training of correctional and law enforcement officers, but the juvenile court judges in my State, at least, are elected officials. Will there be any matching State funds for participating in this program in order for these elected judges to attend this training school?

Mr. KASTENMEIER. If they attend this training school, there is a per diem allowance for them. It would not be duplicating money. It should be conceded that many of these judges may be participating in local or State programs which are presently funded by the Law Enforcement Assistance Act or some other Federal agency. This is possible at the local level. If they attend a particular academy, they would be granted a per diem for that purpose from the academy.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, I would assume then that the overall objective of this bill and this proposed institute would be that the State-elected juvenile judges would become sensitive to what the federally programed professors and "experts" would regard as essential to the national programs affecting the juveniles of our country.

Mr. KASTENMEIER. In responding to the gentleman I do not know if that precisely characterizes it. It would make them sensitive to the information gathered here from the standpoint of the agency. It would enable them to get the sort of training which a Federal agency—the Department of Justice or HEW and others—could cooperate in as well as the ability, perhaps, to participate in some local programs.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, of course, my only concern was it would give the impression we are now federalizing State juvenile court judges who are elected and who should work for and be sensitive to the needs of their people as well as their communities.

Certainly I am sure the gentleman would agree that the problems and the environment in New York City differ from those in Los Angeles, or New Orleans, La., or some other suburban area. This was the reason why I asked if the program was mainly to sensitize these judges to and to unify their thinking behind national programs.

Mr. KASTENMEIER. I must say to the gentleman, not necessarily, any more so than the Federal Bureau of Investigation necessarily nationalizes law enforcement. It is merely a source of expertise. It is not that controlling. A relatively small amount would be spent in connection with the total spent nationwide in this effort.

Nevertheless, I appreciate the gentleman's question.

Mr. RARICK. Mr. Speaker, will the gentleman yield for one more question?

Mr. KASTENMEIER. I yield for one more question. I do have a time problem.

Mr. RARICK. I just wonder if the gentleman would be sympathetic to the establishment of State-funded programs to create training schools for Federal judges to make them sensitive to local, State, and individual human problems?

Mr. KASTENMEIER. I appreciate the gentleman's comment.

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

Mr. Speaker, as the Members know, I am not a member of the Judiciary Committee, and it may be presumptuous of me to speak in opposition to this legislation. But, having examined the committee report, having looked over the bill, and having talked with some of our colleagues, I believe we could very well be setting another dangerous precedent by established a so-called Institute for Continuing Studies of Juvenile Justice.

First let me point out that by reviewing the committee report one can readily see the Justice Department wrote a letter opposing this legislation as being duplication and overlapping, something we do not need. If there is anything in this Government that we have too much of, it is duplication and overlapping now. More we do not need.

In addition, it may surprise some to know that the Secretary of the Department of Health, Education, and Welfare, Mr. Richardson, also wrote a letter saying there was no need for this legislation, and they oppose it.

Here are the two key Departments of government responsible for the study of juvenile delinquency, and juvenile problems, opposing the legislation which is proposed here in the House.

Let us look this over, to see just what this does.

First of all, the Institute would collect, prepare, and disseminate data bearing on juvenile justice. We have just about all of that we can stand already, I believe.

And it would provide training to personnel in the juvenile justice area. I do not know where we have more personnel than those who are expert or who claim expertise as to the study of juvenile justice and juvenile problems.

And it says we will be dealing with the problems of the aberrant young. I believe that is nothing new.

We would establish an Institute to provide a data-coordinating center and to provide training for personnel connected with the treatment and control of juvenile offenders.

We would create an information bank, publish data, disseminate data and studies, including a periodic journal, prepare studies, devise and conduct a training program, and develop training teams.

I believe all of us who have had any experience in this body for any length of time can see that this is the foot in the door approach.

The initial cost would be $2 million a year for each of the next three succeeding fiscal years.

There will be certain appointments made. The Director would be appointed by the President.

These people would be taken from the various phases of law enforcement—the Bureau of Prisons, and so forth—to create this organization.

But again, there would be a group paid at the rate of $100 a day plus reimbursement for travel and expenses.

They would acquire property and arrange for construction of the institute.

Then people would begin making applications for the institute.

I believe, as the gentleman from Louisiana (Mr. RARICK) pointed out, that this thing could develop to a point where the only persons qualified to become juvenile justices in the State courts over the Nation would be those who had been trained in this Government organization, this Government institute, and they would use this as a qualification for the job.

They would use this as a qualification for the job. To quote specifically from Attorney General Kleindienst, he said:

> The department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations, because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

Mr. KASTENMEIER. Will the gentleman yield?

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

Mr. KASTENMEIER. Of course, that is the reason for this legislation. I think both the Department of Justice and the Department of Health, Education, and Welfare know that. They had representatives before our committee, and in terms of the cooperation they were supposed to promote they both thought prospectively about it and hoped that they could get together. It was their plan to work together.

If you talk to the people who must work in the field, such as the juvenile judges and the other independent associations like the American Parents Committee and the National Congress of Parents and Teachers, they will tell you that they cannot get this information. The very coordination that is presently missing is the reason for the bill.

Mr. DEVINE. I thank the gentleman for his contribution.

Let me point out in the letter from the Department of Justice, Deputy Attorney General Kleindienst also points out that already an award of $68,000 has been made to the Federal Bureau of Prisons to conduct a series of workshops on innovative programs for youthful offenders. A $200,000 award has been made to the Massachusetts Department of Youth Services to develop a training center in that State for the New England area.

There is another one. He says in addition to these examples of discretionary grants, $20,314,000 has been allocated by the States in their funding for fiscal year 1971 for training and educating in the juvenile field.

It seems to me that is far enough.

I am now happy to yield to the gentleman from New Jersey, who has a rich background in law enforcement matters.

Mr. HUNT. I thank the gentleman for yielding.

I want to commend the gentleman on his dissertation at this point. You have put in the RECORD the figures that I have been looking at over the past weekend. Insofar as criminal justice studies for juveniles is concerned, we have them running out of our ears at both ends. What we need somewhere in the line of action with regard to criminal justice for juveniles are judicial bodies who will enforce the law and do something about the trouble we are having with them.

Insofar as the Federal Government once more becoming big brother to look over the shoulders of 50 States, I think this is unfortunate. We have had this happen for many years where studies have been made and people have been trained. Many juvenile departments have been set up. I only find this bill to be another duplication of effort and a boondoggle to get people to travel for $100 a day so that they make more recommendations. Without due regard for the studies that have been made over the past 50 years.

Criminal justice, so far as juveniles are concerned, is not a real complicated problem unless you desire to make it one. In my estimation, this committee, if they were empowered to set it up, would do exactly that.

We have had juvenile justice going on for years at the expense of the taxpayers, and it is about time to stop duplicating efforts where criminal justice or juveniles is concerned, it would be appropriate to consider the use of good, common, ordinary sense. What we need is proper application of present law to each individual case utilizing the expertise of our experts in the judicial fields.

I thank the gentleman for yielding.

Mr. DEVINE. I thank the gentleman for his contribution.

I would like to point out for the purpose of the record you were a New Jersey State trooper for how many years?

Mr. HUNT. Twenty-nine years.

Mr. DEVINE. And you were in an advisory or administrative capacity as a lieutenant in the State troopers. Is that correct?

Mr. HUNT. I was the commanding officer of the Criminal Investigation Section in Troop A New Jersey State Police for a number of years. I have spent my adult life in criminology. I have handled juveniles of all ages and sizes. Juvenile handling and juvenile justice as administered in the State of New Jersey, and in many other States by our juvenile judges—we have a fine juvenile system in New Jersey and they are doing an excellent job. We in the law enforcement field agree with the Department of Justice on this legislation. It is not needed and overlaps many other projects. If we administer the present laws properly with firmness on the part of our judges, that will take care of our juvenile problem.

Mr. DEVINE. I thank the gentleman from New Jersey for his contribution. I have had occasion to examine the gentleman's background in this field from the Congressional Directory and I appreciate having the benefit of the gentleman's knowledge on this important matter.

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

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

Mr. MAYNE. Mr. Speaker, I want to oppose here, as I did in the Judiciary Committee the impression which I believe has been left that this Institute would be similar to and, therefore, should be wrapped in the mantle of the FBI National Academy for law enforcement officers.

As I stressed in the committee's deliberations on this bill, the FBI Law Enforcement Academy is entirely different from the Institute for Studies of Juvenile Justice proposed in this bill. It is operated entirely with existing FBI personnel. The trainees come from the police and sheriff departments from all over the country. During a part of the training period, they live in the barracks at the FBI Academy in Quantico, Va. Until recent years when Law Enforcement Assist Administration funds became available, all travel, living, and salary expenses were borne by the trainees themselves or by their local departments back home, rather than the Federal Government. And even today this training at the FBI National Academy does not involve the kind of very expensive per diem and travel allowance paid by the Federal Government that this bill now before us would set up.

I think it is not fair to wrap this proposal in any way in the mantle of the success that has been earned by the FBI National Academy. The proposed Institute should stand or fall on its own merits as it has little or no similarity to the FBI Academy.

The proposed Institute would not have a faculty available and would have to

build its entire facility from the ground up. The students of the proposed Institute will not live the comparatively spartan existence of law enforcement officers who come here and to Quantico to attend the FBI Academy. Rather under section 5048(b) they will be allowed travel expenses and full per diem allowance of $25 just as if they were Federal Government employees. You may be sure that the lawyers, judges, and law professors who will be coming from all over the United States to attend will not be living in barracks at Quantico and those who become members of the Commission will receive per diem of $100 per day. I think it is obvious this is going to be a much more expensive thing than the FBI Academy. It is going to create another layer of bureaucracy which will cause great duplication and is not at all needed, as shown by the record made during the deliberations of the committee. This is also the view of the Departments of Justice and HEW, both of whom oppose the bill.

Mr. DEVINE. I thank the gentleman for his contribution and I am aware also of his FBI background, also having attended Quantico for training at the FBI Academy.

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

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

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding.

I, too, think that there is a necessity for coordinating the Federal effort and the Federal-State relationship insofar as the direction of the studies and the actions taken insofar as juveniles are concerned, as well as in the expenditure of the money. But this act, rather than doing that job, apparently proliferates further the expenditures.

I think the gentleman in the well has made an excellent statement and I would vote for a provision which would, in fact, centralize our efforts and the expenditure of money at one place so that we could get better results than we have in the past.

Mr. DEVINE. I thank the gentleman from Iowa; and I also know of his background and personal dedication in fighting juvenile crime, and know of the time which the gentleman has spent in riding with youth aid division law enforcement officials in the District of Columbia, and his taking many delinquent youths to the ball games.

Mr. Speaker, I would like to conclude my remarks by again quoting from the committee report and from the letter from the Secretary of Health, Education, and Welfare in which he says as follows:

> In summary, we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. We are working with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination in which department should be involved. The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.
>
> We would therefore recommend against passage of this piece of legislation.

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

Mr. DEVINE. Yes; I yield to the gentleman from Louisiana.

Mr. RARICK. I certainly thank the gentleman from Ohio for yielding and thank the gentleman for placing in the RECORD the statistics on juvenile crime.

I can assure you that this shows the tremendous caseload our juvenile judges at the State level have to contend with. They are extremely busy people, and have large staffs and of necessity have to delegate much of their fact-finding work and then coordinate the findings with their decisionmaking.

In view of this workload, the question that arises is: Who is going to be taking care of the juvenile caseloads handled by these judges when they are given these vacations to attend these training schools staffed by Federal bureaucrats? Does the gentleman from Ohio have any insight into that question?

Mr. DEVINE. I have no insight nor information that would answer the gentleman's inquiry.

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

Mr. DEVINE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I want to make further comment on the remarks made by my learned colleague, the gentleman from Iowa (Mr. MAYNE). The gentleman spoke concerning the FBI National Police School. I am a graduate of that academy, and one of the reasons there is no difficulty insofar as expenses are concerned is that a member who goes to that academy, after he has been selected by the director and the staff, is because the salaries and expenses of the attendees are all paid for by each individual department. In effect, there is no cost to the Federal Government for having selected police officers to attend the academy except for the academy itself, for the barracks and the food. All the rest of these expenses are taken care of.

In fact, when I attended the academy, I lived at 506 East Capitol Street, and paid my own way. So we did not get $100 a day to attend the school. We went there because we were selected, and because we wanted to do something in the law enforcement field, and in many, many instances it has been reflected, in my estimation quite favorably in the handling of juvenile cases.

These are just some of the things I wanted to call to your attention. And I also wish to further commend both the gentleman from Ohio and the gentleman from Iowa who were former FBI agents, and, as one of your colleagues in fighting crime, may I say that you are both doing an excellent job.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for his comments.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, the soaring crime rate is of overriding concern to all Americans. In 1970, one murder took place every 33 minutes; a forcible rape every 14 minutes; an aggravated assault and a robbery—both—every minute and a half. In the last 10 years, the number of serious crimes has almost tripled while our population has increased by only 13 percent.

The most distressing aspect of all of this is the number of young people who are involved. Almost 50 percent of the persons arrested in connection with serious crimes in 1969 were 18 or under. Also, youth crime continues to increase rapidly. In the last decade, the population of persons 18 or under increased by 27 percent, while the number of arrests in this age group jumped by almost 100 percent. Further, the recidivism rate among young offenders is significantly higher than for older ones. An FBI study revealed that 72 percent of those arrested who are under 21 will be rearrested within 5 years.

It is obvious that until we solve our juvenile delinquency problem we will make little progress in overcoming the national crime problem.

In the past decade, Federal efforts to control delinquency have come from several sources. Two Presidential Commissions were appointed to study the problem and make recommendations.

The Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, and the Law Enforcement Assistance Administration of the Department of Justice were awarded generous funds from Congress to combat crime.

However, the statistics on juvenile crime cited earlier talk of the disappointing failure of present programs to have any measurable positive effect on juvenile crime. According to the National Council on Crime and Delinquency, which analyzed the 1970 programs in this area by Justice and HEW:

First. There is a lack of coordination and concerted planning among the Federal agencies;

Second. The continual shifting of organizational structure and requests for small appropriations has shown little commitment by HEW leadership over the years to mount and sustain a Federal delinquency program commensurate with the problem;

Third. In 1970, about one-third of the limited HEW appropriations were spent for planning and supportive services and the remainder were scattered throughout the country in small, underfunded, and uncoordinated programs;

Fourth. It was the expectation and possibly the intention of many that LEAA would pick up on the priority of delinquency where HEW had failed; but, in 1970, LEAA committed only 14.3 percent of its resources to plans for delinquency programs. Because many approved plans do not develop into programs, far less than even this small amount was actually spent to control juvenile delinquency;

Fifth. Of all LEAA funds spent on crime by the State of Illinois, only 6 percent were spent on juvenile delinquency programs.

Although the National Council on Crime and Delinquency has not as yet

completed its investigations of the 1971 programs, early indications are that nothing more promising will be reported.

Originally, the National Council on Crime and Delinquency recommended that an Institute on Juvenile Justice could be lodged in either the Department of Health, Education, and Welfare, or the Department of Justice. However, since the performances of these two agencies have been so discouraging in the area of juvenile delinquency, the Council recently endorsed the creation of the independent institute proposed in H.R. 45. On October 28, Milton Rector, Director of the National Council on Crime and Delinquency, wrote subcommittee chairman ROBERT KASTENMEIER the following letter:

NATIONAL COUNCIL ON
CRIME AND DELINQUENCY,
Paramus, N.J., October 28, 1971.

Congressman ROBERT W. KASTENMEIER,
Chairman, Subcommittee No. 3, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN KASTENMEIER: We are writing you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.

As you know we testified before your committee on July 29, 1970, concerning H.R. 14950, H.R. 45's predecessor in the 91st Congress. At that time we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.

Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.

HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.

Therefore, we would like to modify our previous testimony and urge that the Institute as described in H.R. 45 be enacted by Congress.

Sincerely,

MILTON G. RECTOR,
Director.

Mr. Speaker, briefly stated, the primary functions of the Institute for Continuing Studies of Juvenile Justice as envisioned in H.R. 45 are threefold:

First. To provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency;

Second. To provide a coordinating center for the collection and dissemination of useful data on the treatment and control of juvenile offenders and the juvenile system in general; and

Third. To prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The institute would be under the supervision of a Director appointed by the President. Overall policy and operation would be set by the Director and his Advisory Commission composed of members of appropriate Federal agencies and experts on juvenile crime from the private sector.

The training program which the institute would operate is a matter of the highest priority. One of our greatest problems is the lack of adequate training for those who deal with young people who have run afoul of the law.

The first contact with the juvenile justice system for most offenders is usually the policeman. His role is an important one for it is he who must make the initial decision as to how to treat the juvenile offender. He has a range of options—arrest, warning, dismissal, meeting with the parents to name but a few. It is imperative, therefore, that the police officer be aware that arrest is not his only option.

Unfortunately, according to a recent survey conducted by the International Association of Chiefs of Police, the average police recruit receives only 7½ hours of training on the problems of juveniles and delinquency. This says nothing, of course, about the quality of that training.

On-the-street contact with juveniles is a daily occurrence—and in-depth understanding of the particular problems of this age group is critical. Yet little in-service training is provided. In the cities with populations of one-quarter to one-half million surveyed by the police chiefs, only 15 percent of the officers assigned to special juvenile units had received any specialized training necessary for them to function effectively in their assignments.

This lack of special training in handling juvenile offenders is also true of juvenile court judges and probation officers, both of whom play a critical role in the young offender's first contact with the law.

The National Crime Commission reported that—

> Less than 10% of all juvenile court judges in the country were full time, three-fourths devoted less than one-fourth of their time to juvenile matters.

Further, half of the juvenile court judges have no undergraduate degree; one-fifth no college education at all, and one-fifth were not even members of the bar.

Probation personnel, perhaps more than any other segment of the juvenile justice system, need specialized training to provide each and every offender with an opportunity to become a well-adjusted and productive member of his community. Unfortunately, education and training requirements for probation officers vary from jurisdiction to jurisdiction. Many require high school diplomas, some require college degrees, and some have no educational requirements at all.

The American Parents Committees questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts.

An offender's contact with the juvenile justice system can mark a turning point in his life. In far too many cases it marks the beginning of a life of crime.

Under H.R. 45, the institute will conduct short-term courses on modern methods of dealing with delinquent youth. The enrollees would return to their States and communities with valuable information they can mold to their particular needs and circumstances.

Another priority of the institute would be to provide a center to gather and disseminate information on the various programs. In the past, we have been plagued by existing fragmentation of Federal and State agencies and programs dealing with juvenile offenders and the lack of coordination among them. As Judge James Gulotta of the National Council of Juvenile Court Judges succinctly said:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information—or even completely misunderstood the resources and knowledge available to only a few.

Thomas G. Pinnock, deputy director of the department of institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth." H.R. 45 provides this clearinghouse.

Finally, the institute is directed to analyze State laws on juvenile crime and develop model laws and codes. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 21 Senators have sponsored identical legislation. Congressmen BIESTER and MIKVA were instrumental in the drafting of H.R. 45, and Senator PERCY led cosponsorship on the Senate side.

Congressman CLAUDE PEPPER of the Select Committee on Crime has held extensive hearings on the juvenile delinquency problem, and lent his efforts to support developing the idea of an institute.

Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now read a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Judge James H. Lincoln, president, National Council of Juvenile Court Judges, telegram of October 26, 1971:

> It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45. We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge at the local level. We know that H.R. 45 is long overdue legislation.

Byron B. Conway, Wood County judge, Wisconsin, letter of October 22, 1971:

I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents, and many other sincere organizations that deal with the problems of children.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City, endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

Hope Eastman, acting director of the American Civil Liberties Union, letter of October 26, 1971:

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation represents an imaginative effort to deal with this problem (lack of resources). It would provide training programs and facilities for persons connected with prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

Mrs. Barbara McGarry, executive director, American Parents Committee, letter of October 14, 1971:

The enormity of the juvenile delinquency problem clearly calls for a new approach, in view not only of financial drain, but most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.

Precisely because of lack of departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender."

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, memogram issued September 20, 1971:

H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.

We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

I would also like to read a letter I just received from the criminal law section of the American Bar Association. While the letter does not constitute an official endorsement by the ABA, it is nonetheless very encouraging.

The letter follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., December 3, 1971.

Hon. THOMAS F. RAILSBACK,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: This letter is in response to your inquiry concerning consideration and action on the part of the ABA Section of Criminal Law regarding H.R. 45, 92d Congress, 1st Session, a bill introduced by you to amend Title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. Your interest is greatly appreciated.

You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.

At a meeting of our Section's governing Council held at San Francisco, California, November 13, 1971, Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle. Based thereon, our Section will submit a report to the ABA Board of Governors with a recommendation that the legislation be endorsed in principle by the House of Delegates at the Association's Midyear Meeting, New Orleans, Louisiana, February 3–8, 1972.

Until the Board of Governors and House of Delegates act, ABA policy precludes any official endorsement of legislation in its name or in the name of any section or other representative. I am sure you can appreciate the soundness of such policy. In the event the House of Delegates approves our recommended endorsement, representatives of our Section will then be authorized to testify in favor of and otherwise support this legislation in principle.

I shall continue to follow this matter and will, of course, advise you as soon as we are able to act.

Sincerely,

WILLIAM H. ERICKSON,
Chairman.

Mr. Speaker, America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 today.

Now when I say that this is patterned after the FBI training academy I do not mean to mislead. It is patterned after it in some respects.

I am not sure what the cost figure is going to be, but it was estimated at $2 million. It was our intention to provide a multidisciplinary approach that would involve law enforcement and probationary personnel, judicial personnel and correctional personnel who would come to Washington where they could be provided some expert training and could learn what some of the other States are doing in the juvenile delinquency field.

I know right now the States are going in every which direction.

Let me say to my friend from Louisiana that this particular legislation has the strong support of the juvenile court judges.

Judge James Gulotta of the National Council of Juvenile Court Judges, a former president, said this:

Historically there has been a lack of organization among the states in the areas of guaranteed research, planning, communication and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information or even completely misunderstood the resources and knowledge available to only a few.

This is not another research organization. The purpose of it is very simple—to provide training on a short-term basis and to provide and act as an information disseminator.

Right now, as I mentioned before, the States are going in every which direction.

Talking about your law enforcement personnel. The gentleman from Colorado (Mr. MCKEVITT) has several years of training as a prosecutor and he is a strong advocate of this legislation as well as the other persons I mentioned.

I just received a letter from the American Bar Association and although this cannot be considered as an endorsement—here is the action that has been taken to date.

They said in a letter dated December 3 at a meeting of the section's committee on juvenile delinquency governing council held in San Francisco, Calif., on November 13, 1971:

Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle.

Mr. MAYNE. I do not believe the gentleman has made clear what section of the American Bar Association it is to which he refers.

Mr. RAILSBACK. Let me——

Mr. MAYNE. The letter mentions a committee of a section of the ABA without identifying the section.

Mr. RAILSBACK. No, I said this could not be considered an endorsement. You asked me to yield when I was about to finish reading the letter.

What I was about to read, if I may read that:

You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary, October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.

Let me make it very clear that there has been no final action taken by the board of governors.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. MAYNE. If the gentleman will yield at that point, you still have not said what section is involved.

Mr. KASTENMEIER. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. RAILSBACK. I think I made it very clear—it says:

Section's committee on Juvenile Delinquency which is chaired by Monroe J. Paxman.

Mr. MAYNE. What is the section? It is the section's committee—but what section of the bar association?

Mr. RAILSBACK. Oh, I see what you mean. I believe it is the family law section, but I would like to check on that. In checking I find that it is criminal law section.

Mr. MAYNE. I thank the gentleman.

Mr. RAILSBACK. Let me just say there are other organizations I want to pay credit to—particularly the American Parents Committee represented by Mrs. Barbara McGarry which has been very helpful and the National Council of Juvenile Court Judges.

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

Mr. RAILSBACK. I yield to the gentlewoman.

Mrs. DWYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in our continuing and increasing battle against crime, it becomes more important than ever that we identify our goals and recognize the need to develop a strategy adequate to reach those goals. At the heart of any such strategy must be the effort to prevent future criminal activity before it gets started. This means reaching young people and understanding what leads some young people into delinquency and then into crime.

Reducing the crime rate, increasing the personal security of the people and enabling them to focus attention and energies on problems external to themselves—these goals will not be accomplished by cosmetic attempts to hide surface manifestations of deep-seated problems. Unless we learn how to deal with conditions that turn kids into criminals, we will be fighting a losing battle.

H.R. 45, of which I am pleased to be a cosponsor, is designed to help provide the understanding we need. I urge its approval by the House today.

Mr. DEVINE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, here we go again with a $6 million expenditure on the premise that all Congress needs to do is throw some money at a problem and it will disappear. And this despite the fact that neither the Health, Education, and Welfare nor the Department of Justice support this bill. In fact, both Departments are opposed to it.

I should like to ask the gentleman from Wisconsin where his committee got the authority to go into title V of the United States Code and set up a level-5 director of the proposed institute. Does the committee have no regard for the committee in Congess that is supposed to pass upon the top level officials that you set up in the institutes and commissions that you create?

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

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

Mr. KASTENMEIER. Is the gentleman suggesting that we cannot set up legislation providing for a level 5 director?

Mr. GROSS. That happens to be within the purview of the Post Office and Civil Service Committee. Moreover, you do not conform in this bill to the law which requires, in creating an institution or other agency, calling for the expenditure of a million dollars or more of the taxpayers' money, to provide the staffing requirements, estimated manhours and other related information that goes with a proposition of this kind.

Mr. KASTENMEIER. If the gentleman will yield further, if he will refer to pages 24 and 25 of the hearings, he will see the detailed staffing.

Mr. GROSS. That is not what the law requires. The law requires that it be provided in the report accompanying the bill. I notice, too, that on page 6 of the bill the committee originally made the Attorney General or his designee a member of the Advisory Commission. Apparently when the Department of Justice said it wanted nothing to do with this bill, the committee struck the Attorney General from the Advisory Commission.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I will yield briefly.

Mr. KASTENMEIER. The gentleman will note that the Administrator of the LEAA, and the Director of the Bureau of Prisons, who is responsible to the Department of Justice——

Mr. GROSS. But why did you eliminate the Attorney General or his designee? I will put the question very bluntly. Why did you strike him out?

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

Mr. GROSS. I am yielding to the gentleman from Wisconsin at the moment. Apparently the gentleman does not have the answer to the question.

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

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

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 1 additional minute.

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

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

Mr. RAILSBACK. Let me say to the gentleman in the well that it was our original intent to have the Attorney General, and then it was felt, after the hearings and after we met, that it would be better to pinpoint the very people to serve in the executive branch that have the most to do——

Mr. GROSS. After the Attorney General said he did not want any part of this and the Department said that they did not want any part of it——

Mr. RAILSBACK. If the gentleman will yield——

Mr. GROSS. No, I have the gentleman's answer. I do not care to yield any further. I am just saying that it is proposed to send another $6 million down the drain, and according to the reports of the Department of Health, Education, and Welfare and the Justice Department, there is no real need for the expenditure of this kind of money. In the State of Iowa we have a little regard—I do not know about Illinois—but we have a little regard for the expenditure of millions of dollars these days. I urge that this bill be voted down.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I rise in support of H.R. 45. I feel that those who oppose this legislation really must ask themselves two or three important and significant questions. The first question would be: At the present time do we as a country—I do not mean the Federal Government, the State government, or local government but all of them together and our whole society—do we face the problem of juvenile delinquency successfully? If your answer is "Yes," to that question, there is no reason to go further in the consideration of this legislation. But if your answer is "No," to that—and I would imagine that the figures that show recidivism on the increase and the figures that show the increasing problems that occur from juvenile crime would indicate a definite "no" to that question.

The second question then is, assuming that our present approach to the juvenile delinquency problem is deficient as a society, do we need as a society to do somewhat better than we have to train ourselves to be more effective than we have been and to work somewhat more in synthesis than we have in the past to produce a better response to this problem?

And if the answer is yes, that is the very best reason for supporting this legislation, for this legislation admits that our approach has not been perfect in the past and admits that there are different programs handled by different entities of the Government and proclaims that it is essential we synthesize these efforts rather than leave them as they are, dangling often at the end of a particular point of view as exemplified by the fact that the Justice Department obviously has a different point of view in the matter of juvenile justice than does the Department of Health, Education, and Welfare.

Mr. DEVINE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, of course, it is difficult to oppose anything that might possibly solve the problem of juvenile delinquency, but we cannot approach these things on an emotional basis. We have to do it objectively, and we have to look at the actual facts. Let me reiterate what the Department of Justice has said:

> The Department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

HEW says the following:

> . . . we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. . . . The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.

Mr. Speaker, they recommend against passage. I think that speaks for itself.

I urge defeat of this bill.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA) to conclude the debate.

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

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

Mr. FISH. Mr. Speaker, I would like to commend the authors of this bill, in par-

ticular, the gentlemen from Illinois (Mr. RAILSBACK and Mr. MIKVA) for their efforts in the drafting and the shepherding of this legislation.

The juvenile's contribution to crime in this country is astronomical. No one knowledgeable in the area of crime in our streets would question the statistics that tell us that:

Seventy percent of the young people living in the inner city find themselves in trouble with the law before they are old enough to vote;

Seventy-two percent of the youth arrested are rearrested within 5 years;

Nearly half of those arrested for criminal offenses are under the age of 18.

It would be improper to contend that overnight H.R. 45 would materially change the recidivism rate with regard to the juvenile offender. However, it is proper to contend that whatever is being done today has not changed the serious problem of the juvenile lawbreaker—a problem that was clearly brought to this Nation's attention by the President's Commission on Law Enforcement and the Administration of Justice in 1967. H.R.. 45 is a beginning at meeting a major crime problem. Its focus is on that age group which ultimately swell the population of our prisons.

H.R. 45 is a redirection. It would provide a coordinating and unifying force that would bring together what is now a multifarious and disjointed attack on a very serious enemy of society—crime.

H.R. 45 is an experiment and a relatively inexpensive one when balanced by the gravity and the importance of the situation which it confronts.

Mr. Speaker, support for H.R. 45 has been expressed by numerous authorities and organizations including the American Parents Committee, the National Congress of Parents and Teachers, the American Civil Liberties Union, and the National Council of Juvenile Court Judges.

I hope the Members will support the enactment of H.R. 45.

Mr. MIKVA. Mr. Speaker, let me say to the distinguished gentleman from Iowa that I went back and did a little research. I have to tell the gentleman when the FBI first proposed its Institute for Law Enforcement, it was opposed on very many of the same grounds that are being offered today against the Institute for Continuing Studies of Juvenile Justice. Indeed, it included a more serious one that was offered; namely, that it would be a takeover of the local law enforcement and would create all kinds of overlapping. I think the track record of that Institute for Law Enforcement speaks for itself. I would only hope this academy would be half as successful as the FBI Academy has been.

I would point out too when these problems do not yield to easy solution, we ought to look for new ways to find some solutions rather than to object there might be some overlapping. Let us not be content with what we have when we know what we have is insufficient.

Just last week the Appropriations Committee of this House severely chastised the District of Columbia Corrections—rightly, I might add—for not having sufficient statistics on recidivism and all the other statistics that correctional agencies do not have, because there is no central gathering place for those statistics. With respect to juvenile delinquency, this service would be provided in this bill. I could enumerate other ways in which there are lacks.

Of course, $6 million, or whatever the amount the distinguished gentleman from Iowa estimates would be the cost of this bill, is a great deal of money; but the cost of letting juvenile delinquency continue unchecked and unabated, the cost of letting the juvenile delinquents turn into the adult delinquent, the cost of having a person start out with juvenile crime and end up as a murderer is a very great cost.

Mr. Speaker, I support H.R. 45.

Passage of this bill today by the House will be a tribute to the efforts of my friend and colleague from Illinois (Mr. RAILSBACK). His continuing concern over the alarming increases of juvenile crime, and his dedication to doing something to deal with the problems behind the grim statistics, has been the driving force behind this bill.

TOM RAILSBACK has not been alone in his concern and his dedication. This legislation comes to the floor with the support of more than 100 Members of the House—Republicans and Democrats, liberals and conservatives, representing urban, suburban, and rural districts.

The bill enjoys considerable support in the other body as well, thanks to the leadership of the senior Senator from Illinois (Senator PERCY), and the junior Senator from Indiana (Senator BAYH). More than 20 Members have cosponsored the bill in the Senate, and Senator BAYH plans to hold early hearings next session before his Juvenile Delinquency Subcommittee.

Mr. Speaker, it should not be necessary to debate the urgency of improving our efforts to reduce juvenile crime, if we are to make any headway in the war against crime. The FBI's Uniform Crime Report for 1970 shows that fully two-thirds of all arrests in major crimes involve people under 21 years old. And juvenile crime continues to increase—42.2 percent since 1965, and a starting 113.7 percent since 1960.

We are missing an important opportunity. When a teenager gets in trouble with the law, it is an early warning signal. These young people—14, 15, 16, and 17 year olds—have not turned to a life of crime after years of unemployment, alcoholism, or dope addiction. They are starting life as criminals, and many if not most of them will have long years of criminal activity ahead of them if something is not done to straighten them out early in the game. The FBI statistics bear this out. On the whole, 63 percent of those people released from prison are rearrested within 4 years. For juveniles, the figure is even higher—nearly 75 percent of those under 21 at the time of their release get in trouble again. The need for action is clear. Reducing juvenile crime will produce a disproportionate reduction in total crime, by taking out of criminal circulation youngsters who might otherwise commit numerous additional crimes through their lifetime.

We do not have all the answers by a long shot. But we do have some. The problem is that we are not making effective use of the knowledge we have.

There are many programs scattered throughout the Federal bureaucracy, dealing with different aspects of juvenile crime. The Department of Labor, the Department of Health, Education, and Welfare, the Department of Justice—all have proliferating programs under various legislative mandates, seeking to develop effective new techniques to stem delinquency.

But the knowledge gained through their efforts is of little use if it does not get out into the field. That is what H.R. 45 will do.

In the hearings before the Judiciary Committee in April, one witness—a juvenile court judge—spoke of the frustration of judges and probation officers who must recommend treatment programs for juveniles without ever being sure whether a more appropriate program is available for a particular individual. "I believe," said the judge, "that there are many million-dollar programs which offer solutions to juvenile problems that are not being used simply because we judges are not aware of their availability." He strongly endorsed H.R. 45, for it would provide a central source of information on what programs are available and what approaches have proven effective.

A second important function of the proposed Institute for Continuing Studies of Juvenile Justice would be the training of personnel working in the field. Too many judges and probation officers and juvenile corrections people around the country are years behind the current state of knowledge in their field. Every study of the needs of the juvenile justice system has pinpointed lack of trained personnel as a serious problem. In searching for a vehicle to meet this need, the model which stands out is the Federal Government's FBI Academy. It has been a model for law enforcement professionalism, training thousands of State and local law enforcement officials. If we are to begin solving the serious problem of juvenile crime which we now face in this country, we must make a comparable effort in training, motivating, and providing information to juvenile justice specialists.

In 1966 the Task Force on Juvenile Delinquency and Youth Crime of the President's Crime Commission recommended that juvenile "specialists" should be present and aid in the disposition of juvenile first offenders. Yet the Commission found that barely 5 percent of all the personnel employed in State juvenile facilities in 1965 were professionally trained treatment personnel. This is the challenge which H.R. 45 is designed to meet.

H.R. 45 offers a kind of revenue sharing plan for redistributing to the States and local governments the wealth of knowledge collected by the Federal Government in the juvenile-justice field. Through the various action and research programs spread throughout the Federal bureaucracy, we are finding answers to some of the problems. But we are not getting this new knowledge back to the

people who must apply it—the judges and probation officers who must deal with juvenile offenders on a daily basis. The Institute for Continuing Studies of Juvenile Justice will bring that knowledge to the people who need it, through continuing education programs and a centralized information source.

Mr. Speaker, this is a good bill, and a desperately needed bill. I urge my colleagues to vote to suspend the rules and pass H.R. 45.

Mr. COUGHLIN. Mr. Speaker, I rise in support of this legislation to establish an Institute for Continuing Studies of Juvenile Justice.

Juvenile crime in this country, as we all know, has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent.

Despite all our efforts to curtail delinquency, the repeat rate for offenders under the age of 20 is around 74 percent. While children between the ages of 10 and 17 make up only 16 percent of our population nationally, they account for more than 48 percent of all arrests for serious crimes. This is the largest percentage for any group in the country.

The toll from this crime is enormous. In 1970, for instance, the material cost was more than $4 billion. Even more costly were the losses in human terms by both the victims of juvenile crime and the juvenile offenders themselves. The intangible effects in terms of public fear and private despair are immeasurable.

All this is familiar to you, but it bears repeating if only to emphasize the need for this legislation.

In 1968, in response to the rise in juvenile crime, Congress passed the Juvenile Delinquency Prevention and Control Act. This act sought to help States and local communities strengthen their juvenile justice programs, including courts, correctional systems, police, and other law enforcement agencies. It also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for developing new techniques and services in the field. The act also sought to emphasize the importance of the community-based approach in its prevention, rehabilitation, and training programs, as well as to coordinate its efforts with other Federal assistance programs relating to the prevention and control of juvenile delinquency.

However, in its 3 years of operation, it has become clear that the act has not lived up to expectations. The fault, it seems to me, has been one of execution rather than any weakness in conception. Our juvenile justice system, much like the correctional system, is characterized by overlapping jurisdictions, different points of view, insufficient coordination among the agencies, lack of dynamism, and not enough money.

In its operation our current juvenile justice system functions so that the total is less than the sum of its parts.

That is to say, most State systems are made up of several interrelated parts, usually separately administered at different levels of government. As a result, no single body oversees the entire system to coordinate the allocation of funds for programs and personnel.

This legislation is designed to remedy the situation.

The purpose of this legislation is threefold: first, to provide training programs and facilities for personnel involved in the field; second, to provide a coordinating center for the collection and distribution of useful information on the subject on a nationwide basis; and third, to prepare studies and recommendations designed to promote an effective and efficient and humane juvenile justice system.

Put another way, this legislation is meant to be a two-pronged attack on juvenile crime. The Institute would provide education and training for persons working to combat juvenile delinquency at the State and local level. The training would be patterned after the very respected and successful FBI Academy, and would offer training by experts for local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

The second attack concentrates on the dissemination of information presently existing but not found conveniently in a central location. The problem of juvenile delinquency, as we all know, is primarily a local one. But, to the extent there are 50 States and countless local communities approaching the problem in their own individual ways, there is need for some central help and coordination.

This legislation goes beyond that providing for studies and recommendations. This is an action program and there can be no doubt that we desperately need positive action in this field.

I hasten to point out that it would not be the purpose of this Institute simply to be another Government agency telling everyone what to do. The key words, I believe, are "help and coordination." There is no question in my mind that the establishment of this Institute would greatly benefit State and local agencies and organizations concerned with preventing and controlling juvenile delinquency, and it is for this reason that I urge my colleagues to vote in favor of this legislation.

Mr. FINDLEY. Mr. Speaker, the bill before us today would create an Institute for Continuing Studies of Juvenile Justice. I first introduced this bill with my colleague from Illinois (Mr. RAILSBACK) on December 8, 1969. I did so, because of the tremendous upsurge in juvenile crime that our country has experienced in the past decade. It is clear to me that the programs that presently exist do not deal effectively with this problem and that new approaches must be found. In my judgment, H.R. 45 is such an approach.

As has already been stated, the Institute for Continuing Studies of Juvenile Justice created by this bill has three purposes. First, it will provide badly needed training for those who deal with young people who have gotten in trouble with the law. Policemen, judges, and probation officers will be able to receive specialized instruction to better enable them to cope with youthful offenders.

Second, the institute will act as a clearing house for information about juvenile delinquency and its control. State and local programs will be monitored and information about them supplied to other jurisdictions for their consideration.

Finally, the institute will develop model laws on juvenile delinquency. Drawing on the experience and legislation of all 50 States, as well as that of other countries, the institute will attempt to write a modern penal code for juvenile offenders to serve as a model for all States.

The cost of this proposal—about $2 million annually—must be measured against the tremendous cost of juvenile delinquency. In 1968, all public institutions for delinquent children in the country spent a total of $227 million—about $4,516 per child.

The cost of the crime committed by juvenile offenders is also tremendous, and in many cases it goes unreported. For example, in 1969, the city of Chicago spent over $1 million just to replace broken windows in the public schools.

The National Council on Crime and Delinquency estimates that approximately 100,000 children are locked up each year by the police. Obviously, this is not the answer to the juvenile delinquency problem. A better answer must be found, and I am hopeful that the Institute for Continuing Studies of Juvenile Justice can help provide that answer.

Mr. MICHEL. Mr. Speaker, as one of the cosponsors of this legislation to establish an Institute for Continuing Studies on Juvenile Justice, I want to emphasize that a major objective of such an institute would be to provide professional, comprehensive training for juvenile court personnel.

In a recent, nationwide survey, State directors of juvenile delinquency prevention and control programs repeatedly expressed the need for more and better trained probation officers. Probation is recognized as one of the most vital and important programs in the rehabilitation of young offenders. Only with properly trained probation officers, however, can we effectively undertake such programs and at the same time assure the adequate protection of the public. When we realize that 50 to 75 percent of these young offenders will be arrested again for crimes as adults, it is clearly time that such training be made widely available.

Juvenile justices have also repeatedly expressed their desire for a continuing legal education program in juvenile studies for themselves and their court personnel. Insufficient knowledge of new programs and research in juvenile justice have meant in the past that delinquents who have come before these judges have not received the best opportunity for rehabilitation and reform. This, indeed, is a heavy burden for justices to bear.

The institute proposed in H.R. 45 has been modeled along the lines of the FBI National Academy. In the past 36 years the Academy has been highly successful

in professionalizing law enforcement through the training of experienced law officers, and it has done so far more comprehensively and economically than would have been possible if the States had undertaken independent training institutes. There is every reason to believe that a national institute on juvenile justice would prove equally beneficial and would be highly welcomed by communities and States alike.

The need for a better solution to the juvenile delinquincy problem in this country is all too well recognized. It is my firm belief that the training which can be provided by the Institute proposed by H.R. 45 will be a vital first step toward that solution.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in support of H.R. 45, a bill to create an Institute for Continuing Studies of Juvenile Justice, and to congratulate my esteemed friend and colleague TOM RAILSBACK for his well-wrought efforts in designing and introducing this bill.

With the passage of this legislation, the Institute in question would collect, prepare, and disseminate data on juvenile justice, as well as train personnel in the juvenile justice area.

The penal system of the United States is, as we have all recently witnessed, deeply and immediately in need of reform. The percentage of "rehabilitated" criminals in this country remains at a shamefully low 5 percent. The blame for this obvious lack of successful reform can be equally distributed among various influences in our society. Yet, it is evident that when given the opportunity to reform offenders, we have, more often than not, disgracefully neglected it.

Mr. Speaker, the juvenile offender must be given a meaningful chance for rehabilitation. If we are to be successful in our fight against crime; if we are to make an honest commitment toward a constructive overhaul of the present system, then we must first make a realistic appraisal of the sorry situation that confronts us. We must then begin to constantly and forcefully alter the present penal system in the hopes of constructing something, anything, that works.

The creation of an agency which will study the problems of juvenile delinquency and unify the juvenile justice system of this country is a vital progression toward such change.

I am proud to be a cosponsor of H.R. 45 and I urge all of my distinguished colleagues to support the passage of this bill and its immediate enactment into law.

Mr. LLOYD. Mr. Speaker, I believe one of the greatest responsibilities an elected representative has to discharge is to make efficient use of existing agencies and to eliminate those which are performing duplicated services. Consequently, I oppose this bill, not because I do not recognize the problems of juvenile crime but because there are already so many listed existing agencies, both public and private, which are conducting in-depth study into the means whereby we can combat juvenile crime and help juveniles live productive lives.

I formerly served as a member of the legislature of my State and at that time I was quite heavily involved in legislative approaches to crime and to juvenile crime. I authorized legislation establishing a nonpaid, completely volunteer council on the administration of criminal justice. In the field of juvenile delinquency, I authored the legislation which established juvenile detention homes with joint State-county responsibility and am pleased to be told that the juvenile detention system established under that legislation is working well to provide essential services for the particular problems existing in Utah. I mention these matters to illustrate that I have some experience in the problems of crime and juvenile delinquency. If the bill before us were to offer new services to meet a national demand, it would justify support, but in my opinion those conditions do not exist.

Our overriding responsibility is to prevent new and unnecessary Government services to be established in the first place so that the expense of maintaining such unnecessary services will not skyrocket as those employed by such services become lobbyists for more and more expansion under the false guise of necessity. While these employees can spend great amounts of time drawing up pin maps and bar charts to justify the continuance and expansion of their jobs, there are few, if any, who are spending comparable time pointing out the reasons why these services should not be expanded or eliminated altogether. In this as in many other proposals which are brought before us, our clear responsibility is to prevent the birth of unnecessary and duplicating services, which will grow into expensive, unnecessary bureaucracies. I, therefore, oppose the bill.

Mr. DRINAN. Mr. Speaker, I rise in support of H.R. 45, to amend title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. I am a cosponsor of this measure and have supported it in the Judiciary Committee. I want to highly commend my friends and colleagues, Congressmen TOM RAILSBACK, ABNER MIKVA, and ED BIESTER for their leadership on this issue.

Only yesterday, in her New York Times magazine article, "When Children Collide With the Law," Gertrude Samuels described a study which indicates that each year more than 100,000 children of juvenile court age are held in adult jails or prisons. Another study shows that 79 percent of all offenders under the age of 20 released from institutions in 1963 were rearrested by 1969. Between 1960 and 1969 juvenile arrests increased 90 percent. In many States individuals younger than 20 are not accorded any youthful offender status.

We know that four out of five adults who commit serious crimes have previously been convicted. We know that a majority of adults imprisoned will be recidivists. There is much evidence of a population of adult criminals who return to prison again and again. The growing literature on prison reform, by and about convicts, indicates that the criminal "style" is often, if not invariably, defined during youth. This bill, which would establish an independent institute to study juvenile justice, is an essential part of a reform movement which must be undertaken if we are to cope with the pattern of perpetual criminality which tragically characterizes the prison population of our country.

I greatly regret that this bill comes here today in an atmosphere of controversy. The executive agencies which are involved with control of juvenile crime—the Departments of Justice and Health, Education, and Welfare—claim they have been doing, or are capable of doing, an adequate job in this area. Unfortunately, the statistics belie their claims. Indeed, it is no exaggeration to state that many aspects of our treatment of juvenile offenders more closely resemble the social conditions described in Dickens' "Oliver Twist" than rehabilitative control.

This bill would provide training programs for individuals involved in the juvenile delinquency control and treatment fields. It would provide facilities to collect and disseminate data on juvenile crime. It would fund studies of the operation of the juvenile justice.

These functions are not presently being performed in a coordinated or adequate way. As I listened to the testimony regarding this measure in Subcommittee No. 3 of the Judiciary Committee, the frequent descriptions of the gap between prudent proposals and the current state of juvenile justice made a deep impression on me. In short, we simply do not have a responsive institutional framework to train individuals or to study and propose reforms in this field.

The Judiciary Committee has studied existing programs with great care and has concluded that we need a new approach. I urge my colleagues to support that recommendation.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice. Having been a cosponsor of this legislation in both the 91st and 92d Congresses, I am pleased that the measure has finally reached the floor of the House for consideration.

Legislative hearings were conducted earlier this year to evaluate the status of current juvenile delinquency programs at the Federal level. These hearings brought out the fact that no single individual within the various departments involved in this area is charged specifically with sole responsibility for juvenile delinquency programs. Nor is any one individual charged with coordinating these programs with other departments' efforts in order to prevent overlapping and duplication.

At a time when juvenile crime is reach staggering proportions, a unified, coordinated Federal effort is clearly called for.

Juveniles arrested for serious crime increased 78 percent from 1960 to 1968. Moreover, studies have shown that almost three-fourths of youths once arrested are being rearrested within a few years.

That is why I wholeheartedly endorse the two-pronged approach embodied in

the bill. The first will provide a means of disseminating information and expertise in the field of juvenile delinquency treatment and control. The second will provide an academy to offer training by experts for local law-enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

As a needed answer to an urgent social problem, the bill merits our immediate endorsement.

Thank you, Mr. Speaker.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of an identical bill, I am pleased to express my strong support for H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice.

Expressing alarm over the increase in juvenile crime has become almost a cliche in recent years, but the figures are truly alarming. In our inner cities, an almost incredible 70 percent of our young people find themselves in trouble with the law before they reach the age of 19. Furthermore, about three-fourths of these youngsters are arrested a second time within 5 years.

One other fact deserves mention: almost one-half of those arrested in 1968 for serious criminal offenses were under the age of 18; in other words, juvenile crime constitutes about half of the total crime problem.

In the face of these figures, the conclusion is inescapable that existing programs to combat juvenile delinquency are not working. Experts tell us these efforts are fragmentary and ineffective. What is needed is not new and harsher laws, but better coordination of existing laws and programs.

Mr. Speaker, H.R. 45 is well suited to that end. It would initiate a two-pronged attack on juvenile crime. The proposed Institute for Continuing Studies of Juvenile Delinquency would establish a clearinghouse for existing information about juvenile crime, information that up until now has not been properly analyzed or disseminated. Uncoordinated studies and programs at various levels of government have accumulated substantial amounts of relevant data, but we have not been able to put that data to its best use.

The second function of the Institute would be to provide training and education to those directly involved in State and local efforts to control juvenile delinquency. The training would be patterned after a similar, highly successful program for regular law enforcement personnel at the FBI Academy.

Mr. Speaker, H.R. 45 would go far toward achieving these two necessary objectives in the field of juvenile justice. I urge its overwhelming adoption.

Mr. RYAN. Mr. Speaker, I support H.R. 45—also introduced as H.R. 7352 which I have cosponsored. It would create an Institute for the Continuing Studies of Juvenile Justice. As a member of the Judiciary Committee, which has reported out this bill, I can attest to the need for this legislation.

Juvenile crime is a pressing and threatening aspect to the crime problem. Arrests of juveniles for serious crimes increased 78 percent from 1960–68, while the number of persons in the under 18 age group increased by only 25 percent.

To attempt to meet this problem, H.R. 45 would establish an Institute for Continuing Studies of Juvenile Justice. The Institute would provide a coordinating center for the collection and dissemination of data regarding the treatment and control of juvenile offenders and provide training for representatives of Federal, State, and local personnel connected with the treatment and control of juvenile offenders.

The Institute would be under the operational supervision of a Director appointed by the President, who would appoint a staff.

Overall policy of the Institute would be under the supervision of a 21 person Advisory Commission appointed by the President. This Commission would be composed of persons having experience or responsibility in the area of juvenile delinquency.

An important facet of this Institute would be its independence of the Federal agencies currently charged with the administration of juvenile justice. Currently the system of juvenile justice is administered by the Departments of Justice and Health, Education, and Welfare. The present state of that system suggests that some new input is needed. I believe that the administration of juvenile justice should be studied in an independent framework with a view toward developing effective new methods for dealing with the problem of juvenile offenders. This legislation provides for an Institute to help fulfill this function. I urge the House to support it.

Mr. RARICK. Mr. Speaker, I entertain serious reservations as to the purpose of H.R. 45 in its intent to establish an institution for continuing studies of juvenile justice which include sending our State-elected juvenile court judges to a Federal training academy.

My reservations apply mainly to the State juvenile judges themselves and not so much to the officers of the court inasmuch as the staff operates under the eyes of the juvenile court judge.

But, I do fear that State-elected officials brought together from all over the United States to a laboratory school and exposed to the persuasions and influences of college professors, psychiatrists, and social workers would be so sensitized on national needs and goals as to end up betraying their electorate at home.

I feel very strongly that this bill crosses the forbidden line which separates the Federal Government from our States under the Federal system and is a direct violation of our constitutional position.

It is utterly irreconcilable to compare a Federal school for elected State juvenile court judges with an FBI Acadamy. Juvenile judges are not in law enforcement or subject to uniform procedures for apprehension of criminals or in carrying out court decrees. Juvenile court judges are to dispense justice.

A national juvenile academy for indoctrination of elected State judges should be considered an insult by the voting electorate of this country. The voters elect as juvenile court judges men trusted for their sense of fairness, honesty, and morality, and who they believe will take into account family traditions and customs of the area in arriving at their decisions and judgments. To subject elected judges to an impressive training and indoctrination course administered by "authorities and experts" unfamiliar with local family conditions would constitute an indignity not only to the judges but to the voters as well. The people want the men they elect to be their juvenile court judges, not the alter ego of Federal bureaucrats and collegiate experts whose philosophy and theories of social justice are foreign to them and their area of the country.

Justice cannot be taught or legislated. Its main teacher is experience and maturity. And, our juvenile court judges do not need any Federal reviewing board or unelected examiners to check their productivity and efficiency. Their score card is graded by the voters in their districts and is always subject to review by the supreme court of their state.

Recently this body by a narrow vote enacted the comprehensive child development programs which indicate that there are many who do not trust parents to raise and control their children. Now if we pass this bill, we will be telling the parents that we do not trust their selection at the polls to elect a fair and impartial juvenile court judge unless his activities and mental approach to social problems has been conditioned by a Federal institute for continuing studies of juvenile justice.

I reiterate my question to the chairman of the committee as to whether he would have any opinion as to the feasibility of the States creating training schools for Federal judges to help condition and sensitize the Federal judiciary to local and State problems.

At most, H.R. 45 represents another unnecessary committee, additional unnecessary spending, another bureaucratic program which would expand, and delivering only unneeded, officious intermeddling.

I still hold confidence in the juvenile court judges of my State and in the electorate who selects them. I plan to cast my people's vote "no."

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill to provide an independent Institute for Continuing Studies of Juvenile Justice. As a cosponsor of the bill, I strongly urge its passage as a necessary tool in reversing the upward trend of juvenile crime.

Over three-fourths of the juvenile offenders arrested this year will return to our criminal justice system within the next 5 years. As a second offender, they will then be headed toward a life of crime. Clearly we must reverse this cycle of juvenile crime being a takeoff point for a life of arrest and imprisonment. This legislation provides that means. It is not just a study, but real action. All studies in the past, including the President's Commission on Law Enforcement and the Administration of Justice, point to the need for reducing juvenile crime.

This bill provides a two-pronged action attack on juvenile crime. First it provides a centralized source for pertinent information on control of juvenile delinquency. Second, it will be a train-

ing center for those who will deal with juveniles in the criminal justice system.

The closest parallel we have to this proposed institute is the Federal Bureau of Investigation Academy. No one will dispute the effectiveness of this academy in disseminating information and expertise on law enforcement techniques to our State and local law enforcement agencies. It has been well received on all levels of government as an important tool in the overall attack on crime.

Now we wish to extend a similar tool to the problems of juvenile crime. With proper training, law enforcement officers, corrections officers, social workers and court personnel who come into contact with juvenile offenders will have a better opportunity to turn these youths away from a life of crime. Also by strengthening our local and State ability to deal with juvenile crime they will become a more potent deterrent force.

Mr. Speaker, the measure deserves the unanimous support of this body. I sincerely hope all my colleagues will vote for it.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The question was taken.

Mr. DEVINE. 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.

Mr. ASPINALL. Mr. Speaker, I ask the gentleman from Ohio to withhold his point of order at this time for a unanimous-consent request.

Mr. DEVINE. Mr. Speaker, I will withhold my point of order until the gentleman from Colorado states what the unanimous-consent request is.

Mr. ASPINALL. Mr. Speaker, the unanimous-consent request will be to lay over this matter until the funeral party comes back from Boston.

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

Mr. ASPINALL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I agree with what the gentleman from Colorado has said. There is a sizable number of Members who are attending the funeral in Massachusetts. The gentleman is trying to protect them until they get back, which we had hoped would be about now. It was agreed that the unanimous-consent request would be made.

I know there is a fear that a rollcall will not be obtained when the vote is taken. I can only say I will cooperate in getting a vote if there is a quorum present.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I thought the understanding was that votes might be taken after 1 o'clock this afternoon, in conformance with the request made. It is now 1:20.

Mr. ASPINALL. Mr. Speaker, if I have the time, or if my friend from Iowa will yield to me, I understand the services were postponed from 10 o'clock until 11 o'clock. This is the reason for the request.

I would hope we are not going to be foreclosed from a vote on this bill.

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

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

Mr. GERALD R. FORD. I have indicated that I will cooperate to make certain that a vote is taken.

I understand the weather was bad in Massachusetts. I am told it was not the best flying weather from here to Boston. I hope we can arrange to take a vote at a subsequent time.

Mr. GROSS. On that understanding, Mr. Speaker, I withdraw my reservation.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEVINE. Is the Chair in a position to make an announcement at this time that a quorum is not present and that a rollcall is in order, and that the actual rollcall will be withheld until such time as the parties in question have returned to the House floor?

The SPEAKER pro tempore. The gentleman from Colorado may include that in his request.

Mr. ASPINALL. Mr. Speaker, inasmuch as there is a reasonable doubt that a quorum is present, and inasmuch as many of our colleagues are absent at this time in attendance at the services in Boston, I ask unanimous consent that the further proceedings on this particular matter—that is, the further consideration of H.R. 45—be postponed until the funeral group returns from Boston.

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

Mr. HOSMER. Mr. Speaker, reserving the right to object, does the gentleman further request that a rollcall vote be taken at the time the vote is taken?

Mr. ASPINALL. Mr. Speaker, may I suggest that inasmuch as I stated that it is likely that a quorum was not present, and a rollcall vote would be in order at this time, that is of course a part of my request.

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

There was no objection.

The SPEAKER pro tempore. The point of order that a quorum is not present is withdrawn.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, so as to expedite the business of the House on sine die adjournment, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related agencies appropriation bill for 1972.

Mr. SHRIVER reserved all points of order on the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object—and I hope I shall not have to object, what kind of a bill in terms of money is the gentleman going to present to the House? Can he enlighten us at this time?

Mr. PASSMAN. The cuts are the largest dollarwise and percentagewise, ever made on a foreign aid bill.

Mr. GROSS. That sounds reasonable. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 45.

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

There was no objection.

INTERIM EXTENSION OF CERTAIN HOUSE AND BANKING LAWS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, as amended.

The Clerk read as follows:

S.J. RES. 176

Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

(b) With respect to any area where the Secretary of the Department of Housing and Urban Development shall determine that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the enactment of this Act, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

SEC. 2. (a) Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅜".

(b) Section 702(c) of the Housing and Urban Development Act of 1965 (42 U.S.C.

3102(c)) is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

SEC. 3. (a)(1) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(2) Section 1315 of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(b) Section 1336(a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(c) The provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(d)(1) Section 1305(a) of the Housing and Urban Development Act of 1968 is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

SEC. 4. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence or paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WIDNALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WIDNALL. Mr. Speaker, at the time these bills were combined by suggestion of the chairman of the committee (Mr. PATMAN) four bills which are included in the matter now before the House, an agreement was actually made that five bills would be included. That has been changed without consultation with the minority and, as far as I know, without consultation with any other Members of the House.

The bills all came out of the committee at the same time by a vote of 22 to 4. This one particular bill, which is not included on the list now, was approved by the committee and the same instructions were given to the chairman to proceed to the immediate consideration of all five of these bills. Now, for some unknown reason, one has been removed.

I do not think this is in order, and I frankly would like to object to the four other bills being considered at this time without this one.

Mr. PATMAN. Mr. Speaker, may I answer the parliamentary inquiry?

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

Mr. PATMAN. Mr. Speaker, these bills did not all come out of the committee at the same time. The gentleman is mistaken about that.

The administration is urging the passage of some of these bills. They were put together because some of them expire in a few days or by December 31 of this year, at any rate. The flexible interest rate authority expires December 31. The temporary waiver of certain limitations applicable to purchase of GNMA is very important. That must be done now. With regard to the Federal savings and loan insurance, that amendment provides that the funds, instead of being paid into this Federal savings and loan insurance corporation, may be used for housing. It involves $450 million. I think it is very much needed for housing at this time. This would be impossible if this bill were not considered now and passed. As to the flood insurance provisions, very many Members of the House are interested in it. It is going to expire. This bill has the purpose of extending it, among other things, for a period of 2 years.

Most of these bills are being taken up for the benefit of the administration, to protect the administration, by extending these acts which are about to expire.

The small business insurance companies have an important amendment pending in this bill which would help small business generally all over the Nation.

They have been stymied for some time and this would get them off dead center.

I do not believe that many Members want to prevent the consideration of that provision. Unless something is done during the month of December, and if we do not pass a bill today, I doubt very much that we will have an opportunity before December 31 to take further action, at which time at least two or three of these provisions will expire.

Mr. Speaker, I certainly hope that there is no point of order raised against it. This is just a parliamentary inquiry on the part of the gentleman from New Jersey.

Therefore, I suggest, Mr. Speaker, that we proceed with the consideration of the bill.

Mr. WIDNALL. Mr. Speaker, may I continue with my parliamentary inquiry?

It had been my understanding, as the ranking minority member on the committee, that all 5 of these bills would be brought up today. There was no objection on my part or on the part of any other member of the committee about which I know, and the full committee was told by the chairman that we would proceed on all of the bills.

Mr. Speaker, three of these bills came out exactly the same day as the national bank taxation bill, and a fourth bill, namely the Small Business Investment Corporation bill, came out the following day. That bill is one of three of the bills and this one has been eliminated.

My query is: Why was it eliminated and why was the agreement violated and what right did the gentleman from Texas have for violating the agreement?

Mr. PATMAN. Mr. Speaker, may I answer that?

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. PATMAN. The bills were passed out with the understanding that the chairman would take such action as may be necessary to get early, favorable and expeditious consideration of these bills.

When we considered the five bills, there was one on the agenda that would bring down all of them, and they would have no chance to pass and the whole package would fall and none of them would pass. That bill was one on which many Members wanted a rule and application was made for a rule. Therefore, we left it out because we did not want to have them all fall because one failed. I would not be doing, as the chairman of the committee, what I should do in order to expedite favorable consideration of these bills if I put a bill in there that would bring them all down to defeat.

Mr. WIDNALL. The gentleman from Texas has substituted his judgment for the judgment of the committee. It was voted out of the committee by a vote of 22 to 4. There was no clamor to get a rule on this.

Mr. Speaker, what I really object to is bringing up these bills today as a result of the violation of the agreement on the part of the gentleman from Texas.

The SPEAKER pro tempore. The gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes and the gentleman from New Jersey (Mr. WIDNALL) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 176 with the proposed amendment is a bill containing provisions which the Committee on Banking and Currency reported out on November 16.

FLEXIBLE INTEREST RATE AUTHORITY

Section 1 of the proposed amendment to Senate Joint Resolution 176 would amend section 3(a) of Public Law 90-301 to extend for 6 months from January 1, 1972, to June 30, 1972, the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for FHA mortgage insurance programs at rates he finds necessary to meet the mortgage market. Enactment of this section would also operate to remove the present interest rate limitations on VA guaranteed loans which are tied by statute to the rate for FHA insured home mortgages under section 203 of the National Housing Act.

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY GNMA

Section 1(b) would permit the President, until June 30, 1972, to authorize

the Government National Mortgage Association to issue commitments to purchase, and to purchase, mortgages under section 305 of the National Housing Act—the special assistance program—with the original principal obligation of not more than 50 percent in excess of the limitations imposed by clause (3) of the first sentence of section 302(b)(1) of the National Housing Act. Before the President could so authorize GNMA, he would have to find and declare that such action was necessary to assure a greater availability of mortgage credit to federally insured or guaranteed mortgages without increasing the maximum interest rate then in effect. Under section 302(b)(1), GNMA cannot purchase mortgages with a principal amount in excess of $22,000—$24,500 for four-bedroom or larger units.

This temporary authority, expiring at the end of this fiscal year, is necessary in order to permit the special tandem plan instituted by GNMA for the purchase of nonsubsidized FHA and VA mortgages to operate effectively and equitably. This plan was established in August of this year to meet the problem of deep discounts being charged for FHA and VA mortgages at the 7-percent interest rate level. These discounts were more than an average seller of a home could absorb. It is estimated that this provision would cost approximately $15 million of GNMA special assistance funds in carrying out this liberalized purchase authority.

FSLIC INSURANCE PREMIUMS

Section 2(a) of the proposed amendment is designed to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. Unless amended the present law, that is section 404(g) of the National Housing Act, would require savings and loan associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

Present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that FSLIC reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. There has been, however, an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating homebuilding—and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By changing the 1.75 in existing law to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to review this matter and time to devise a permanent system for generating FSLIC reserves. This amendment would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 reserves existing for the Federal Deposit Insurance Corporation.

The effect of this bill is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

Section 2(b) would extend for 9 months—until June 30, 1972—the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an areawide system, though under preparation, has not been completed.

This extension is necessary to allow those communities who are in urgent need of water and sewer facilities grant assistance to remain eligible for the grant while completing the requirements for comprehensive planning.

FLOOD INSURANCE PROVISIONS

Section 3(a) of the amended bill extends for 2 years until December 31, 1973, the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures, so the committee believes that additional time should be given those communities so that they may be able to develop and implement strong land use and control measures which should be an important element in making proper use of land in flood prone areas.

Section 3(b) would extend the authority for emergency implementation of the flood insurance program for 2 years from December 31, 1971, to December 31, 1973. Under the emergency program authorized by section 1336 of the National Flood Insurance Act, flood insurance may be made available to owners of residential and small business properties without actuarial determination of risk premiums. Under existing law this authority will expire on December 31, 1971. Without congressional action to continue this authority, no new properties can be insured, and no existing policies can be renewed in communities where actuarial rates are undetermined. It is estimated that some 450 communities would be adversely affected by the determination of this emergency flood insurance program. Despite the efforts of the Army Corps of Engineers and other agencies to prepare the necessary rate studies, it is expected that actuarial rates will be available for only 350 of the estimated 800 communities eligible for the Federal flood insurance program by the end of 1971. The committee believes that the determination of this program in communities where flood risk studies have not been completed would be both unjust and unwise. The committee therefore has recommended that the emergency flood insurance program be extended for an additional 2 years in order to provide the needed program to communities during the period that the required studies are being completed.

Section 3(c) suspends until December 31, 1973, the provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968.

Current law prevents Federal disaster assistance from being made available for any loss to the extent it could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss.

Section 3(c) would provide a limited deferral of 2 years in the application of this provision relating to the duplication of flood insurance and disaster relief benefits.

It was reported to the committee that severe hardships had been encountered by citizens of several States who, having suffered extensive property losses due to recent flooding, were yet forestalled from securing any form of Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least 1 year prior to the disaster. Despite the reasonably priced premiums, the number of those securing coverage under the insurance program has been slight, indicating to the committee that the availability of the program and its requirements are not yet generally or widely known by those who inhabit the Nation's flood-prone areas.

The committee believes that the 2-year deferral provided in section 3(c) will offer relief for those who have been declared ineligible in recent months for disaster assistance due to their lack of flood coverage. In addition, the Federal Insurance Administration will have further time to work closely with local governing bodies and private insurers in exercising every effort to apprise those who live and work in flood-prone areas of the benefits of the program and of the consequences should they not avail themselves of its protection.

Section 3(d) amends the act to make it clear that church properties be included in the definition of those properties eligible to be covered. It is the purpose of this provision to cover church properties actively used for church activities and not those properties owned by churches for income producing purposes. Our distinguished colleague from Texas, JOHN YOUNG, testified before the committee urging us to provide flood insurance coverage for churches. He impressed the committee with the urgency to enact this provision because he felt that such coverage was absolutely necessary.

SMALL BUSINESS INVESTMENT COMPANIES

Section 4 would clarify a situation that has been left in limbo for several years. In 1967 when the Small Business Investment Act was amended, the words "or deferred—standby," were mistakenly deleted. Because of this, the Small Business Administration has had problems obtaining private funds for small business investment companies. The lenders feel that the deletion of these words from the act means that SBA cannot guarantee the payment of the principal and interest on such loans. Consequently, it has been difficult for small business investment companies to obtain private funds and with the administrative cutback in Government funding of this pro-

gram, the small business investment company industry has been severely handicapped.

This provision would merely restore the deleted words and make it clear that the Small Business Administration does have the authority to provide guarantees for private loans to small business investment companies. Similar legislation has already passed the Senate.

Mr. Speaker, Senate Joint Resolution 176, as amended, is basically an extension of time for certain flood insurance provisions and certain Federal housing programs. All of these provisions were reported favorably by the Committee on Banking and Currency and, in most cases, noncontroversial. I urge that the House adopt this resolution, as amended.

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

Mr. Speaker, I support the bills now before the House as amendments to Senate Joint Resolution 176. These bills contain for the most part extensions of dates which are due to expire, and which, if not extended, will seriously impair the Federal flood insurance program, FHA and VA mortgage insurance programs and the water and sewer grant program.

There are four bills here which we are now considering all of which were favorably reported by the Banking and Currency Committee.

The first bill is H.R. 11452 which extends for 2 years the emergency flood insurance program which has proved invaluable since its creation in 1969. This extension should be sufficient to allow the Army Corps of Engineers and other agencies to prepare the necessary rate studies so that by the end of 1973 all communities eligible for flood insurance will be in the regular flood insurance program with their premiums based on actuarial rates.

This bill also contains a suspension until the end of 1973 of the date from which flood insurance coverage becomes a condition of Federal disaster assistance. The current law prevents Federal disaster assistance from being made available for any loss to the extent the loss could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss. This has resulted in hardship to many citizens who have suffered extensive property losses during recent hurricanes and flooding and who were forestalled from securing Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least one year prior to the disaster.

Many people were not aware of the existence and availability of flood insurance nor of the consequences for failure to purchase such coverage. It was clearly not the intention of Congress to effect such a severe hardship as the denial of Federal disaster relief for the failure to purchase flood insurance during a time when the flood insurance program was in its infancy with limited public awareness of its availability.

This suspension should be sufficient to put all on notice as to the requirement and to give all those who have an opportunity to purchase flood insurance a chance to do so. Unfortunately, the flood insurance amendments contain one extension that will be extremely harmful to the progress of this program and to its ability to function on a sound actuarial basis. This extension deals with the deadline for the adoption of land use and control measures by local communities. The current deadline is December 31, 1971. H.R. 1145 would extend this deadline until December 31, 1973. This extension will completely undermine the effort and the credibility of the Federal Insurance Administration which has published regulations and set up guidelines to accommodate all cities now eligible for flood insurance both in the regular program and in the emergency program. These regulations make it clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data which is available to the city. They also make it clear that a community is not required to obtain any additional technical flood plain data beyond what the Federal Insurance Administration has provided to the city. A community that has little or no technical data on the limits of its flood plain or its mud slide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application.

An extension of the December 31 deadline will simply postpone the date when flood-prone communities will have to take an already overdue and vital step to protect the lives of their citizens. Every eligible community has long known about the land-use requirements of the program and has formally committed itself to comply with them. A postponement of the deadline for the adoption of these measures is likely to benefit only those few communities who do not seriously intend to honor their legislative commitments to adopt such measures.

The Federal Insurance Administration does not seek this postponement and has gone on record against it. It must be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal Government. The only way this program can remain viable is to require that the protective measures in the program are observed and these protective measures include prohibition or restrictions on building in those areas that are proven to be the most susceptible to flood and mudslide damage.

The second bill is H.R. 11488 which would change the ratio of insurance reserves held by the Federal Savings and Loan Insurance Corporation to insure the savings held by member savings and loan associations from 1¾ to 1⅝ percent. The present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. The year 1971 has seen an extraordinary increase in insured savings accounts and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. This reserve ratio decline is solely a function of the increase in savings and does not reflect a reduction of dollar reserves.

This change in the ratio merely prevents the possibility of prepaid premiums being required because of the inordinate increase in savings deposits. These prepaid premiums would not in any way reflect the need for increased reserves and would be comprised of money which otherwise would be used in the home mortgage market.

Section 2 of 11488 extends until June 30, 1972, the date upon which grants for basic water and sewer facilities must be consistent with comprehensive planning requirements. This is needed because some communities are in desperate need for federal water and sewer grant assistance and are not part of a comprehensively planned areawide water and sewer program. It is expected that by June 30 all those communities that fall within this exception will be able to satisfy the planning requirement for areawide facilities.

The third bill, House Joint Resolution 944, extends for 6 months from January 1, 1972, to June 30, 1972, the time in which the Secretary of Housing and Urban Development may set the FHA mortgage insurance rate levels he deems necessary to meet the mortgage market. Under existing law, the rate set for FHA mortgages also governs the VA rate. This is certainly the most essential extension in these bills. Without it, the FHA and VA maximum mortgage rate would revert to the statutory six percent ceiling which is far below current market rates on conventional mortgages. Without this extension, one can safely predict that not a single FHA insured or VA guaranteed mortgage would be available.

Section 2 of this bill provides that for 6 months the President may authorize the Government National Mortgage Association to purchase mortgages under section 305 of the National Housing Act —the special assistance program—which are 150 percent of the limits that otherwise apply to the purchase of such mortgages. This would mean that the maximum mortgage eligible for this special assistance would go from a current $22,000 with $24,500 for a four-bedroom or larger unit up to a new ceiling of $33,000 with $36,750 for the larger unit. It must be remembered that this program is now providing support to keep the maximum FHA and VA interest rates at 7 percent. Unfortunately, this program does not discriminate between a recipient in need of the assistance and one not in such need. There are no income limits on the mortgagors who are being assisted nor is there any limitation to assure that the mort-

gages are on primary residences rather than on vacation homes or second homes.

I would hope that the Department of Housing and Urban Development and the Government National Mortgage Association, in administering this program, make every effort to keep the mortgages within the middle or lower ranges of those eligible to be purchased with the hope that the lower mortgage amounts are being used to finance homes purchased by those in more need of Federal mortgage subsidy.

The single and most important factor that has prevented the expansion and growth of the Small Business Investment Company industry under the Small Business Investment Act of 1958 has been the lack of continuity of leverage funds which is vital.

The Small Business Investment Company program is the only source of equity capital and long-term funds to the Nation's small business concerns. It is their only institutional source of venture capital. This legislation, H.R. 8634, would significantly aid the development of the Small Business Investment Company industry by providing for a statutory basis under an effective SBA guarantee program of private loans to small business investment companies.

It is important to recognize the basic factors which require a market-financed guarantee program for the SBIC industry; that is, SBIC access to lenders through the public securities markets for Government-guaranteed obligations rather than through individual privately negotiated sales between an SBIC and a private lender.

It has become clear after extensive investigation, discussion, and experience that, even with an SBA guarantee, SBIC's cannot generally obtain long-term financing from private lenders on a private and individual basis. There are many reasons for this. Most SBIC's, particularly smaller independent ones and those away from the large financial centers, do not have contacts with the large insurance companies, banks, and pension funds who might be interested in such an investment. Financial institutions are generally unwilling to evaluate the portfolio small businesses of the SBIC to determine their value, which they consider significant even though the loan to the SBIC would be guaranteed by SBA. Moreover, financial institutions are generally unwilling to make long-term loans, which, of course, SBIC's must have in order to provide their long-term and equity financial assistance to small concerns.

A stable and ready source of funding for SBIC's is essential if the SBIC industry is to develop and grow as an institutional source of capital for small business. The only adequate available source is the financial markets. It should be recognized that SBIC's are financial intermediaries, and that like S. & L.'s and farm credit institutions they need a means of access to the financial markets.

If this pending legislation is enacted, a major step will have been taken to facilitate private sector participation in the long term debt capitalization of the SBIC industry. Such private sector participation would be in accordance with the congressional mandate contained in the policy statement of the Small Business Investment Act. With such a funding program, a source of consistent future funding for SBIC's may be in the making. With such a stable source of funds, new SBIC's can be created throughout the country and, more importantly, private venture capital will be made available when such funds are needed in the economy to promote the growth, expansion, and modernization of small business concerns.

The guaranty authority would be utilized by SBA in one or more of the following ways, so as to assure the SBIC industry of a continuing source of funding at interest rates generally in line with contemporary market rates for other Federal agency paper:

First. One or more lenders could offer to lend a given sum to unspecified SBIC's and SBA would distribute this fund among eligible SBIC's wishing to borrow, extending the guaranty of these funds to the lender or lenders.

Second. SBA could form a pool of SBIC debentures, and make a public offering, backed by its guaranty.

Third. In the event of the SBIC's insolvency, or if SBA experiences serious regulatory or other difficulties with the SBIC, SBA would continue to make periodic payments to the lender under the terms of the guaranty agreement, and become subrogated to the lender. SBA would then proceed against the SBIC in its own behalf, and all collections would be paid into the revolving fund created by section 4(c)(1)(B) of the Small Business Act, in the same manner as any other debenture payments.

The program would be subject to the following additional controls:

First. No guaranty would be extended to a lender with respect to an SBIC affiliate if it holds as much as 10 percent of the voting power thereof, and SBA would also make every effort to preclude guarantees on cross-dealing among lenders with SBIC affiliated.

Second. It would be subject to the overall ceiling for the SBIC revolving fund of section 4(c)(4)(B) of the Small Business Act, which is currently $450 million and would be increased to $650 million by H.R. 10792, now pending.

Third. In any given year, it would be subject to a guaranty program level approved my OMB, the Appropriations Committees and enacted by the Congress.

Fourth. As to any given SBIC, the guaranteed amount would be presently limited by section 303(b) of the SBI Act to a ratio of 2 to 1, not to exceed $7½ million, plus additional third-dollar leverage on every private dollar in excess of $1 million, for venture-capital oriented SBIC's only, the overall total not to exceed $10 million.

Accordingly, the pending legislation is not only vital to the future of the SBIC industry but it is sound legislation in accordance with the original intent of the Congress. I heartily support and recommend its enactment.

Mr. PATMAN. Mr. Speaker, I yield such time as he consumes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in support of Senate Joint Resolution 176 as amended. I wish to limit my discussion to the provisions of this resolution which deals specifically with the Federal flood insurance program. On November 13, the House Committee on Banking and Currency reported out H.R. 11452, a bill to amend and extend certain provisions of the Federal Flood Insurance Act, by a vote of 24 to 0.

The national flood insurance program was enacted in 1968 as part of the Omnibus 1968 HUD Act after almost 15 years of consideration by the Congress. Prior to 1968, no insurance coverage for losses due to floods was available in this country. In order to qualify for flood insurance under the 1968 act, a comprehensive 100-year flood study of the community by the Corps of Engineers would have to be undertaken and completed so that an acturial basis upon which to write the flood insurance policies could be determined. For many communities this would represent many years before they could qualify for this coverage.

In the 1969 housing bill with the cooperation of our distinguished ranking minority member, BILL WIDNALL, we enacted the emergency flood insurance program, which waived the comprehensive flood study for flood prone communities and permitted the Federal Flood Insurance Administration to determine a proper premium rate to be charged. This program has proved very popular, but most important it has provided essential flood insurance for many areas of our country who need the coverage immediately. At the present time, some 653 communities have Federal flood insurance coverage, of those 653 some 433 are covered under the emergency flood program. This program expires on December 31, 1971, and must be renewed for another 2 years, if these communities are to be able to keep their flood insurance. Section 3(b) of Senate Joint Resolution 176 as amended extends this program.

Section 3(a) extends for 2 years—until December 31, 1973—the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures.

Section 3(c) suspends until December 31, 1973, the existing provisions contained in the National Flood Insurance Act which prohibits Federal disaster assistance to the extent that flood insurance is available in an area. It has been brought to our attention that in a number of areas around the country that have experienced serious flood damages, those communities who did not purchase Federal flood insurance policies did not qualify for any Federal disaster assistance relief. In order to give the Federal Flood Insurance Administrator additional time to more widely publicize this program, we are suspending this provision which inflicts undue harm on those citizens who are not aware of the flood insurance coverage.

Section 3(d) amends the Flood Insurance Act to make it clear that church

properties be included within the definition of those properties eligible for flood insurance coverage. This provision is strictly limited to those church properties which are actively being used for specific church activities and this insurance will not be available for properties owned by churches for income producing purposes. The Subcommittee on Housing heard in August from our distinguished colleague from Texas, Congressman JOHN YOUNG, testifying on behalf of this much-needed provision and he convinced the subcommittee and the full committee of the need this expanded flood insurance coverage.

Mr. Speaker, the flood insurance program has proved to be a very important insurance program providing for the first time insurance coverage against flood damages. The passage of these provisions will continue to extend coverage under this program and make coverage easier and more widespread for our citizens who are threatened with losses due to floods. I urge the adoption of this resolution.

Mr. WIDNALL. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding. I am somewhat at a loss to speak on the legislation before us—at a loss not because I do not understand the legislation but rather at a loss because I do not understand the action of the chairman of the Banking and Currency Committee in bringing this legislation before us in the form that it presently possesses. The chairman of the Banking and Currency Committee, at the time the committee took action on these several bills, indicated to the committee without equivocation that he would, with all deliberate speed, attempt to have the Speaker place all of these measures on the next Suspension Calendar. The bill that he has omitted from the list of those that are included in the resolution on the Suspension Calendar at this time is a measure providing for a continuation of the interim provisions contained in the legislation we passed 2 years ago involving the uniformity of taxation of national banks by States.

The chairman has indicated that this legislation, House Joint Resolution 838, was removed from the list of those bills included in the subject suspension because it might fail of support, and in the course of it failing to obtain the votes necessary for passage, might drag the whole package of bills down.

Mr. Speaker, I think this is pure hogwash. The chairman himself, in the course of the committee session in which these bills were debated, indicated his support for the very resolution which he has omitted to include in the suspension before us.

In addition, after the vote in committee was taken on this particular measure, House Joint Resolution 838, and after announcing the vote of 22 yeas, 2 nays, and 2 passes, the chairman said—and I beg the forgiveness of the House in quoting from an executive committee transcript, but this is essential to the discussion—the chairman said:

The bill passed, and every effort will be made to get it on Suspension, and if we cannot, we will make an effort to get a rule from the House.

In view of those words, without yielding other than for the purpose of answering the question, I would ask the chairman if he has attempted to obtain a rule from the Rules Committee with respect to House Joint Resolution 838.

Mr. PATMAN. Yes.

Mr. BROWN of Michigan. What is the progress of that effort?

Mr. PATMAN. We have not received a reply from them yet.

Mr. BROWN of Michigan. When did the gentleman make that request?

Mr. PATMAN. Last Friday.

Mr. BROWN of Michigan. That is with respect to House Joint Resolution 838?

Mr. PATMAN. Yes, the measure, concerning State taxation of national banks. The ranking minority member of the committee, on the gentleman's side, is for this bill. He would rise in support of it. I do not think he would be willing to cause the defeat of all of these bills on account of one bill if left in with the others. But that is up to him.

Mr. BROWN of Michigan. Mr. Speaker, with due respect to my chairman, I would only say that this is a bill that has passed the House Banking and Currency Committee by a vote of 22 to 2, and a bill that there was little controversy on in committee—one or two members being opposed to it, but other than that, none—and it is legislation which the Federal Reserve Board has recommended as necessary. It is legislation which even prompted the chairman to put a statement in the CONGRESSIONAL RECORD on November 19, explaining these several measures. On page 42417, he described House Joint Resolution 838, what it does, explained how the Federal Board of Governors had concluded it was necessary to have more time and, concluding, the chairman said:

The House Banking and Currency Committee has not had the time to delve into this matter in detail. It is, therefore, for this reason that this extension has been recommended by the committee.

Then on the same page the chairman said:

Mr. Speaker, as indicated initially, my reason for making this statement is to provide the Members of this body with the basic information necessary to consider various proposals which, hopefully, the Speaker will place on the suspension calendar for December 6. Certainly at that time, if recognized for this purpose, as chairman of the committee, I shall endeavor to fully explain these proposals and attempt to answer any questions that may be raised.

Mr. Speaker, I think this is a gross violation of the trust placed in the chairman of our committee. We of the committee had every right to believe all of the suspensions, all of those described in the chairman's statement, would be before us today. We had a right to rely on his statement.

From the parliamentary standpoint there is nothing we can do. This one piece of legislation, House Joint Resolution 838, is terribly important. Unnecessary confusion and inequity will result in our bank taxing system if this is not passed. There probably will not be another opportunity to get to it again. I just cannot believe the chairman would have done this. I will say this, another time there will be a commitment from the chairman of this committee that if he is going to do something, he is going to do it, and we will not find ourselves in this situation once again.

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

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the chairman is obligated to expedite committee action and secure favorable consideration. The chairman was for it. He wanted it done. But when the chairman sees that, if he puts this in the package, it will cause the defeat of every one of these other bills—and some of them must be extended—so, in looking at it from the interest of the side that the committee represented and that I represented, I certainly would not do something that would bring them all down to defeat.

Mr. BROWN of Michigan. Mr. Speaker, I do not further yield to the gentleman.

Mr. Speaker, I will say to the gentleman from Texas that the gentleman from Texas very well knows the ranking minority member of the committee was not present the day we took action upon House Joint Resolution 838. The chairman of the committee knows the gentleman from Michigan—I—was the moving party in the committee to get this resolution before the committee and passed by the committee, and it was in response to my urging and my request that the chairman made a commitment that I feel was one made to the committee, that he would take all the action necessary to make sure that this resolution was on the next suspension calendar.

The gentleman from Texas did not contact me. The gentleman from Texas, to my knowledge, contacted no one but exercised an independent judgment to remove this legislation from the suspension calendar, and I think it is deplorable.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I would like to clear up a matter that has come before the Members of the House: The question is the taxing of national banks.

I have a letter from the Governor of my State, Mr. Speaker, and I ask unanimous consent that the letter from the Governor of my State, Governor Ogilvie, be printed at this point in my remarks.

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

There was no objection.

The letter is as follows:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, December 1, 1971.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANNUNZIO: In 1969, Congress passed Public Law 91-156 which contained tax provisions to become effective January 1, 1972. These provisions ended years of inequitable state tax treatment of national banks vis-a-vis state banks, by granting to the states the authority to tax national banks in the same manner as they

currently tax state banks. Until this time, Congress explicitly supported the privileged status accorded national banks under the limitations of section 5219, revised statutes, which define the power of states and their subdivisions to tax national banking associations.

The intent of Congress in enacting Public Law 91–156 was to end this inequity. However, the legislation providing the remedy is now being threatened by H.J.R. 839 and S.J.R. 176. Both of these resolutions seek to postpone granting states the tax authority contained in PL 91–156 for one or two years. I urge you to permit all the tax provisions of PL 91–156 to go into effect as scheduled and to vote *against* both H.J.R. 839 and S.J.R. 176.

Illinois has planned for the receipts of annual revenues of $10–$12 million from corporate income taxation of national banks (the same income tax that generates revenues from state banks). The further delay of national bank taxation will worsen an impending fiscal crisis in our state.

This past year state tax revenues have fallen below levels which would have resulted from normal growth in the tax base. This problem has been aggravated by increases in expenditures attributable to the recession, e.g. Public Aid. The failure of Congress to pass both welfare reform and revenue sharing has denied the states immediate fiscal relief.

The economy is recovering since the recession, but the recovery in state tax sources lags behind this recovery. Tax incentives designed to stimulate the economy by granting to businesses an investment tax credit and accelerated depreciation rates have been proposed. Both of these incentives to business are, in part, at the further expense of state tax revenues. It is estimated that the impact this fiscal year will cause a corporate income tax loss of up to $17 million. This loss will continue to grow each year until about 1975.

Now, Congress is considering House and Senate resolutions which would further diminish our state tax base by another $10–$12 million through delay in the implementation of Public Law 91–156. In Illinois, this means we cannot tax the net income of national banks through the state's corporate income tax. The sum of these losses carry forward year after year, and critically affect our ability to continue to provide necessary services to the people of our state.

In addition to these issues of tax yields, your committee also has a major issue of tax equity before it. Congressional enactment of PL 91–156 would end the preferential treatment granted national banks. Many states, however, had already found legal loopholes which permitted them to circumvent the federal limitation through special financial institutions taxes which included the income from national banks in the tax base. While Illinois does not impose a financial institutions tax, other states have been forced to consider separate tax treatment of financial institutions largely because Congress has withheld the authority from the states to tax national banks as state banks are taxed. Effective January 1, 1972, the incentive to tax financial institutions differently from other businesses will be largely removed if Public Law 91–156 becomes effective.

Illinois basically supports the intent of the recommendations by the Board of Governors of the Federal Reserve in its report to the Committee on Banking, Housing and Urban Affairs to move away from intangible personal property taxation of all commercial banks. The new constitution of our state goes even further and requires the removal of all personal property taxes on both businesses and individuals. The movement away from the intangible personal property tax in Illinois will be facilitated by the authority to tax national bank income.

Illinois also supports the Board's recommendation to apportion fairly between the states, national bank income deriving from business activity in many states. This problem is of great concern to all business sectors being taxed by the states. Properly, the question of intangible personal property taxation and taxation of interstate business income are separate and distinct from the taxation of one business sector alone, national banks. Both recommendations require a more general consideration and, if Congress so desires, legislation applicable to all businesses taxed by the states. These are not, therefore, grounds for delaying the effective date of the tax provisions under Public Law 91–156.

Congress can reaffirm its commitment to equitable state taxation of state and national banks by allowing legislation already passed to become effective as scheduled.

Sincerely,

RICHARD B. OGILVIE, *Governor.*

Mr. ANNUNZIO. Mr. Speaker, the Governor wrote to me pointing out that in the anticipated budget for the State of Illinois the loss of revenue to my State alone would be anywhere from $10 million to $12 million. The loss of this revenue at a time when my State is faced with a welfare crisis and with a crisis in the schools, as the Governor pointed out in his letter to me, would make it impossible for him to meet all of the obligations he has in our State. I ask the Members of this House to read this letter.

I want the record also to show that I contacted a great number of Members in this House. I became worried about the pending legislation on the floor of the House. I informed the chairman of the Banking and Currency Committee that if a whole package of banking bills came up under the suspension of the rules procedure and House Joint Resolution 838 were included, I thought the entire package would go down to defeat. I am one of those who favors flood insurance and who favors the extension for SBIC. and felt that these valuable pieces of legislation should prevail.

Public Law 91–156 was duly enacted into law during the 91st Congress and established January 1, 1972 as the effective date for liability of national banks for certain taxes. Governor Ogilvie's budget for Illinois was based on revenues anticipated as a result of enactment of Public Law 91–156.

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

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

Mr. ANNUNZIO. Thank you, Mr. Speaker.

Mr. Speaker, this law becomes effective on January 1, 1972. I do not see any reason why anybody should stand on this floor defending national banks against the best interests of the welfare recipients and the schools in my State, as well as many other States in the Union.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. REES.)

Mr. REES. Mr. Speaker, this is another masterpiece from the Committee on Banking and Currency. It is really confused.

This is the committee that argues in debate not about the bill before the House but what happened in the committee, and I am still trying to figure out what happened in the committee. I do know that we voted out four separate bills.

As of last Thursday four separate bills were going to be considered under the suspension of the rules procedure, so that we could separately debate each of four bills. Now we find that the bills are all tied into one amendment to a Senate resolution under suspension.

If a Member tries to find the bills, he will not find them, because there are not any bills available to the Members, to read to find out what the bills do.

Of course, there is not any report, to find out what the thinking of the committee was when they approved the bills. So it is very confusing.

I find the situation is difficult for me, because one of the bills now in the package had to do with the national flood insurance program. During the hearings there was no opposition to the bill. After approval of the bill, I received a letter from the administration, written by the Federal Insurance Administrator, Mr. Bernstein, saying that the administration was violently opposed to the amendments which we approved which at that time we did not think were very controversial.

After reading the letter, I find that their opposition was very well taken, because what the amendments would do is to extend for 2 years the time a community does not have to come up with a land use plan dealing with flood control.

We are allowing a community can receive coverage of the Flood Insurance Act even though that community does not have to come up with a land use plan for another 2 years. I think this is terrible.

Do Members know why it is so terrible? It is because it is an "open sesame" to the Treasury of the United States, because 90 percent of the flood insurance program is subsidized by the Treasury—90 percent.

If we do not come up with decent land use standards to suggest to the planners and the subdividers where they can build or cannot build, and if we do have a disastrous flood, we will find the exposure of the taxpayers could go into the billions of dollars.

I believe this is an unsound provision. There is enough flexibility today with the flood insurance administration to allow any community which does not have money, which does not have expertise to draw up a plant, to come into the program. There is enough flexibility to allow that community to come into the program.

I do not like this bill. If it came up as a separate bill not under suspension, I would vote "no," because it is a bad bill.

However, what do we do now, since it is all neatly tied up in one package since last Friday, so that if you do not vote "aye" on the entire package, you will be voting against most of the bills, some dealing with HUD and motherhood? I think this is a ridiculous procedure, and I would like to add to my remarks a letter from the national flood insurance Administrator, Mr. Bernstein.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION,
Washington, D.C., November 23, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: In view of the action taken last week by the Committee on Banking and Currency favorably reporting H.R. 11452, we believe it is necessary for us to reiterate the previously expressed opposition of both the Administration and the Federal Insurance Administration to any legislation which would defer by even one day the time by which an area must adopt adequate land use and control measures in order to qualify or continue to qualify for Federal flood insurance.

As you know, the date originally specified for the adoption of "permanent" land use and control measures by local communities in the National Flood Insurance Act of 1968 was June 30, 1970. In the 1969 Housing Act that date was changed to December 31, 1971, and "adequate" rather than "permanent" controls were specified. The same Act authorized the Emergency Flood Insurance Program, which enabled us for the first time to process community applications rapidly and to begin providing flood insurance in a substantial number of communities.

The basic criteria that participating communities were expected to follow in their local ordinances were published in the Federal Register, after extensive technical comment and coordination, as early as June 1969. They were revised (partly for the sake of clarification but primarily to incorporate the changes made by the 1969 Housing Act), again after formal opportunity for public comment, in March 1970. Every community that applied for flood insurance eligibility was made fully aware of our statutory land use requirements and formally agreed (by City Council or County Board resolution) to meet them by the December 31, 1971, deadline. From the inception of the program, moreover, our engineers and other knowledgeable staff members have made field trips and held innumerable discussions with State and local officials to elaborate on our statutory requirements, to explain our 100-year flood standard, and to make clear that we had no intention of restricting a community's economic growth and development beyond what is prudently required to avoid needless losses to life and property. We clearly stated that individual community circumstances would be taken into consideration in our review of the land use and control measures each community actually adopts.

Our present regulations, which became effective September 10, 1971, essentially retain the criteria originally published but formally set forth the standards by which local ordinances will ultimately be evaluated. The new regulations make clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data available to it. They also make clear that a community is not required to obtain any additional technical flood plain data beyond what we ourselves have provided to it. Thus, our regulations do not require that a community undertake any significant expenditures of time or money to comply with our requirements. It may, of course, adopt a higher standard than the minimums we require, but such action is entirely discretionary with the local community in relation to the December 31, 1971, deadline.

In particular, our current regulations are worded in such a way as to permit every eligible community to retain its coverage beyond December 31 if it chooses to do so. Both Section 1910.3, dealing with flood hazards, and Section 1910.4, dealing with mudslide hazards, specify standards that vary in accordance with the quantity and quality of information available. A community that has little or no technical data on the limits of its flood plain or its mudslide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application. As the amount of technical data made available to the community is augmented, certain further protective steps must be taken, but none beyond what is generally regarded as legally, architecturally, and economically feasible for such a community under the existing conditions.

In addition, the regulations explicitly provide in Section 1910.5 that any community which believes that adoption of the standards imposed by the regulations would be premature or uneconomic may elect standards of protection which do meet the requirements of Sections 1910.3 and 1910.4 if it explains the reasons for the variances and submits supporting data to justify the exception.

Section 1910.5 also makes clear that all such reasonable variances will be accepted in fulfillment of the December 31 deadline, whether or not the Federal Insurance Administration ultimately concurs in the standards adopted. A community which does not sufficiently justify its departure from the criteria contained in our regulations will be given a reasonable time after the deficiency is discovered in order to correct it, during which period the sale of flood insurance within the community will be continued.

In light of the foregoing, the reasons for our opposition to any extension of time for a community's adoption of at least minimum land use and control measures become evident.

First, our current regulations are drafted in such a way that no currently eligible community will be precluded from meeting the December 31 deadline unless it deliberately neglects to make a good faith effort to do so. Communities applying for eligibility after December 31 will not be delayed, since they will have time to adopt the minimum required land use and control measures while their application is being processed.

It should be noted that even under existing procedures, a resolution by the local legislative body (agreeing to adopt land use controls) is required. The local resolution actually adopting our minimum standards should take no longer than a resolution formally committing the community to adopt them at a later date. An extension of the December 31 deadline would simply postpone the date when flood-prone communities would have to take an already-overdue and vital step to protect the lives of their citizens.

Second, an extension of the December 31 deadline would accomplish no useful purpose. Every eligible community has long known about the land use requirements of the program and has formally committed itself to comply with them. No new information will become available to such communities that is not available now to assist them in meeting the land use requirements.

Moreover, a postponement of the deadline for the adoption of these measures is likely to benefit only those few communities that do not seriously intend to honor their legislative commitments to adopt such measures. We believe that most communities fully intend to meet the December 31 deadline as promised. Since we have repeatedly stated that no such postponement would be sought and since the statutory deadline has been spelled out clearly, such a postponement would constitute evidence that the Federal Government's commitments to meaningful land use and control measures are not serious.

Finally, there is no reason to believe that communities that do not meet the December 31 deadline have any greater likelihood of meeting a June 30, 1972, or any other deadline, since all of the information necessary to meet the requirement is already available to them. Another postponement now would simply increase the probability of another postponement when the June 30, 1972, deadline approaches.

Third, it should be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal government. It is based upon a 1966 feasibility study by HUD which recommended that such coverage should be made available to stimulate the adoption of land use and control measures by local communities in order eventually to reverse the pattern of ever-increasing annual flood losses. If our mutual resolve to implement that essential purpose becomes weakened, particularly without any demonstrated or urgent necessity, the significance and worth of the whole program, with its very substantial potential costs to the nation's taxpayers, may also come into question.

We have formally communicated these views previously both to you and Mr. Widnall, and we have discussed the matter by telephone with various staff members. Our position in this matter has been consistent and unequivocal.

We strongly urge that the December 31, 1971, deadline for the local adoption of land use and control measures not be deferred, and that Section 1 of H.R. 11452, which would do so, be eliminated from the bill.

Sincerely,

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker and gentleman of the House, all the gentlemen you heard, I believe, did support all of the bills that are included in Senate Joint Resolution 176 as proposed in the amendment offered. Some object only to the fact that one bill—which they also supported and which I also supported—is not in this bill before us.

Let me point out the situation to you in regard to my feelings about this matter.

For 2 years I have been trying to get my bill, H.R. 8634, dealing with the Small Business Administration, considered by this House. This is the first chance that I have ever had to get a vote on the bill, and I cannot jeopardize this one chance in 2 years now.

I repeat that the arguments you have heard are not arguments made in opposition to any of the bills which are included but only to the fact that one bill is not included. So I urge you to understand that the arguments you have heard do not go to the merits of the legislation before us whatsoever. All of us support this legislation. The arguments only go to the fact that one bill was not included.

The bills that are included in this pro-

posal were voted out overwhelmingly by the members of the committee, every single one of them. All have been fully considered by the committee.

My special interest is in the amendment that includes my bill, H.R. 863.

My bill, H.R. 8634, has been consolidated as part of Senate Joint Resolution 176. H.R. 8634 is very simple—it provides a means for the Small Business Administration to make loans to qualified small business investment companies—SBIC's. Under the law, SBA is authorized to lend $2 to $3 for each $1 of an SBIC's private capital. The SBIC utilizes SBA loans to make further investments in small and new businesses. The law indicates that SBA will usually have appropriated funds available to make these loans, but budgetary strictures for the past 4 or 5 years have meant that the administration has not asked appropriations for this purpose—or for other SBA loan programs, either.

For that reason, SBA and the administration are seeking to fund the SBIC program by raising money from private enterprise. H.R. 8634 is necessary to make this way work. This bill says that SBA shall have the power to place a "full-faith-and-credit" guarantee on SBIC debentures and to sell such debentures to private lenders. If the bill is passed, SBA will receive applications for loans from SBIC's in the same manner as if direct loan money were available. If SBA approves the application, that debenture issued by the SBIC will be sold with a guarantee. Without the guarantee, experience shows, no SBIC could raise money on reasonable terms.

It is apparent, then, that SBA will have complete control over which, whether, or even, SBIC's can issue, and sell, debentures and at what rate. Furthermore, both the Office of Management and Budget and the Treasury Department will give authority to SBA for debenture sales and will monitor the entire operation. Finally, the amount of the debentures sold will be restricted to a dollar ceiling set by Congress in SBA's Appropriation Act.

The cost of the loans to SBIC's will be somewhat higher under this guarantee route than under direct lending, but most SBIC's are willing to pay the increment, since they recognize that direct funding is so uncertain—and because small businesses need more dollars than SBIC's can now supply.

This legislation is urgently needed for several reasons. First of all, a number of SBIC's have already left the industry because of the unavailability of Federal loans and other licensees are now studying whether or not they should remain in the program. Second, a number of older loans to SBIC's are maturing within the next few months and total assets of the SBIC industry will contract unless SBA can extend new loans through the guarantee route. Finally, some potentially strong sponsors of new SBIC's would enter the business of investing in small business if they could be assured that SBA would have the ability to extend loans to them when they qualified for such leverage.

We had hearings on this legislation and have the following letter from SBA Administrator Thomas S. Kleppe, urging adoption.

JULY 15, 1971.

Hon. ROBERT G. STEPHENS, Jr.
Chairman, Subcommittee on Small Business of the Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. STEPHENS: This is in response to your letter of July 6, 1971, requesting the views of the Small Business Administration on H.R. 8634, a bill to amend the Small Business Investment Act of 1958.

H.R. 8634 would clarify and strengthen the authority of SBA to enter into guarantee agreements on loans made by private lending institutions to SBIC's, including MESBIC's. A clear and adequate guarantee authority is essential to allow the development of a stable system for helping to fund the SBIC program through access to private capital markets.

The legislative history of the Small Business Investment Act of 1958 indicates that SBA has implied authority to extend such guarantees. The Comptroller General has so ruled, and the Chairmen of the Banking Committees in both Houses have concurred in that ruling. However, a recent opinion issued by the Attorney General suggests that he may be of a different view. In any case, investors have generally been unwilling to make loans for SBIC's in the absence of specific statutory guarantee language.

It has become apparent, too, that institutional investors making loans to SBIC's need to be assured not only that they will be protected against loss, but assured also that SBA has authority to guarantee timely payment of principal and interest on SBIC debentures—without delays or unscheduled prepayments in the event of regulatory or financial problems involving the particular SBIC.

The enactment of H.R. 8634 would clearly permit SBA to guarantee that, in the event of default by the SBIC, the debt would be assigned to SBA and SBA would continue regular uninterrupted payments of interest and principal to the investor for the full maturity of the loan. SBA would then become the holder of the debenture and would collect the debt from the SBIC.

By providing such assurances to investors, we can open to SBIC's a vitally important source of financing hitherto denied them.

Let me express my appreciation to you, and to the four colleagues participating with you, for sponsoring this legislation. I hope it will be promptly enacted.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

Mr. STEPHENS. To explain further, the terms of H.R. 8634 are simple and holds great promise for the sorely pressed small businesses of our Nation.

Over the past 12 years, small business investment companies have disbursed almost $2 billion to some 40,000 American small businesses. That this SBIC financing has been most welcome to the firms which received it, has been proven by a recent survey undertaken by the Small Business Administration.

The SBA study brought forth these results, among others: First, 95.5 percent of these small businesses said their firm benefited from SBIC financing; second, 85 percent said they were satisfied in their dealings with the SBIC; and third, 89.7 percent said they would use SBIC assistance again under similar circumstances.

As a supporter of the SBIC program, I was gratified by this concrete evidence that SBIC's were carrying out the mandate given them by Congress. Passage of H.R. 8634 will enable SBIC's to increase their loans and investments in new and growing small firms which can get this sort of financing nowhere else.

Attached is the breakdown of the recent study by SBA.

FIRST-TIME SURVEY CONDUCTED OF SBIC PORTFOLIO SMALL BUSINESS CONCERNS

During June-July, SBA completed a first time sample survey of the small business concerns which have received financing from SBICs. The survey was intended to supply answers to the following principal questions:

Are the small businesses that are recipients of the SBIC assistance the type of firms to which the program mission is directed?

Is the assistance being furnished to the small concerns the type of assistance intended?

Are the small businesses benefiting from the assistance and to what degree?

Would these small firms seek SBIC assistance again under similar circumstances?

In addition to the broader issues covered by the above questions, however, certain additional questions in the survey were designed to provide SBA with insight into other aspects of the small concern's quest for venture capital. For example, SBA asked the small concern to indicate sources it sought for financing before contacting the SBIC, and the reasons the initial source gave for its refusal.

In order to assure that the sample survey be representative of the small business concerns in the portfolios of SBICs, as a whole, SBA staff members consulted with the statistical experts at the Office of Management and Budget (OMB). Aside from SBA's desire to have a representative sample, OMB consultation was necessary since by law that Agency must approve the sampling technique and any questionnaire to be used. SBA is confident that its questionnaire reached a representative sample of the small business concerns in the total SBIC industry portfolio.

Shown below are the questions received by the respondents together with their answers:

Question No. 1—Where did you seek financing prior to contacting an SBIC?

[Percent of all responses]

Answers:	
Bank	42.9
Went to SBIC first	21.4
Individuals	17.9
Non-SBIC venture cap. co	7.1
Other	7.1
SBA	3.6

Question No. 2, part A—Why did you seek financing from an SBIC?

Answers:	
Terms available from SBIC not available elsewhere	28.7
Refused by others	25.1
Other	18.0
Reputation of SBICs (in general)	14.4
Undesirable terms elsewhere	13.8

Question No. 2, part B—If refused by others, which of the following best describes the reasons for refusal?

Answers:	
Unsuitable terms	30.7
Too risky	30.7
Exceed Lending limits	28.4
Other	10.2

Question No. 3—What was the purpose (use) of the funds received from the SBIC?

Answers:	
Increase business capacity	33.8
Start-up	31.8
Other	19.2
New product or process development	8.6
Modernization	6.6

Question No. 4, part A—Did your business benefit from the SBIC financing?

Answers:

Yes	95.5
No	4.5

Question No. 4, part B—If "yes" (benefit received), how much?

Answers:

"Considerable"	55.5
"Moderate"	36.8
"Outstanding"	7.7
"Very little"	0

Question No. 5, part A—Were you satisfied in your dealings with the SBIC?

Answers:

Yes	85.0
No	15.0

Question No. 5, part B—If "no" (not satisfied), why?

Answers:

Full financing requirements not met	39.1
Unsatisfactory terms	17.4
Poor service	8.7
Other	34.8

Question No. 6, part A—Under similar circumstances would you use SBIC assistance again?

Answers:

Yes	89.7
No	10.3

Question No. 6, part B—If "no" (not use SBIC assistance again), why not?

Answers—Where the small business was not satisfied in its dealings with the SBIC and/or where it indicated that it would not use SBIC assistance again, candid comments were made by certain of these small businessmen. Because of their subjective nature, these comments are not reproduced here.

Question No. 7, part A—Other than financing, was additional assistance furnished by the SBIC?

Answers:

Yes	36.0
No	64.0

Breakdown of the type of additional assistance furnished, where "yes" (by percent of respondents):

Accounting	25.0
Marketing	21.0
Legal	18.4
Production	5.3
Distribution	2.6
Other	27.7

Question No. 7, part B—Was there a charge for this service?

Answers:

Yes	35.8
No	64.2

Question No. 7, part C—If "yes" (charged for nonfinancial service), how did this charge compare to like services available elsewhere?

Answers:

Same	34.8
Lower	26.1
Higher	21.7
Not available elsewhere	17.4

Question No. 8—Do you feel you received venture capital (based on definition furnished in questionnaire)?

Answers:

Yes	72.4
No	27.6

Question No. 9—In your opinion what type of assistance is most needed by the small businessman today?

Answer—So that the answers would contain elements of originality and candor, no menu of possibilities was supplied for this question. The answers could be classified generally as financial, management, or other. Of the businesses answering this question, 60 percent indicated financial assistance was needed, 27 percent said management assistance, and 13 percent gave other areas of need. Both within the financial and management categories, most of the answers indicated a "general" type of assistance. Lower interest rates were an issue on only 12 percent of the "financial" answers. In the "management" answers, 18 percent said planning was an issue.

In the category of "other" answers, 33 percent indicated tax was an issue; another 28 percent indicated government paperwork requirements were an issue.

CONCLUSION

It is apparent from these replies that the SBIC program is reaching and assisting the firms to which the program mission is directed, and that the firms believe that they have realized considerable benefit.

For the future, the sampling technique offers the potential of expanding SBA's insight into the characteristics of the small business clientele, and its need for the type of assistance offered by SBICs.

Mr. GETTYS. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GETTYS. Mr. Speaker, I rise to support the passage of Senate Joint Resolution 176 which includes the terms of H.R. 8634, since I believe that it rectifies an error Congress made in 1967 when it last amended the Small Business Investment Act of 1958.

Between 1958 and 1967, the Small Business Administration had been able to raise money for the SBIC program through the guarantee route. When SBA attempted to follow the same course in 1968, its authority was challenged by lawyers specializing in financial matters, since the 1967 amendments had inadvertently dropped several words from the SBIC Act of 1958.

The Johnson administration attempted to remedy the problem by legislation in 1968, but Congress adjourned before action could be taken. The Nixon administration has also supported remedial legislation in the President's small business messages of 1970 and 1971. Carrying out this completely bipartisan approach, H.R. 8634 was sponsored by Members of both parties.

The other body has unanimously passed legislation carrying out this purpose on three occasions; I believe we should give our support to it today.

Mr. GRIFFIN. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GRIFFIN. Mr. Speaker, before I decided to support H.R. 8634 whose terms are included in the pending resolution, I checked its impact on the Federal budget, since I believe these are days when the Government should limit its expenditures to the greatest possible extent.

I can assure my colleagues that enactment of H.R. 8634 will not result in one dollar of cost to the Government. As a matter of fact, this legislation is designed to substitute private financing for direct Government loans to small business investment companies, so it means that Federal outlays can be reduced.

From 1958 through 1967, the Small Business Administration on several occasions resorted to use of its guarantee authority under the Small Business Investment Act to tap institutional sources of funding for SBIC's.

Unfortunately, however, Congress made an unnoticed mistake in amending the SBIC Act in 1967 and SBA no longer has the power to utilize an indirect lending process for the SBIC industry. H.R. 8634 will restore a meritorious and useful tool to SBA. I strongly support the legislation.

Mr. PATMAN. Mr. Speaker, I yield as much time as he may desire to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise in support of this legislation and put particular emphasis on the emergency loan aspects and the need for correcting inequities.

Everyone admits these inequities should never have been in the flood insurance program. Mr. Bernstein has urged me to state his strong opposition to this, and I do not think it ought to be confused with the other proposition as to the extension planning aspects of this insurance program, which has to do with granting communities time to qualify under this act. There are communities in my area that are desperately in need of this extension of time in order to make a judgment about whether or not they want to be under the program at all.

I am impressed, as I am sure many of us are, with reference to the anticipated cost of this extension. Mr. Speaker, I submit that those are highly speculative figures. I think they are not borne out by the experience of building in these flood plains in anticipation of the cutoff date at the end of this year. The opposition to extending the time for compliance is based on factors imagined and magnified.

Mr. Speaker, I commend the gentleman from Texas (Mr. PATMAN) for bringing this progressive and much needed legislation before the House and I strongly support it.

Mr. WIDNALL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Speaker, while the pending resolution is designed to serve several important purposes, I should like to emphasize one such purpose which I think is especially important.

This is extension and improvement of the Federal flood insurance program—a program of great potential in flood-prone areas of my own congressional district and State as well as many others. For several reasons, however, the program has not been fully utilized and the protection it offers has not yet reached many of the people who need it most.

Part of the reason may rest in a general failure to promote, advertise, or sell this program adequately, but surely a more specific reason can be found in the existing program itself, and the objective of the bill our committee has reported is to correct these deficiencies.

Our bill—and I am proud, Mr. Speaker, to be a cosponsor both of the corrective legislation and of the original bill—will extend for 2 years the authority to continue the emergency flood insurance program without actuarial determination of

risk—a provision which will enable communities not yet qualified and persons not now covered to obtain protection at the earliest possible time.

The bill will also suspend for 2 years the provision which requires that persons obtain flood insurance coverage, where it is available, as a condition of eligibility for Federal disaster assistance. This existing provision has been the source of considerable hardship in the aftermath of the severe flooding which followed Hurricane Doria this year. While its purpose was laudable, it took effect before people had a reasonable opportunity to equip themselves with insurance, and so, in effect, such persons were triply victimized: By costly flooding, by the absence of insurance, and by the unavailability of disaster loans.

Our bill, Mr. Speaker, will correct this unfortunate situation, and I urge its approval.

Mr. WIDNALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan, Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Illinois earlier suggested that his Governor had written a letter saying that the State of Illinois would lose about $10 million in taxes if this legislation were passed. This is not news, the gentleman made that statement in the committee. The gentleman voted against the bill in the committee.

Mr. Speaker, neither the gentleman from Illinois nor the gentleman from Texas constitute the judgment and will of the committee or of the House.

As a practical matter, I do not know what the Governor's letter said, but I would suggest that there is no possibility that the State of Illinois can lose something it has not had.

What we are suggesting in this resolution, Mr. Speaker, is to continue the existing interim provisions relative to State taxation of national banks until the Board of Governors of the Federal Reserve Bank can have an opportunity to file recommendations, as the original legislation called for.

I would like to further say that since most of my remarks heretofore have been statements addressed to the bill that is not on the Calendar.

I think the other measures in the resolution on the Suspension Calendar at the present time, by and large, constitute legislative measures which should be passed. However, I do concur with the gentleman from California (Mr. REES) in his criticism of one bill and his right to have an opportunity to vote against it.

In conclusion, Mr. Speaker, although I disagree with his right to unilaterally do so, if the chairman of this committee decided not to include House Joint Resolution 838 along with other suspensions in the amendment to the Senate joint resolution, he could very easily have put it on the Suspension Calendar as a separate item. In failing to do so he was acting contrary to the wishes and the directions of the committee.

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

Mr. Speaker, in conclusion, I would like to respectfully state that no one has made a statement in opposition to this bill. The statements that have been made usually were preceded by the statement, "I rise in support of the resolution," but so and so, and the criticism would be of a little part of one bill.

There is no Member who has arisen and said that he was against the bill to my knowledge.

Now, a Member who voted against this bill, I respectfully submit would be running the risk of voting against his convictions in certain cases about which I know.

First, he wants to support the administration if he is on the minority side. The minority has at least two provisions in here that the administration thinks absolutely vital. One of them allows HUD to fix flexible rate of interest on housing.

That is what you would get if you vote against the bill, and your vote prevails, you just get a whole lot of nothing. So the bill contains provisions here that I am sure many Members of this House would feel very unhappy about if their positions were to prevail and they vote against the bill.

GENERAL LEAVE

Mr. Speaker, My time has expired. I would like to ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask for a vote.

Mr. WIDNALL. Mr. Speaker, since my time has not expired I would like to make a point of order that a quorum is not present.

Mr. PATMAN. Mr. Speaker, I want a vote on this. The Speaker will remember that he stated that each one of us had 4 minutes remaining, and I wanted the minority to finish their time before I concluded, because we have just had one speaker on this side. I cannot understand this, because I thought the gentleman from New Jersey (Mr. WIDNALL) had consumed his entire 4 minutes, because he yielded to the gentleman from Michigan (Mr. BROWN) and the gentleman from Michigan (Mr. BROWN) used the time.

The SPEAKER pro tempore. The Chair will state that the Chair announced that the gentleman from Michigan (Mr. BROWN) had consumed 2 minutes.

Mr. PATMAN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining, and the gentleman from New Jersey has 2 minutes remaining.

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to withdraw my point of order that a quorum is not present.

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

There was no objection.

Mr. WIDNALL. In conclusion, Mr. Speaker, I would just like to urge the enactment of the bills that are before this House. I am just keenly disappointed that the agreement that the chairman had with our committee, as stated in the RECORD as to procedure, as to pushing for all five bills that came out of the committee at relatively the same time, has been violated. And there is no reason on earth that I can think of why that one other bill could not have been brought up separately under suspension of the rules today. I just feel it is a travesty on congressional procedure to have this sort of a thing take place.

I support the bill.

Mr. PATMAN. Mr. Speaker, I stand by every statement I made to the committee. I do not believe the members of the committee would feel very kindly toward me if I were to knowingly fix up a package that would be defeated just on account of one bill. Certainly I was asked to expedite the passage of these bills, to get favorable action, not unfavorable action——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I cannot yield. I do not have time.

So, Mr. Speaker, in order to get favorable action they were prepared in this way so that we would get favorable action, we hope, at least we have the best chance this way.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I refuse to yield.

The SPEAKER pro tempore. The gentleman from Texas refuses to yield to the gentleman from Michigan.

Mr. PATMAN. If we had done like one of the gentlemen suggested we would have had no hope of favorable action at all. So we at least have a chance of getting something.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I do not yield.

And I repeat, instead of getting a whole lot of nothing. Every bill that passes this Congress represents a compromise of views and a sacrifice of opinion on the part of practically every Member of the U.S. Congress. We know that. If it is a major bill. You cannot have everything exactly your way. So I am glad that the gentleman from New Jersey has taken——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield now?

Mr. PATMAN. That the gentleman from New Jersey has taken the sensible position, even though he objects to some part, he supports the other.

Mr. ST GERMAIN. Mr. Speaker, I am vitally concerned about the future of the Small Business Investment Company program. I have grave doubts as to whether it is meeting the lofty objectives which Congress set out for the program in its inception.

This is one of the reasons why I voted against H.R. 8634 in the committee and is now being considered as part of Senate Joint Resolution 176. I am also concerned that the SBIC program, which was designed to help small businesses, is actually being operated to benefit small

business investment companies at the expense of small business concerns. This belief is heightened by the loose regulatory administration of the industry by the Small Business Administration as well as the large number of favorable regulations that SBA has published to benefit SBIC's. For instance, the Small Business Investment Act provides that SBA shall determine the amount of interest that an SBIC can charge on a loan. SBA has allowed the SBIC's to charge a maximum interest rate of 15 percent; and Congress, by its action in approving H.R. 8634 to make more money available for SBIC's, is in effect putting its stamp of approval on a 15 percent interest rate. I fail to see how this is helping small business.

The SBA has also ruled that a small business investment company cannot gain a controlling interest in a small business concern through the equity route and has in effect limited equity participation to roughly 50 percent. But, SBA has allowed the SBIC's to completely circumvent this regulation by allowing SBIC's to form operating companies which, in effect, can hold 100 percent of the stock of any SBIC portfolio company. This regulation was published without any notice to, or guidance from, the Congress. And, although Congress has passed legislation limiting the amount of stock that a commercial bank can own in an SBIC to 49 percent, SBA has found numerous ways to get around that regulation.

Mr. Speaker, it is time that we had a fullscale, completely objective, investigation of the Small Business Investment Company program to determine whether or not the Government should continue to provide funds through a middleman rather than making them available directly to small businessmen.

I am today asking that fullscale investigative hearings be held on the SBIC program, including the role that the Small Business Administration has played in allowing the SBIC's to charge what I consider to be usurious interest rates and to grab complete control of any promising small business concern. We must find out what types of loans are being made, the purpose of the loan, the interest rate being charged and any other features involved in the financing. Only then will we be able to ascertain whether the SBIC program is indeed helping small business.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of section 4 of Senate Joint Resolution 176, as amended. This section would restore to the Small Business Investment Act the authority it lost in 1967 when several words were inadvertently dropped as Congress amended the act. This section would amend title 15 of the United States Code to again allow small business investment companies to authorize the purchase or guarantee of all principal and interest as scheduled on debentures as was originally planned under the Small Business Investment Act of 1958.

It is necessary legislation, because small business investment companies cannot carry out the responsibilities given them by Congress unless they obtain the loans which they are entitled to under the 1958 act. The eight active SBIC's in Chicago have assisted hundreds of small and independent businesses during the past dozen years. For the past 4 years, however, these SBIC's have been limited in their ability to provide dollars to well-qualified small firms, because SBA has not been able to lend the SBIC's the money which they were promised.

This change should go a long way toward remedying that serious shortcoming. The administration and SBA strongly favor this bill; the SBIC industry supports it wholeheartedly; and small businesses themselves will be the beneficiaries of our favorable vote today. I urge its passage.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas, that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 176.

Mr. ASPINALL. Mr. Speaker, inasmuch as there has been a request for a rollcall on this matter, I would like to advise my colleagues that the plane containing the members of the funeral party is now on the ground, and that it will be, undoubtedly, approximately 30 or 40 minutes before they arrive back at the Capitol. Therefore, I would ask unanimous consent that further proceedings under this legislation go over until that time.

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I certainly have no intention to object, with all due respect, I would say to the gentleman that this request is premature. No one is asking for a rollcall vote on this bill. If a rollcall vote is asked for, I would be in favor of the gentleman's unanimous-consent request, but why make the request when it has not been asked for.

Mr. ASPINALL. If the gentleman will yield, it so happens that a request has been made for a rollcall.

Mr. PATMAN. No; it was withdrawn.

Mr. ASPINALL. No; it was not withdrawn.

Mr. PATMAN. Why not wait and see, because it is just premature and we could get through with this bill.

Mr. ASPINALL. Mr. Speaker, I renew my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado that further proceedings on the bill be postponed until the arrival of the gentleman from Massachusetts (Mr. BURKE) and our other colleagues from Massachusetts.

There was no objection.

MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION

Mr. DANIELS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11570) to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year.

The Clerk read as follows:

H.R. 11570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. DANIELS) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. ESCH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, this bill was unanimously approved by the Education and Labor Committee. It provides for a 1-year extension of the Manpower Development and Training Act.

We were unsuccessful in our efforts to enact comprehensive manpower legislation in the last Congress. We are trying again this year, but it would be unrealistic to think that the Education and Labor Committee could report a bill—and much less that the Congress could enact one—before the upcoming expiration of the Manpower Development and Training Act. We must deal with this crisis immediately so that we can deal with the comprehensive manpower legislation properly.

The MDTA expires this June and new authorizing legislation is needed so that the Appropriations Committee can consider the request for next year's funding as part of its regular proceedings on the Labor-HEW appropriations bill.

Programs under the MDTA, including the jobs program, are currently funded at about $750 million, and as of September had almost 150,000 enrollees. Unless we enact new authorizing legislation quickly, authorization for these programs will expire next June.

There is another and just as pressing need to act on MDTA extension quickly. Section 310(b) of the act provides that no funds can be disbursed after December 30, 1972. The practical effect of this provision is that no training agreement extending beyond next December can be signed and the whole program will grind to a halt because realistic commitments cannot be made. This December limitation will start to have a real impact on the program by next January when it will no longer be possible to sign agreements lasting even 1 full year.

Mr. Speaker, we need comprehensive manpower reform legislation, and I have publicly committed myself to doing all in my power to get such legislation reported out of the subcommittee and the full committee at the earliest possible date.

But we want sound and constructive legislation and one cannot write a bill properly while a crisis grows with each additional day of deliberation. Let us take care of the crisis. Let us extend the MDTA. And then we can give the comprehensive manpower legislation the consideration that it deserves.

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

Mr. DANIELS of New Jersey. I am happy to yield to the distinguished gentleman from Kentucky, the chairman of the full committee.

Mr. PERKINS. Mr. Speaker, first let me compliment the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) for brining this bill to the floor for our consideration.

Mr. Speaker, H.R. 11570 is a bill to extend for 1 year title II of the Manpower Training and Development Act of 1962.

This extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year. This extension does not diminish the need for prompt consideration of the comprehensive legislation, but is an interim action to allow the committee sufficient time to hold adequate hearings to properly develop legislation responsive to the Nation's manpower needs.

I urge the Members to adopt this needed legislation.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I rise in support of H.R. 11570, which I cosponsored with the Senator from New Jersey (Mr. DANIELS), and urge my colleagues to pass this 1-year extension of the Manpower Development and Training Act of 1962.

At the present time there are nearly 150,000 enrollees being trained with various skills under nearly 15,000 projects in local communities across the Nation. Unless H.R. 11570 is passed, these programs will disappear. The Department of Labor estimates that the number of training opportunities to be funded under title II of MDTA in fiscal year 1973 will be 308,500. During these difficult times for the unemployed and underemployed, we must not allow our single most successful manpower training program to end.

There is legislation pending designed to coordinate our national manpower efforts and resources, and which provides for continuation of the vital training programs conducted under title II of MDTA. While 11 days of hearings on this current legislation have been held by the Select Subcommittee on Labor, it will require additional time to permit all interested parties to testify and to develop legislation responsive to the Nation's manpower needs. MDTA programs are generally funded for periods of 40 to 50 weeks and some are funded up to 104 weeks. As the expiration date for title II, June 30, 1972, approaches, funds cannot be obligated for programs extending beyond that date. As a result, ongoing programs lose momentum and in some cases are being phased out. A 1-year extension of title II would permit ongoing MDTA programs to continue during the pendency of comprehensive manpower legislation and allow an uninterrupted delivery of vital training services on the local level.

Numerous witnesses appearing before the Select Subcommittee on Labor during hearings on comprehensive manpower legislation indicated the need to extend ongoing MDTA programs while current legislation is pending.

Dr. Garth L. Mangum, a noted manpower expert, strongly advocated some form of extension of MDTA while the current comprehensive bill is pending. Dr. Mangum indicated that local MDTA programs are grinding to a halt and losing momentum. He stated:

> The failure to extend [MDTA] without something replacing it in the form of some of the bills you are talking about would be that the most effective, and I say that without qualification, the single most effective program of all the programs we have had in the manpower field would simply disappear.

Malcolm Lovell, Assistant Secretary of Labor for Manpower, also urged the extension of MDTA. He testified that:

> In view . . . of the scheduled expiration of MDTA authority on June 30, 1972, it will be necessary to extend the life of that law, as is provided in H.R. 11570. . . .

Ray Torquanto, director of manpower training programs for the Commonwealth of Pennsylvania, appeared before the subcommittee solely to urge extension of the MDTA and "to bring to everyone's attention the problems of administering this fiscal year's funding appropriation without an extension, because of the way the act must be administered."

The American Vocational Association, through its Executive Director Lowell Burkett and a panel of four State vocational educational administrators, also urged extension of MDTA. One member of the panel very eloquently expressed the problem:

> I believe the Congress should continue MDTA through extension of the present Act until such time as a lasting decision [concerning pending legislation] can be made. With the expiration of MDTA scheduled for July 1, 1972 it is imperative that some action be taken. In case of new legislation, provisions for orderly transition should be included. *As the July 1 date approaches, more of our instructors will be leaving. These people represent an investment of time and money, and we are reluctant to see our program personnel ranks depleted because of the uncertainty of the future.* (emphasis added)

The projected funding of title II is based upon current year operation levels and includes realistic compensation for known variations. The $693.1 million projection represents substantially the same funding level as fiscal year 1972, as indicated in the following table:

MDTA

[In millions of dollars]

	Fiscal year 1972 (appropriation)	Fiscal year 1973 (projection)
Title II	677.5	693.1
Private sector on job training	260.5	260.5
Institutional	324.852	336.452
Special targeting	52.0	52.0
Camps	11.290	15.390
Manpower administration salary and expense	28.8	28.8

Note: The cost difference for institutional training reflects only changes in allowances levels—no changes are anticipated in program levels. The $750,000,000 figure is the "MTS" appropriations figure ($748.8) which also includes: Public sector OJT (PSC–MDTA title I), 35.4. Program support (MDTA title I and III), 42.5, made up of: TA&T, 15.9, LMI, 6.815, RD&E, 19.768. Computerized job placement (title I)—22.3.

As noted above, the only programmatic increase in funding is institutional training, and that increase is only for changes in training allowances and not in program levels. The training allowance formula under MDTA is linked to State unemployment insurance benefit payments. Section 203(a) of MDTA states that training allowance payments to States for trainees "shall not exceed $10 more than the amount of the average weekly unemployment compensation payment. . . ." Thus, as State payments to trainees increase, due to changes in State law, the training allowance paid by the Federal Government under MDTA is automatically increased.

The small increase reflected in the fiscal year 1973 projection for CAMPS is a result of two things. First, several programs which had been funded for less than 1 year were annualized, proportionately increasing their funds commensurate with the extension of their duration. Second, CAMPS has picked up the costs of youth coordinator positions previously funded by the President's Committee on Youth Opportunities.

The unemployed and underemployed workers of this country need training opportunities to acquire necessary skills. The chairman of our subcommittee (Mr. DANIELS) has moved with diligence and dispatch to conduct extensive hearings on the total area of manpower training, but it is obvious that we will not finish that task this year. While comprehensive legislation is being developed to coordinate our total approach to manpower needs and human resources, we must not allow our one successful ongoing program to expire. I urge my colleagues to support H.R. 11570 and vote for extending MDTA for 1 year.

I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this legislation, H.R. 11570. In the committee report the section which is most important for us in extending this program are the sentences found on page 3 of the committee report:

> The extension of MDTA is not intended to diminish the need for prompt consideration

and development of comprehensive manpower legislation by the committee. This extension is merely an interim action to allow the committee sufficient time in which to conduct adequate hearings and to attempt to develop legislation responsive to the Nation's manpower needs.

There is no question, Mr. Speaker, as Dr. Garth L. Mangum, one of the Nation's most recognized manpower experts has stated in a letter that the MDTA is the foundation of U.S. manpower policy, and he concluded by saying—

It remains to be seen whether the authors of comprehensive manpower legislation can build even a better superstructure.

I think it is important that we allow this most fundamental and perhaps most successful of our manpower programs to be extended in order both to give the MDTA programs a full chance to continue and the Congress the time necessary to develop the kind of comprehensive manpower legislation which, in my judgment, is so important. I urge adoption of H.R. 11570.

Mr. ESCH. Mr. Speaker, I have no further requests for time.

Mr. DANIELS of New Jersey. Mr. Speaker, I have no further requests for time, but before I yield back the balance of my time, I do wish publicly to reiterate once again that I propose as the chairman of the Select Subcommittee on Labor to proceed with all due speed to conduct further hearings on manpower legislation and to endeavor to the utmost of my ability to mark up the bill at the earliest possible moment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. DANIELS) that the House suspend the rules and pass the bill, H.R. 11570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11809), 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.

The clerk read as follows:

H.R. 11809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. PERKINS. Mr. Speaker, I move that the House suspend the rules and pass H.R. 11809. This bill would grant a temporary reprieve to hundreds of school districts whose payments under the impact aid program this year are being drastically reduced or terminated altogether. H.R. 11809 was reported unanimously with bipartisan sponsorship from the Committee on Education and Labor.

Under the present impact aid program school districts having Federal property which is transferred to other ownership during a school year continue to receive their impact aid payments for that school year and for 1 additional year after the transfer has occurred.

When the U.S. Postal Service was created earlier this year and the General Services Administration transferred the post offices under its jurisdiction to this new corporation, over 700 school districts unexpectedly lost property which the Office of Education had considered Federal property for purposes of the impact aid law. And then the General Counsel of the Department of Health, Education, and Welfare compounded the problem by ruling that these particular transfers of Federal property could not qualify for the normal "grace period" because of a quirk in the definition of Federal property contained in Public Law 81–874.

The simple purpose of this bill is to correct the inequity caused by this opinion and to make these districts eligible for the same kind of grace period as all other impact aid districts. This period will allow them to finish this year with the impact money which they have already budgeted and to continue 1 more year while they make plans to lessen their reliance on impact aid or to eliminate their participation in the program altogether.

Therefore, Mr. Speaker, I urge the House to suspend the rules and pass H.R. 11809.

Mr. GROSS. Mr. Speaker, will the gentleman from Kentucky yield?

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

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that the way to get impacted aid is to have Government property in one's congressional district?

Mr. PERKINS. A couple of years ago we extended the maintenance and operations statute—Public Law 874, 81st Congress—to include employees working in post offices which were under the jurisdiction of the General Services Administration.

Of course, the Postal Corporation was thereafter created. It was the opinion of the General Council of HEW which brought about the necessity for this legislation. This only restores the right to be counted for the next 2 years, for Government employees working in post offices which had been under the jurisdiction of the General Service Administration.

Mr. GROSS. Why were Postal employees included in the first place?

Mr. PERKINS. Let me say to my distinguished colleague that this will only continue under this legislation for 2 years.

Mr. GROSS. This seems to me to be legislative gimmickry at its worst to justify impacted school aid on any such premise as that. I am surprised to learn about it.

Mr. PERKINS. The question would not have been raised had the Postal Corporation not come into existence.

Mr. GROSS. Then some of us would have gone right on without ever knowing about it, I guess.

Why 2 years?

Mr. PERKINS. That is the time we felt was needed for these districts to phase out. They have all budgeted the money this year, and then next year they can begin to phase out.

Mr. GROSS. Of course, this is an abnormal situation, in that there is no reason for including these people in the first place.

The school districts affected ought to be able to work out of this by the end of the current year, rather than to add another full year to this kind of rooking of the taxpayers.

Mr. PERKINS. Let me say to my distinguished colleague that this amount was already included in the budget for this year.

Mr. GROSS. So, just because it is there, let us go get it?

Mr. PERKINS. And the Members of both bodies voted to include this type of Federal property.

Mr. GROSS. Can we not admit that mistakes are made around here, and try to rectify them when they are discovered?

Mr. PERKINS. Yes, at the proper time in the future. But I do not believe it would be equal justice for the school districts to make plans and these children to be counted, and then, at this late hour, after the money is in the budget, change it. I believe it could upset a lot of planning.

Mr. GROSS. It is the old story: There is the money. Let us spend it. It does not make any difference whether they are entitled to it or not; let us get rid of it.

I thank the gentleman for yielding.

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

Mr. Speaker, I rise in support of H.R. 11809.

Ordinarily, when Federal property is sold or transferred, school districts receiving funds related to such property under Public Law 81–874 are accorded a phase-out period during which they can prepare for the reduction of the impact aid money.

Due to a fluke in the law, however, school districts containing post offices transferred by GSA to the new U.S. Postal Service have found themselves ineligible for impact aid they had counted on receiving.

This situation causes unnecessary hardships which would be remedied by the bill before you.

This measure would simply provide those school districts essentially the same phaseout procedure to which they would be entitled if other Federal property were involved.

Mr. Speaker, this is a bipartisan bill and it was reported unanimously by the Committee on Education and Labor.

I urge my colleagues to support it.

Mr. GROSS. Will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. GROSS. Could it be possible that impacted school aid would be paid in a school district 16 years after the military installation was closed and the reason for the aid removed?

Mr. BELL. Not according to this bill.

Mr. GROSS. I am not talking about this bill. Could it be possible that this could happen in this allegedly enlightened world of where there is so much money spent on education?

Mr. BELL. I suppose my answer would have to be that it is possible.

Mr. GROSS. It is possible?

Mr. BELL. But not under this law. Of course, anything is possible.

Mr. GROSS. No one seems to know why postal employees ever got into this thing, because they are not impacting any schools. Are they?

Mr. BELL. I agree with the gentleman from Kentucky on that. I would not favor that, either.

Mr. GROSS. So why are we today compounding the mistakes of the past?

Mr. BELL. As far as this bill is concerned, it is just getting some equity.

Mr. GROSS. Equity?

Mr. BELL. Yes. Equity for people who have been expecting this money and who have been expecting it for quite a while and all of a sudden it is cut off. You have to have a budget and programs planned for a school year. When the budget is upset this way, you have to have some phasing out. That is all this is. It is a phasing out.

Mr. GROSS. Each of these school districts could meet now and revamp their programs before next fall and before another school year starts. There is nothing so cumbersome that they could not hold a meeting and do what they should have done in the first place, which is to pay for this education themselves. They had a hand in the Federal Treasury but they want to get it in clear up to the elbow.

Mr. BELL. The money goes to help the youngsters and the school districts now. I suppose over a period of time they can get together and do this, but this gives them time to do it. Unfortunately, these things take time to plan and to budget. We are trying to avoid a definite hardship for school districts the same as you do in other areas similar to this.

Mr. GROSS. I suppose everyone should go out and get a chunk of Government property of some kind and then get a few mailmen involved in order to raid the Treasury.

Mr. BELL. I do not know. I think probably the Government investments are pretty good investments.

Mr. GROSS. You do not see this coming to an end at any time in the foreseeable future, do you?

Mr. BELL. I think with the fine work that you and others have done maybe we can bring a lot of foolishness to an end.

Mr. GROSS. Thank you.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. BELL. I have no further requests for time.

The SPEAKER pro tempore. If there are no further requests for time, the question is on the motion offered by the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 11809.

The question was taken.

Mr. BROOMFIELD. 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.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. BROOMFIELD. Surely.

Mr. ASPINALL. Mr. Speaker, I make the same request that I have made heretofore on the prior two bills. The funeral party is on the way to the House floor. I ask unanimous consent that further proceedings on this legislation be passed over until the funeral party arrives.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, we are getting votes piled up to the point that if they come in succession I do not know whether we will be able to obtain rollcalls. The gentleman from Colorado has been here for a good many years, and he knows how this thing can mushroom and how we can fail to obtain votes on some of these issues on which some of us would like to get on record.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I yield to the gentleman from Colorado.

Mr. ASPINALL. I think it is the understanding of the leadership that there will be votes under such conditions as have arisen here this afternoon.

Mr. GROSS. On all of these issues?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, these three issues that I have suggested. However, with reference to the one that was passed by a voice vote, there is no reason for that.

Mr. GROSS. I agree with the gentleman on that one.

Mr. ASPINALL. With reference to these three bills on which I have made the special request, it is my understanding that there will be rollcall votes if they are desired.

Mr. GROSS. I guess I am getting mellow in my old age, but I will go along with this just once in order to see how it works.

Mr. ASPINALL. May I say to the gentleman, again I appreciate his mellowness and his willingness to go along with this unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. TALCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TEAGUE of Texas). The gentleman from California will state his parliamentary inquiry.

Mr. TALCOTT. Mr. Speaker, I would like to inquire if indeed there is a quorum present when this bill is called up, whether or not we can have a rollcall vote because right now we are entitled to it?

The SPEAKER pro tempore. It is the understanding of the Chair that the leadership on both sides of the aisle have agreed that there will be rollcall votes on these matters on which they are demanded.

Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING CERTAIN NAVAL VESSEL LOANS

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes, as amended.

The Clerk read the bill, as follows:

H.R. 9526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Government of Greece; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or sucessor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

SEC. 2. Loans executed under this Act shall be for periods, not exceeding four years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

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

Mr. GROSS. Mr. Speaker, is the gentleman from Illinois opposed to the bill?

Mr. ARENDS. No, I favor the bill, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I, therefore, demand a second.

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

There was no objection.

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) will be recognized for 20 minues, and the gentleman from Iowa (Mr. GROSS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of H.R. 9526, as amended, and recommend its approval by the House.

This legislation, will, if enacted, authorize the loan of 16 naval vessels to nations having a long history of friendship with the United States. The loans involve the following nations:

Spain—5 destroyers and 2 submarines.
Turkey—1 destroyer and 2 submarines.
Greece—2 destroyers.
Italy—2 destroyers.
Korea—2 destroyers.

In summary, therefore, this bill will authorize the loan of 14 vessels to our allies in the European area and two vessels to our good friends in South Korea—a total of 16 vessels.

At this point, I think it important to emphasize that none of these loans are being made to countries with whom we have disagreement as to fishing rights or jurisdiction of territorial and international waters.

Stated another way, these loans are not being made to any of the Latin American countries such as Equador or Chile.

The bill as submitted by the Department of Defense would have authorized the loan of these vessels for 5 years with a provision that they could be extended by mutual agreement between the two countries for an additional 5 years. However, this provision was changed by the Committee on Armed Services to limit the loan perior to 4 years and to preclude any extension of these loans without concurrent action by the Congress approving such extensions.

The committee added this modification to the bill so as to insure congressional control over the future use of these vessels beyond the 4-year period authorized in the legislation.

The ships involved in this legislation will be used by recipient countries to discharge naval responsibilities assumed by them in their respective areas of the world.

All of the vessels scheduled for transfer to the recipient countries will come from ships no longer required for our own forces. The transfer of these ships will involve costs approximating $32½ million. These costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or in the case of certain of these countries, to funds provided by the recipient government.

The ship loans authorized by this legislation are those strongly recommended by the Department of Defense and State Department. The execution of these loans are in the national interest.

The Committee on Armed Services approved this legislation as reported by a vote of 29 to 3. I, therefore, urge approval by the House of this bill as reported by the committee.

Mr. Speaker I include the following letter in support of this legislation.

DEPARTMENT OF STATE,
Washington, D.C., December 3, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing you with regard to the FY 1972 Ship Loan Bill (HR 9526) which will shortly be presented for a vote in the House. I understand that some Members are reluctant to support it because of the fact that some loaned ships, notably those in Ecuador, have been used to seize or harrass American fishing vessels in the high seas and that these loans have not been recalled.

As you are aware, there are no loans for Ecuador in HR 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States interest in freedom of the seas.

In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.

Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.

The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the US with regard to the Law of the Sea.

We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.

We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

I would like to take this opportunity to stress that the ship loans proposed in HR 9526 to Spain, Italy, Greece, Turkey and the Republic of Korea, are important to our overall security assistance program and directly affect US security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major US bases in that country. I urge you to give this legislation your support.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I rise in support of the bill as reported by the committee and urge the approval of the House.

I would like to emphasize that the ship loan program is only one part of the overall military assistance program and that these ships would otherwise be held in our inactive reserve fleet at our own expense. The program, therefore, permits these ships to continue to contribute to the defense of our Nation as well as those nations allied with us without any significant monetary contribution on our part.

Seven of the 16 vessels in the bill before the House will be loaned to NATO allies and will be used, for the most part, in the strategic Mediterranean area.

The seven vessels for Spain are part of a Spanish agreement to guarantee the U.S. use of some of its most important military bases anywhere in the world.

The Spanish loans will be used heavily in the Mediterranean and will thus increase friendly naval strength in that area.

The two destroyers for Korea will help that area along toward self-sufficiency and will be important evidence of the firmness of our intentions to fulfill treaty obligations in the East Asian nations.

The ship loan program is an excellent example of the Nixon doctrine in action. It allows us to keep in service ships which would otherwise have to be deactivated and it provides an economic and effective way for our friends and allies to defend themselves and make a greater contribution to our collective security.

These are the considerations that prompted the Committee on Armed Services to concur in this request of the executive branch. I strongly share this point of view and believe that this legislation deserves the support of every Member of this body.

Mr. GROSS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I have great respect for the members of the Committee on Armed Services, and I have always looked to them for leadership in providing for greater national security, but I remember one time when our colleague, the late Mendel Rivers, twisted my arm and persuaded me to remove my objection to a unanimous-consent request so that he could get a vessel loan bill through, and that was for the Latin American countries. We have a lot of our older vessels down there, both Coast Guard and Navy, and they have been used against our fishing fleet.

Now many of them are not on loan but under what I would call seizure be-

cause the loan authorization has expired. I do not know where these vessels will end up and whether we can ever get them returned after 4 years. Frankly, I have just become disillusioned with this loan program.

Mr. Speaker, I will vote for any programs to enlarge our Navy and to build up our national security and to provide for a U.S. ship construction program to deter war by strength, but I cannot get myself to support these loans, after our bitter experience with the naval vessels that have been loaned to Latin Americans.

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

Mr. PELLY. I yield to the gentleman.

Mr. HÉBERT. I will say to the gentleman that nobody could be more in accord with what the gentleman has just said than the chairman of the Committee on Armed Services. I feel very keenly about the situation in Latin America and have always looked with dismay on the prostitution of our good graces by the seizure of our ships. It is a most disgraceful act and it is a matter on which I have so expressed myself in committee.

However, I will say to the gentleman that this is no time to bring this matter up.

Mr. Speaker, I will not only call this matter up for a hearing, but I shall vigorously support any such legislation which places limitations on the actions of Latin American countries which have abused our friendship in the manner in which they have handled our largesse.

However, at this particular time, it is of special importance that this bill be passed because of our association with the nations mentioned and particularly with the Spanish Government where we are overdue in carrying out our agreement on the renewal of our base agreement in Spain.

I hope the gentleman would understand the situation in which we find ourselves, and of course I can well understand the gentleman's feeling in the matter, and his reference to our late colleague, Mr. Rivers.

As a matter of fact, the last conference I had with Mr. Rivers, which was a few days before he died and it was in Birmingham, on the ship loan bill. I know his feelings in the matter and I know exactly how he felt and I share those feelings now.

Mr. Speaker, I think in the light of what has happened, he would stand here with the gentleman and myself and decry what has happened in the Central American countries.

This can be corrected by legislation which I will support and bring before the Committee on Armed Services as quickly as possible.

Mr. PELLY. Mr. Speaker, again I want to express my great admiration and respect for the chairman and the other members of the Committee on Armed Services.

However, you cannot pass a bill and compel some foreign nation to return these vessels.

I would like to see a stronger U.S. Navy. under our own control. I feel once we have transferred these vessels under a loan, we have no assurance that they will ever come back and I doubt whether in many instances they will.

Could I ask the gentleman—has there been any transfer of these vessels heretofore? Is this just to authorize action that has already been taken or are we under control of these vessels?

Mr. HÉBERT. No, sir, these are new loans. These ships have not been transferred before. I anticipate the gentleman's concern, however, and again stand with him. We have never asked for and have never seen the return of a single ship—which is wrong—it is as dead wrong as it can be and shows a weakness on our part that should not be.

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

Mr. BRAY. Mr. Speaker, this is the annual ship loan bill. Under the provision of section 7307 of title 10, United States Code, this section requires the consent of Congress for the sale, transfer, or other disposal of any battleship, aircraft carrier, cruiser, destroyer or submarine that has not been stricken from the Naval Vessel Registry. In accordance with the requirements of section 7307 the Armed Services Committee has approved the following transfers:

Spain: five destroyers and two submarines; Turkey: one destroyer and two submarines; Greece: two destroyers; Republic of Korea: two destroyers; and Italy: two submarines.

Over the past 2 years the United States Navy will have gone from 769 ships on June 30, 1970, to 657 ships on June 30, 1972, for a decrease of 112 ships. Of the ships that have been retired from active duty some have been judged to be valuable enough to be kept on the Naval Vessel Register for possible future use by the Navy. It is from these ships that the loans are being made.

Although section 7307 was first enacted in 1951, it is an example of the Nixon doctrine of supplying our allies with hardware while having our allies supply the manning. Instead of mothballing these ships which have been retired from active duty, they will be continued in service with foreign crews. This will not only allow the foreign countries to have more modern ships than they have now, but it will also keep these ships in better condition than they would if they were in mothballs.

Four of the recipients of these ships are located in the Mediterranean. Spain, standing at the entrance of the Mediterranean, is receiving five destroyers and two submarines. Turkey, which stands astride the Bosporus, is receiving one destroyer and two submarines. Greece, which is close to the Bosporus, is receiving two destroyers, and Italy, which bisects the Mediterranean, will receive two submarines. All of these ships will strengthen the ability of our allies to meet the increased Soviet threat in the Mediterranean. Recently the Soviets have been sailing fleets of 55 to 60 ships or more in the Mediterranean—and doing it far more frequently than they ever did before. Included in those fleets are large numbers of submarines.

Of course, Turkey, Greece, and Italy are members of NATO. Our transfer of the ships involved here to these countries will help strengthen the southern tier of our NATO allies at a time when there is an increased threat to that side of NATO from the Soviets.

Mr. Speaker, the question has been raised as to what the United States is going to do with the ships it has supplied to Ecuador. The Department of State has just written to the committee as follows:

As you are aware, there are no loans for Ecuador in H.R. 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States' interest in freedom of the seas.

In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.

Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.

The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the U.S. with regard to the Law of the Sea.

We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.

We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

With respect to the overall importance of the ship loan bill, the State Department has also advised the committee as follows:

I would like to take this opportunity to stress that the ship loans proposed in H.R. 9526 to Spain, Italy, Greece, Turkey, and the Republic of Korea, are important to our overall security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major U.S. bases in that country. I urge you to give this legislation your support.

Mr. Speaker, I urge the House to pass this legislation.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, I am one of those who voted against this legislation in committee.

I have voted for it in the past, but I share with the gentleman from Washington (Mr. PELLY) certain reservations about what happens to these ships.

I share with the gentleman from Washington (Mr. PELLY) certain reservations about what happens to these ships, and not only in connection with South America, but today, for example, there are 16 American naval vessels under the jurisdiction of Pakistan. What do you think is happening to the 16 American naval vessels under the jurisdiction of Pakistan today?

The hearings on this legislation run for page after page after page detailing all the ships which American taxpayers have paid for and which are today in the hands of other nations. This bill includes ships to Turkey, for example, and in the hearings from pages 7077 to 7079 we list 121 ships which Turkey has which American taxpayers paid for. Now, they are not all big ships. They are mostly small ships—patrol craft, patrol boats, landing vessels. But there are submarines in there. There are a lot of submarines in there.

This particular bill calls for a lot of ships to Spain, and there are about 50 or 60 ships which Spain already has under her jurisdiction.

If you look at the rationale set forth in the report on this legislation, it says that it is going to accomplish things like getting them to accept our doctrines of the sea, getting these recipient nations to accept our doctrines. Well, one of our principal doctrines has always been the 3-mile limit, which we will extend to 12 miles for purposes of conserving fish resources. But nation after nation which has gotten these ships has ignored this 3-mile limit and is demanding 200 miles of jurisdiction. Our vessels are being used against us all over the world to guarantee to foreign countries that they will take jurisdiction 200 miles out to sea.

The chairman said that these ships are going to remain under our control. The trouble is it just is not so. The bill is probably a pretty good bill as far as the language is concerned, but it is not as strong as the language which we have had in bills in the past.

For example, in connection with Peru, Peru today has two ships of ours on which the legislation has expired. The authority to have these ships has expired. And they do not give the ships back. They keep the ships. The testimony we had before the hearing revealed that not once has a ship which has gone out on "loan"—and "loan" is in quotes—from the United States of America has ever come back to the United States of America.

In connection with a loan which we made to Peru of a ship, a destroyer named the *Isherwood*, the language when we extended the loan, said:

> Any agreement for a new loan or an extension of a loan executed pursuant to this Act shall be subject to the conditions that the agreement will be immediately terminated upon finding made by the President that the country with which such agreement was made has seized any United States fishing vessels.

Peru, everybody knows, has seized U.S. fishing vessels. So what does the State Department say in justification of this this? They say:

> The diplomatic note proposing the terms for the loan extension of *Isherwood* was presented to the Government of Peru after passage of the law. The Peruvians have not responded.
>
> In view of our experience with the *Isherwood* and the delicate state of our relations with Peru at present, we do not believe it is in the best interests of the United States to press the matter of these loans at this time.

One of the ships for which the loan has already expired is a submarine held by Pakistan, and that submarine is in Pakistan right now and the loan has expired. We keep saying, "Well, in view of the delicate nature of our relations with this country we ought to let them keep the ship."

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Speaker, I yield 5 additional minutes to the gentleman from New York.

Mr. PIKE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the hearings on this bill are good hearings, and I recommend that the Members take a look, not just at the report, but also at the hearings, because beginning on page 7018 of the hearings, there is listed the country of Brazil; and we go from Brazil to Burma; to Cambodia; to Canada; to Chile; to Colombia; to Denmark; to the Dominican Republic; to Ecuador; to Egypt; to El Salvador; to Ethiopia, which has about 20 ships; France, which as of last year still had three pages worth of ships which the American taxpayers have paid for and which are still set forth as being on hand last year in France; Burma, which has about 10; Greece, which has about 90, and they are on pages 7034 and 7035 of the hearings. There are just page after page after page. Guatemala has our ships; Haiti has our ships; Indonesia has our ships; Iran; Israel has one, by the way; Italy has two and a half pages worth; Panama has three; Japan has one and a half pages worth. And I have only gotten to the J's. There are literally hundreds and hundreds of ships paid for by the American taxpayers.

It is true, Mr. Speaker, they may be obsolete, but again, the justification given by the Navy for the submarines, for example, which are going to Turkey in this bill, is that they are going to be modernized, going to be used to modernize the Turkish submarine fleet. If they can modernize their submarine fleet with those ships, those ships ought to be of some use to us.

I would suggest we cannot control what happens in any of these countries once they get our ships. Chile has two cruisers in addition to some destroyers, and by an election Chile decided to go Communist, and Chile maintains the cruisers and maintains the destroyers, and if anybody tells me that having American cruisers and American destroyers paid for by the American taxpayers in the hands of the Chileans at this time contributes to our national defense—I just cannot believe it, that is all.

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

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

Mr. GROSS. Mr. Speaker, in the case of Peru, they still have not made settlement for the confiscation of millions of dollars worth of American-owned property. The leases on the vessels loaned to Peru have expired, and yet we cannot get those vessels back.

Mr. PIKE. The gentleman is absolutely correct. I would say most of the ships we have loaned out are today in the hands of dictatorships either of the right or of the left.

Mr. GROSS. I certainly agree with the gentleman.

Mr. PIKE. And once they get their mitts on the ships we do not get the ships back, and we do not control them, and they do not help our national defense in any manner.

Mr. GROSS. The distinguished chairman of the commitee, Mr. HÉBERT, made a point of the fact that the term of the loan or lease terms in this bill have been reduced from 5 to 4 years. As far as I am concerned—and I do not know the reaction of the gentleman from New York—this simply is window dressing. We are not going to get the ships back anyway unless we force their return.

Mr. PIKE. I would like to think it is a little more than just window dressing, because it was my amendment that cut it down to 4 years. However, the gentleman is correct. It does not matter what the term of the loan is, because, as with all these ships, we never get them back anyway. They are gone, they are out of our hands, they are out of our control. They may be used in civil wars in which both sides may come to hate us, because it is the American ships that are killing on each side, and they may be used against us as they have been in the past.

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

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

Mr. FINDLEY. Mr. Speaker, did the committee consider the possibility of converting this to a sale instead of a loan? In other words, would it not be a much cleaner issue if we simply sold or donated the vessels?

Mr. PIKE. I would say to the gentleman this bill only scratches the surface of how we get ships into the hands of other countries.

This is a loan program. There is also a lease program. There is a grant program. And there is a sale program. We have more ways of getting ships into the hands of other nations than the world has ever seen.

Mr. HÉBERT. Mr. Speaker, I yield to the distinguished majority leader, Mr. BOGGS, for a unanimous-consent request.

HON. WILLIAM P. CURLIN, JR.

Mr. BOGGS. I thank the gentleman from Louisiana.

Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. WILLIAM P. CURLIN, JR., be permitted to take the oath of office now. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking: This will not foreclose the time allotted for the purpose of debate under the suspension of the rules procedure?

The SPEAKER. It will not.

Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CURLIN appeared at the bar of the House and took the oath of office.

Mr. HÉBERT. Mr. Speaker, I yield myself 1 minute.

I would like to have the attention of the gentleman from Iowa, with reference to a question he asked in connection with the amendment to the bill, on the 4-year limitation as related to the 5-year limitation and to the extension.

The distinguished gentleman from New York (Mr. PIKE), I am sure inadvertently, did not identify himself as the author of those two amendments in the committee. From his dissertation here today and the statement Members heard him make I believe the House Members may be under the impression he was opposed to the whole bill. His amendments were accepted by the committee after he offered them.

Now, Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I rise in support of the bill, although certainly with some trepidation, because I was one of those who voted against the bill in the committee.

Mr. Speaker, on July 26, we passed the Foreign Assistance Act amendments, H.R. 9910, which contained the following addition to Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961:

(V) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may no be waived pursuant to any authority contained in this Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding.

An attempt to delete this prohibition on the floor was overwhelmingly defeated 122 to 57, the bill was passed, it is now in conference, and we can be virtually certain that the prohibition will be included in the bill which emerges from conference.

Now on page 4 of the report on H.R. 9526, the bill we are now discussing, it says in part—

Enactment of this measure will involve the expenditures of approximately $32.5 million. In the case of . . . the Government of Greece . . . these costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or its successor legislation, or to funds provided by the recipient government.

I want to be very clear about this. Assuming the House language regarding Greece contained in H.R. 9910, is enacted into law, no funds will be authorized to be apppropriated for the transfer of these two destroyers to Greece unless the President notifies the Congress in writing that national security requirements justify waiving the restriction specified in H.R. 9910.

In short, these ship loans to Greece are covered by the same restrictions as other military aid.

I share some of the reservations which the gentleman from New York (Mr. PIKE) on the committee has.

While there are a number of ways in which ships can get to alleged allies and friends around the world, this House has participated with respect to grants and loans respecting perhaps some 17 countries. When we look at that record, I believe it is rather dismal.

There are three destroyers to Argentina. That is a military dictatorship.

There are two submarines and six destroyers to Brazil. That is a military dictatorship which is renowned for its recent evidences of torture, for which columnist Bill Buckley indicted them the other day.

We have two submarines and two destroyers in Chile, which has a Marxist government. Of course, the only reason for having those kinds of ships would be an altercation with Peru.

Of course we balanced that, because we have two destroyers given to Peru, which is a military dictatorship though strongly leaning toward socialism.

We have given a destroyer to the democracy of Colombia.

We have given five destroyers to the democracy of Germany.

In this bill we have some ships programed for Greece. Greece already has two submarines and six destroyers, and two more programed. I will address that situation in a minute.

I would like to add that Italy, a democracy, was given five submarines; Japan, two submarines; Korea, two destroyers and two DE's.

Of course, in Pakistan we knew when we gave them ships some years ago that they would probably only use them against India. Bombay was bombed this morning. Pakistan has one of our submarines which they will undoubtedly use in their effort against India.

The Philippines has one destroyer escort. Spain, admittedly a Fascist state, is getting two submarines under this bill. It already has a helicopter carrier and five destroyers. Nationalist China, which is no paragon of democracy, has six destroyers and one destroyer escort. Thailand, which just recently opted for a military dictatorship, is getting a destroyer escort. Turkey is getting two submarines and a destroyer escort under this bill, but there is no doubt that they will be using these submarines and destroyers not to help us in our NATO effort but against Greece, which is also getting ships under this bill because they have a major problem over Cyprus. Of course, Vietnam got two destroyer escorts in the previous legislation.

So, Mr. Speaker, I would like to ask a question of the chairman of the committee. Considering the fact that there has been some major concern with respect to the use of our ships that we have already approved in this House, as to whether or not those ships have really been used pursuant to a plan which has been helpful to the United States and considering the fact that we have problems with these ships in Ecuador and South America, and so forth.

Mr. Speaker, at the end of my remarks, I want to insert three tables. First, a list of our ships confiscated this year by Ecuador; second, a list of U.S. ships loaned to Ecuador over the past 15 years, many of these ships participated in the confiscation; third, a table of total U.S. seizures through 1970 in South America.

I am wondering if perhaps it might be well if our committee held hearings and actually looked into what the Navy is doing not only with the ships we have approved but those that they have put out on lease and loan without our consent. Of course, they do not always need our approval for smaller ships under the other provisions of the law. Have you thought about our committee holding a general review of this situation and coming up with further recommendations?

TABLE I—FISHING VESSEL SEIZURES, 1971

Seized	Name	Amount paid to obtain release	Released
	PERU		
Mar. 30, 1971	Puritan	$12,000	Mar. 31
	ECUADOR		
Jan. 11, 1971	Lexington	33,800	Jan. 14
Jan. 15, 1971	Bold Venture	49,950	Jan. 16
Do	Anna Maria	52,000	Do.
Jan. 17, 1971	Apollo	86,650	Jan. 19
Jan. 18, 1971	Antonia C	39,840	Do.
Do	Ocean Queen	69,100	Do.
Do	Cape Cod	44,169	Jan. 20
Do	Capt. Vincent Gonns	52,550	Jan. 19
Do	Blue Pacific	56,550	Jan. 20
Jan. 20, 1971	Hornet	37,800	Jan. 22
Jan. 21, 1971	Quo Vadis	48,150	Do.
Jan. 22, 1971	Neptune	42,950	Jan. 23
Do	Day Island	46,500	Do.
Jan. 23, 1971	Caribbean	41,200	Do.
Jan. 27, 1971	Coimbra	17,750	Jan. 29
Do	Western King	38,050	Jan. 28
Do	Jeannette C	65,550	Do.
Feb. 10, 1971	John F. Kennedy	45,000	Feb. 11
Feb. 20, 1971	West Port	32,150	Feb. 21
Feb. 24, 1971	Nautilus	40,250	Feb. 25
Feb. 27, 1971	Concho	41,550	Feb. 28
Do	United States	41,550	Do.
Do	Lois Seaver	24,750	Do.
Do	Sun Europe	23,050	Do.
Mar. 3, 1971	Apollo [1]	155,340	Mar. 4
Mar. 27, 1971	Caribbean [1]	74,160	Mar. 28
Nov. 10, 1971	Venturous	46,100	Nov. 11.
Do	Blue Meridian	32,400	Do.
Do	Trinidad	59,662	Do.
Nov. 12, 1971	Royal Pacific	24,700	Nov. 14.
Do	Endeavor	17,150	Do.
Do	Cheryl Marie	50,900	Do.
Do	Mary S	45,900	Do.
Do	Eastern Pacific	37,450	Do.
Nov. 13, 1971	Lexington	60,840	Do.
Do	Cabrillo	44,950	Do.
Do	Elsenore	17,200	Do.
Do	A. K. Strom	73,050	Do.
Nov. 18, 1971	Ecuador	22,250	Nov. 19
Do	Wiley V. A	22,350	Do.
Nov. 19, 1971	Anna M	45,050	Nov. 20.
Nov. 23, 1971	Vivian Anne	37,703	Nov. 24.
Do	Larry Roe	41,250	Do.
Do	Missouri	41,200	Nov. 26.
Nov. 24, 1971	John F. Kennedy [1]	80,460	Do.
Do	J. M. Martinac	38,350	Do.
Do	Connie Jean [1]	68,030	Do.
Nov. 25, 1971	Bernadette	19,000	Do.
	Total	2,200,000	

[1] Fines doubled, 2d time seized.

TABLE II.—SHIPS LEASED (NAVY TO NAVY)

Name	Date leased	Date expires
ANL–27 (net laying boat)	November 1965	July 1965.
ARD–17 (auxiliary repair drydock).	January 1961	January 1971.
ATF–155 (fleet ocean tub) U.S.S. Cusabo.	November 1960	November 1970.
AFS–525 (combat store ship).	July 1964	July 1974.
YR–34 (floating workshop).	July 1962	July 1972.
YW–131 (water barge)	January 1963	January 1973.
ADP–66 (transport) U.S.S. Enright.	November 1966	January 1972.

Note: Terms of lease: Can be terminated by either party on 30 days' notice. Neither leases nor loans are subject to specific legislation per 10 USC 2667. Destroyers, submarines, and major combatant ships require congressional authorization to loan.

SHIPS LOANED (GOVERNMENT TO GOVERNMENT)

Name	Date loaned	Date expires
PCE–846 (patrol craft) U.S.S. Eunice	November 1960	November 1965.
PCE–874 (patrol craft) U.S.S. Pascagoula	December 1960	December 1965.

Note: 48 seizures this year.

TABLE III.—DATA ON SEIZURES OF U.S. FLAG TUNA CLIPPERS DURING PERIOD JANUARY 1961 TO DECEMBER 1970

STATISTICAL SUMMARY

	Resume	By year									
		1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Total number of seizures	92	1	10	11	2	10	14	16	10	14	4
Total estimated fishing days lost from seizures	374	4	75	59	2	51	54	63	35	25	6
Total fines paid for release of vessel	$757,021.90	$2,500.00	$17,427.90	$20,688.00	0	$19,312.00	$80,636.00	$105,768.00	$288,960.00	$67,578.00	$154,2520.00
Total licenses and matriculas paid for release of vessels	[1] 151,786.10	[1] 0	[1] 5,180.00	[1] 8,350.70	[1] 0	[1] 28,942.20	[1] 2,900.00	[1] 39,988.20	[1] 40,001.00	[1] 26,514.00	[1] 0
Total other costs	[1] 24,377.12	[1] 714.85	[1] 240.30	[1] 157.00	[1] 0	[1] 1,517.86	[1] 5,039.68	[1] 8,443.60	[1] 6,287.50	[1] 1,976.33	[1] 5,0900.0
Total costs	933,184.12	3,214.85	22,848.20	29,195.70	0	49,772.06	88,575.68	154,109.80	335,248.50	95,968.33	160,152.00

[1] Estimated.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Shamrock	253 836	Mar. 21, 1961	Mar. 24, 1961	4	Panama:		Filed: May 29, 1961	Vessel at anchor repairing anchor, 9.25 miles (98° True Isla Pelado, at 08° 39.4′ latitude, (north) 78° 51.5′ west longitude. Name of foreign vessel unavailable.
					Fine	$2,500.00	Acknowledged: (1)	
					License	None	Certified: July 10, 1961	
					Matricula	None	Paid: (1)	
					Etc	714.85		
					Total	3,214.85		
San Joaquin	270 154	Feb. 12, 1962	Feb. 24, 1962	13	Colombia:		Filed: May 8, 1962	Vessel in set, net in water, seized by warship Arc Gorgonia 7.9 miles SW Pt San Francisco Solano, at 06° 03′ north latitude 77° 32′30″ west longitude.
					Fine	2,277.90	Acknowledged: May 21, 1962	
					License	None	Certified: Jan. 7, 1963	
					Matricula	None	Paid: June 3, 1963	
					Etc	40.30		
					Total	2,318.20		
Western Ace	263 848	Mar. 28, 1962	Mar. 31, 1962	4	Ecuador:			Near Manta, Ecuador, vessel seized while fishing Name of seizing vessel not available, exact position of seizure not available.
					Fine	None		
					License	4,830.00		
					Matricula	350.00		
					Etc	(1)		
					Total	5,180.00		
Lou Jean	249 580	Apr. 28, 1962	May 3, 1962	6	El Salvador:			Traveling homeward, seized by warship G.D.–2, about 15 miles off Rio Tempa River, at 12° 58′ north latitude, 88° 50′ west longitude.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	200.00		
White Star	249 335	Aug. 3, 1962	Sept. 10, 1962	35	Ecuador:			Vessel traveling when seized. Name of seizing vessel unavailable, exact position of seizure unavailable.
					Fine	None		
					License	(1)		
					Matricula	(1)		
					Etc	(1)		
Larry Roe	278 930	Aug. 24, 1962	Aug. 24, 1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship, off Galapagos Islands. Name of seizing vessel not available, exact positions of seizure not availabe.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Evelyn R	230 063	Sept. 10, 1962	Sept. 13, 1962	4	Ecuador:			Vessel entered port and was then seized. No seizing vessel. Location was Galapagos Islands.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Western Ace	263 848	Oct. 28, 1962	Nov. 1, 1962	5	Peru:			Vessel fishing when boarded by armed soldiers from Peruvian warship, "Angel", about 11 miles off Peru, at 03° 50′ south latitude, 81° 08′ west longitude.
					Fine	5,000.00	Filed: not applicable	
					License	None	Acknowledged: not applicable	
					Matricula	None	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Chicken of the Sea	248 779	do	do	5	Peru:			Vessel fishing when seized and boarded by Peruvian warship, "Angel", about 11 miles off coast of Peru, at 03° 50′ south latitude, 81° 08′ west longitude.
					Fine	10,000.00	Filed: not applicable	
					License	(1)	Acknowledged: not applicable	
					Matricula	(1)	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Elsinore	271 490	Nov. 18, 1962	Nov. 18, 1962	1	Ecuador:			Vessel fishing North of Cape Berkely, San Isabella (Galapagos Islands). Name of seizing vessel not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Larry Roe	278 930	Nov. , 1962	Nov. , 1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship off Wreck Bay, San Cristobal, Galapagos Islands.
					Fine	150.00		
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	May 22, 1963	May 22, 1963	1	Ecuador:			
					Fine	None		Vessel fishing when seized by Ecuadorean warship about 8 miles off Manta, at 00° 44′ south latitude, 88° 53′ west longitude, ship's document converted.
					License	None		
					Matricula	None		
					Et cetera	None		
Ranger	253 538	May 25, 1963	June 11, 1963	18	Ecuador:			
					Fine	$9,504.00		Vessel fishing when seized by Ecuadorean warship "D.O.–2; Jambeli: D.O.1." 13 miles, 260° True, Cojimes Island, at 00° 22′ north latitude, 80° 17′ west longitude.
					License	2,232.20		
					Matricula	350.00		
					Et cetera	78.50		
					Total	12,164.70		
White Star	249 335	May 25, 1963	June 11, 1963	18	Ecuador:			
					Fine	11,184.00		Vessel traveling when seized by Ecuadorean warship, "D.O.–2; Jambeli; D.O.1", 13 miles, 260° True, Cojimes Island, 00° 22′ north latitude, 80° 17′ west longitude.
					License	2,652.30		
					Matricula	350.00		
					Et cetera	78.50		
					Total	14,264.80		
Espirito Santo	248 755	June 13, 1963	June 18, 1963	4	Ecuador:			
					Fine	None		Vessel entered port to buy license, at Salinas, Ecuador, when seized by Ecuadorean warship, name not available.
					License	2,416.00		
					Matricula	350.00		
					Total	2,766.00		
Ranger	253 538	June 29, 1963	June 29, 1963	½	Ecuador:			
					Fine	None		Seized in error about 50 miles off coast of Ecuador. Name of seizing vessel not available.
					License	None		
					Matricula	None		
					Et cetera	None		
Ruthie B	252 612	June 1963	June 1963	1	Peru:			
					Fine	None		Seized by Peruvian warship, 27 miles off coast of Peru, seizure in error. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Freedom	262 968	----do----	----do----	1	Peru:			
					Fine	None		Vessel traveling about 27 miles off coast of Peru when seized by Peruvian warship, exact position unavailable.
					License	None		
					Matricula	None		
					Etc	None		
Ruthie B	252 612	Aug. 19, 1963	Aug. 19, 1963	1	Peru:			
					Fine	None		Vessel traveling about 38 miles off coast of Peru when seized by Peruvian warship. Exact position unavailable.
					License	None		
					Matricula	None		
					Etc	None		
Intrepid	254 297	----do----	----do----	1	Peru:			
					Fine	None		Vessel traveling 38 miles off coast of Peru, seized by Peruvian warship. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Western Sky	241 122	Dec. 20, 1963	Dec. 30, 1963	11	Ecuador:			
					Fine	None		Seized at Wreck Bay, San Cristobal, Galapagos Islands, by Ecuadorean warship. Seizure in error.
					License	None		
					Matricula	None		
					Etc	(1)		
West Coast	249 369	Dec. 29, 1963	Dec 30, 1963	2	Ecuador:			
					Fine	None		Seized at Wreck Bay, San Cristobal, Galapago Islands. Seizure in error.
					License	None		
					Matricula	None		
					Etc	(1)		
Santa Anita	258 646	Feb. 4, 1964	Feb. 4, 1964	1	Ecuador:			
					Fine	None		Vessel entered port in Galapagos Islands seeking aid for injured seaman. Vessel seized upon entry into port.
					License	None		
					Matricula	None		
					Etc	None		
Agnes C	262 870	Dec. 5, 1964	Dec. 5, 1964	1	Ecuador:			
					Fine	None		Vessel on anchor, Galapagos Islands. Name of seizing vessel not available, exact position of seizure not available.
					License	None		
					Matricula	None		
					Etc	None		
Nautilus	285 304	Feb. 17, 1965	Feb. 17, 1965	1	Peru:			
					Fine	None		Entered Port of Talara, Peru, seeking aid for hurt man. Vessel seized upon entering port.
					License	4,734.00		
					Matricula	350.00		
					Etc	(1)		
					Total	5,084.00		
Western King	273 287	----do----	----do----	1	Peru:			
					Fine	None		Vessel entered Port of Talara, Peru for provisions and was taken under seizure.
					License	4,278.00		
					Matricula	350.00		
					Etc	(1)		
					Total	4,628.00		
Clipperton	285 518	June 4, 1965	June 14, 1965	11	Peru:			
					Fine	7,128.00	Filed: July 29, 1965	Vessel entered Port of Chimbote, Peru to perform emergency repairs and was taken under seizure.
					License	3,214.00	Acknowledged: Aug. 4, 1965	
					Matricula	350.00	Certified: Sept. 27, 1965	
					Etc	1,517.86	Paid: Nov. 24, 1965	
					Total	12,209.86		
Clipperton	285 518	June 16, 1965	June 16, 1965	½	Peru:			
					Fine	None		Seized about 60 miles off coast of Peru by Peruvian warship, B.A.F. Calvez #68, at 09° 00′ south latitude and 80° 00′ west longitude. Seizure in error.
					License	None		
					Matricula	None		
					Etc	None		
Sun Jason	251 946	June 4, 1965	June 6, 1965	3	Peru:			
					Fine	None		Vessel entered Port of Talara, Peru, to seek aid for ill fisherman and was taken under seizure.
					License	1,976.00		
					Matricula	None		
					Etc	(1)		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	June 11, 1965	June 13, 1965	3	Peru:			Vessel fishing, seized about 44 miles off Huanocape Island, at 90° 05′ south latitude, 79° 36′ west longitude, by Peruvian warship, B.A.F. Calvez #68.
					Fine	None	Filed: [1]	
					License	$5,538.00	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: Claim	
					Total	5,888.00	Denied	
Hornet	289 761	June 13, 1965	June 14, 1965	2	Peru:			Vessel traveling about 96 miles off coast of Peru, at 09° 32′ south latitude, 80° 11′ west longitude, by Peruvian warship B.A.F. Calvez #68.
					Fine	None	Filed: [1]	
					License	4,686.00	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: [1]	
					Total	5,036.00		
Concho	270 585	July 29, 1965	July 29, 1965	1	Ecuador:			Seized in error near Salinas, Ecudaor. Name of seizing vessel not available. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
White Star	249 716	Oct. 5, 1965	Nov. 1, 1965	28	Ecuador:			Drifting, working on engine near Salinas, Ecuador, about 17 miles from shore, at 02°41′ south latitude, 80°56′ west longitude. Name of seizing vessel unavailable.
					Fine	11,184.00	Filed: [1]	
					License	2,416.20	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: [1]	
					Total	13,950.20		
Mary Barbara	275 716	Dec. 30, 1965	Dec. 30, 1965	1	Peru:			Entered Port of Callao, Peru to obtain engine parts and was taken under seizure.
					Fine	1,000.00	Filed: [1]	
					License	None	Acknowledged: [1]	
					Matricula	None	Certified: [1]	
					Etc	(1)	Paid: [1]	
Day Island	288 260	Feb. 3, 1966	Feb. 18, 1966	16	Colombia:			While traveling toward Panama, seized by Colombian warship, the Almirante Padilla, 8.5 miles between Cape Marzo and Pta Cruces at 06°37′2″ north latitude, 77°40′08″ west longitude.
					Fine	5,000.00	Filed: May 12, 1966	
					License	None	Acknowledged: June 1, 1966	
					Matricula	None	Certified: Oct. 27, 1966	
					Etc	2,058.62	Paid: June 6, 1967	
					Total	7,058.62		
Sun Europa	247 979	Mar. 3, 1966	Mar. 4, 1966	2	Panama:			Vessel in set with net in water, boarded by armed soldiers aboard private yachts, about 5½ miles from Pta Caracoles, at 07°36′ north latitude, 78°21′ west longitude.
					Fine	10,000.00	Filed: Apr. 18, 1966	
					License	None	Acknowledged: Apr. 29, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	None	Paid: June 6, 1967	
Mauritania	250 236	Apr. 29, 1966	Apr. 30, 1966	2	Pecu:			Vessel traveling, seized about 40 miles from Pta Picos, by Peruvian warship B.A.F. Diez Conseco #69, at 03°19′ south latitude, 81°25′ west longitude.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	340.49		
Day Island	288 260	May 12, 1966	May 14, 1966	3	Panama:			Vessel traveling, seized by armed soldiers from aboard private yachts, about 29 miles from shore, at 07° 42′ north latitude 78° 42′ west longitude.
					Fine	10,000.00	Filed: Sept. 13, 1966	
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	588.36	Paid: June 5, 1967	
					Total	10,588.36		
Day Island	288 260	May 23, 1966	May 25, 1966	2	Peru:			Just completed set, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	12,160.00	Filed: Sept. 13, 1966	
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: July 24, 1967	
					Etc	805.41	Paid: June 25, 1968	
					Total	12,965.41		
San Juan	289 819	May 23, 1966	May 24, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	11,776.00	Filed: Jan. 10, 1967	
					License	None	Acknowledged: Jan. 24, 1967	
					Matricula	None	Certified: July 24, 1967	
					Etc	(1)	Paid: June 5, 1968	
Pilgrim	291 488	May 23, 1966	May 24, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	11,512.00	Filed: July 18, 1966	
					License	None	Acknowledged: July 29, 1966	
					Matricula	None	Certified: July 17, 1967	
					Etc	(1)	Paid: June 5, 1968	
Chicken of the Sea	248 779	May 23, 1966	May 23, 1966	2	Peru:			Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					Fine	2,900.00		
					License	2,900.00		
					Matricula	None	Certified: Jan. 15, 1969	
					Etc	(1)		
City of Tacoma	295-035	June 14, 1966	June 15, 1966	2	Ecuador:			Seized in error by Ecuadorean warship, B.A.E. Quito LC-71 near Salinas, Ecuador. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Clipperton	285 518	June 14, 1966	June 15, 1966	2	Ecuador:			Seized in error by Ecuadorean warship, B.A.E. Quito LC-71, near Salinas, Ecuador. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Ronnie S	255 975	Oct. 2, 1966	Oct. 6, 1966	5	Peru:			Vessel looking for fish, seized by Peruvian warship B.A.P. San-Tillan No. 22, 24 miles by radar bearing off shore. West ¼ north of Zorritos, Peru.
					Fine	7,384.00	Filed: Jan. 14, 1967	
					License	None	Acknowledged: Feb. 2, 1967	
					Matricula	None	Certified: June 30, 1967	
					Etc	599.66	Paid: June 25, 1968	
					Total	7,983.66		

Footnotes at end of table.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Sun Europa	247 979	do	do	5	Peru:			
					Fine	None		Traveling, seized by Peruvian warship B.A.P. Santillan No. 22, 28 miles, radar bearing offshore, 160° True of Zorritos, Peru.
					License	None		
					Matricula	None		
					Etc	None		
Eastern Pacific	500 099	Oct. 3, 1966	do	5	Peru:			
					Fine	$9,904.00	Filed: Jan. 31, 1967	Vessel drifting, seized at 5:30 a.m., by Peruvian warship, B.A.P. Velarde No. 21, about 20 miles by radar bearing, 306° Magnetic, Pt. Picos, Peru.
					License	None	Acknowledged: Feb. 14, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	647.14	Paid: June 25, 1968	
					Total	10,551.14		
Shamrock	253 836	Oct. 10, 1966	Oct. 13, 1966	4	Mexico:			
					Fine	None		Vessel seized in error near Cedros Island. Released.
					License	None		
					Matricula	None		
					Etc	None		
New Era	250 382	Jan. 7, 1967	Jan. 13, 1967	7	Ecaudor:			
					Fine	7,200.00		Traveling towards Peru, seized by Ecuadorean warship, B.A.E. Cayambe, 35 miles 35° True from Cape Santa Elena, at 02° 40′ south latitude, 81° 21′ west longitude.
					License	3,000.00		
					Matricula	None		
					Etc	(1)		
					Total	10,200.00		
Endeavor	258 022	do	do	7	Ecuador:			
					Fine	8,064.00	Filed: Mar. 9, 1967	Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe, 51 miles from Cape Santa Elena, at 02° 50′ south latitude, 80° 45′ west longitude.
					License	2,016.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	900.00	Paid: June 6, 1967	
					Total	11,180.00		
Victoria	249 539	do	do	7	Ecuador:			
					Fine	8,448.00	Filed: Mar. 13, 1967	Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe 50 miles from Port of Salinas, 02° 42′ south latitude, 81° 40′ west longitude.
					License	2,112.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	1,000.00	Paid: June 6, 1967	
					Total	10,760.00		
Sea-Preme	263 220	Jan. 20, 1967	Jan. 26, 1967	7	Ecuador:			
					Fine	12,528.00	Filed: Mar. 22, 1967	Traveling toward Peru, seized by Ecuadorean warship B.A.E. Quito LC–71, about 6 miles west of Santa Clara Is. at 02° 42′ south latitutde 80° 40′ west longitude.
					License	3,138.20	Acknowledged: Mar. 30, 1967	
					Matricula	200.00	Certified: Apr. 10, 1967	
					Etc	206.08	Paid: June 6, 1967	
					Total	16,072.28		
Caribbean	291 814	Jan. 26, 1967	Jan. 28, 1967	3	Peru:			
					Fine	10,888.00	Filed: Mar. 30, 1967	Drifting at night, seized by Peruvian warship #24, about 15 miles from Pta Picos, Peru, at 03° south latitude, 80° west longitude.
					License	None	Acknowledged: Apr. 21, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	664.67	Paid	
					Total	11,552.67		
Hornet	289 761	Jan. 26, 1967	Jan. 28 1967	3	Peru			
					Fine	10,072.00	Filed Mar. 30, 1967	Traveling, seized at 2220 hours, by Ecuadorean warship B.A.P. Velarde $21, about 24 miles from Pta Picos, Peru, at 03° 27′ south latitude 81° 02′ west longitude.
					License	None	Acknowledged Apr. 21, 1967	
					Matricula	None	Certified Aug. 1 1976	
					Etc	637.56	Paid	
					Total	10,709.56		
Defense	240 796	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			
					Fine	None		Seized in error near Tres Marias Islands, name of seizing vessel and exact position not available. Vessel released.
					License	None		
					Matricula	None		
					Etc	None		
City of Los Angeles	247 156	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			
					Fine			Seized in error near Tres Marias Islands, name of seizing vessel and exact position unavailable Vessel released.
					License	None		
					Matricula	None		
					Etc			
Ronnie S	255 975	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador			
					Fine	12,768.00	Filed Apr. 12, 1967	In set net i water, seized by Ecuadorean warship B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81° 03′ west longitude.
					License	3,192.00	Acknowledged Apr. 21, 1967	
					Matricula	200.00	Certified June 28, 1967	
					Etc	927.77	Paid June 25, 1968	
					Total	17,087.77		
Determined	261 420	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			
					Fine	8,784.00		Set, net in water, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81°04′ west longitude.
					License	1,896.0 (		
					Matricula	500.00		
					Etc	1,000.00		
					Total	12,180.00		
Ranger	253 538	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			
					Fine	9,504.00	Filed: Sept. 4, 1968	Vessel traveling, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, about 32 miles from Peruvian coast at 03° 05′ south latitude 81° 24′ west longitude.
					License	2,176.00	Acknowledged: Sept. 10, 1968	
					Matricula	200.00	Certified: Sept. 24, 1968	
					Etc	1,016.52	Paid: Oct. 25, 1968	
					Total	12,896.52		
Sun Hawk	249 270	May 5, 1967	May 5, 1967	1	Mexico:			
					Fine	None		Seized in error 9 miles Southwest of Todos Santos, Baja California. Vessel released.
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Western King	273 287	July 4, 1967	July 12, 1967	9	Ecuador:			
					Fine	$17,512.00		Ecuadorean aircraft spotted vessel traveling at 1730, later Ecuadorean warship B.A.E. Esmeraldes seized it 24 miles off Cabo Pasado, 00° 19′ south latitude 80° 53′ west longitude.
					License	4,128.00		
					Matricula	350.00		
					Etc	691.00		
					Total	22,681.00		
Day Island	288 260	Aug. 3, 1967	Aug. 4, 1967	½	Ecuador:			
					Fine	None		Seized in error by B.A.E. Esmeraldes, 10½ miles SSE of Isla La Plata, at 01° 26′ south latitude 80° 58′ west longitude, released.
					License	None		
					Matricula	None		
					Etc	None		
American Queen	258 201	Aug. 3, 1967	Aug. 4, 1967	1	Ecuador:			
					Fine	None		Seized in error by B.A.E. Esmeraldes (Ecuador) 9 miles off Isla Salango, Ecuador, released. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Puritan	286 673	Oct. 20, 1967	Oct. 22, 1967	3	Ecuador:			
					Fine	None		At 0500 hours fired upon, seized and boarded by armed soldiers from warship (Ecuador) Orion II, 70 miles off coast of Ecuador, at 03° 15′ south latitude, 81° 39′ west longitude.
					License	15,890.00		
					Matricula	350.00		
					Etc	1,400.00		
					Total	17,640.00		
Navigator	250 182	Mar. 2, 1968	Mar. 4, 1968	3	Ecuador:			
					Fine	None	Filed: May 21, 1968	At about 2050 hours, Mar. 2, 1968, an Ecuadoreau warship, the Esmeraldas, "E–2", seized the Navigator 23 miles west of Cabo de San Francisco, Ecuador. Navigator held at sea until about 1625 Mar. 4, 1968, a license was bought ($6,982.50) by masters wife, and fact confirmed by Quito.
					License	6,545.00	Acknowledged: May 24, 1968	
					Matricula	350.00	Certified: Denied	
					Etc	87.50		
					Total	6,982.50		
City of Tacoma	295 035	Mar. 13, 1968	Mar. 14, 1968	2	Peru:			
					Fine	None		About 0915, Peruvian: me, a Peruvian warship, No. 22, seized the City of Tacoma at 03° 30′ south latitude, 81° 24′ west longitude. City of Tacoma forced to chase Eucadorean tuna vessel, Venus by Ecuadorean boarding party who fired upon Venus, which also was seized.
					License	5,226.00		
					Matricula	350.00		
					Total	5,576.00		
Paramount	250 688	Mar. 20, 1968	Mar. 23, 1968	4	Ecuador:			
					Fine	21,700.00		About 5:30 a.m., Ecuadorean warship, Esmeraldas, E–2 seized the Paramount at 1° 40′ south latitude, 81° 40′ west longitude, 46 miles off coast.
					License	5,425.00		
					Matricula	350.00		
					Etc	2,600.00		
					Total	30,075.00		
Western King	273 287	Apr. 4, 1968	Apr. 5, 1968	2	Peru:			
					Fine	None		At 4 pm, Western King was seized by Peruvian warship, at 3°35′ south latitutde, 80°57′ west longitude. Approximately 15 miles off coast, while drifting.
					License	5,130.00		
					Matricula	350.00		
					Total	5,480.00		
Royal Pacific	286 263	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			
					Fine	34,580.00	Filed: Sept. 20, 1968	0930 EST, Aug. 8, 1968, Royal Pacific seized by Ecuadorean warship, 25 de Julio at 0°34′ south latitude, 80°52′ west longitude (21 miles off coast of Ecuador).
					Etc	750.00	Acknowledged: Sept. 24, 1968	
							Certified: Nov. 6, 1968	
					Total	35,330.00		
Connie Jean	503 056	do	do	4	Ecuador:			
					Fine	52,640.00	Filed: Sept. 23, 1968	1114 EST, Aug. 8, 1968, Connie Jean seized by Ecuadorean warship Presidente Alfaro at 00°23′ south latitude, 80°55′ West longitude, (25 miles off Ecuadorean coast).
					Etc	750.00	Acknowledged: Sept. 26, 1968	
							Certified: Nov. 6, 1968	
					Total	53,390.00		
Eastern Pacific	500 099	do	Aug. 12, 1968	5	Ecuador:			
					Fine	51,940.00	Filed: Sept. 10, 1968	1120 EST Aug. 8, 1968, Eastern Pacific seized by Ecuadorean warship 25 de Julio at 00°36′ south latitude, 80°58′ west longitude (21 miles off Ecudorean coast).
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1968	
Pacific Queen	512 151	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			
					Fine	63,000.00	Filed: Sept. 10, 1968	1130 EST Aug. 8, 1968, Pacific Queen was seized by Ecuadorean warship Presidente Alfaro at 00° 23′ south latitude, 80° 56′ west longitude (23 miles off Ecuadorean coast).
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1978	
					Total	63,750.00		
Ecuador	263 017	Sept. 18, 1968	Sept. 18, 1968	1	Peru: Fine	None		0630 EST Sept. 19, 1968, Ecuador was seized by Ecuadorean warship, Santilian No. 2, at 03° 18′ South Latitude, 81° 03, West Longitude. Forced into Port of Talara, papers examined, found in order, Ecuador released.
Day Island	288 260	Dec. 10, 1968	Dec. 15, 1968	6	Ecuador:			
					Fine	65,100.00	Filed: Jan. 30, 1969	0640 EST Dec. 10, 1968, Day Island seized by Eucadorean warship, Bae "Esmeraldes", at 00° 00 South Latitude, 80° 38′ West Longitude (19 miles off coast of Ecuador).
					License	16,275.00	Acknowledged: Feb. 5, 1969	
					Etc	600.00	Certified: Mar. 12, 1969	
					Total	31,875.00		
Mariner	255 346	Feb. 14, 1969	Feb. 14, 1969	1	Peru:			
					Fine	7,216.00	Filed: May 2, 1969	February 14, 1969, Peruvian warship No. 23 damaged hull, demolished speedboat. Same warship shot up San Juan. Location of seizure 29.6 miles off coast. San Juan 1st shot at about 60 miles off coast.
					License	3,108.00	Acknowledged: May 8, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	405.38	Paid: Jan. 8, 1970	
					Total	11,229.38		
San Juan	289 819	Mar. 19, 1969	Mar. 19, 1969	1	Peru:			
					Fine	11,776.00	Filed: May 1, 1969	Mar. 19, 1969, about 0550 hours Peruvian time, Peruvian patrol vessel No. 22 seized the San Juan 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Upon payment of fine and costs, vessel was released.
					License	5,888.00	Acknowledged: Mar. 19, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	396.98	Paid: Jan. 8, 1970	
					Total	18,560.98		

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Cape Ann	249 520	do	do	1	Peru:			
					Fine	$5,488.00	Filed: May 1, 1969	Mar. 19, 1969, Peruvian warship No. 22 seized the Cape Ann approximately 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Released upon payment of fine and costs.
					License	2,744.00	Acknowledged: May 12, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	74.31	Paid: Jan. 8, 1970	
					Total	8,806.31		
Western King	273 287	May 16, 1969	May 16, 1969	1	Peru:			
					Fine	10,048.00	Filed: NA	Location of seizure—0.3°28′ south latitude, 80°56′ west longitude.
					License	4,524.00	Acknowledged: NA	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	1,099.66	Paid: Jan. 8, 1970	
					Total	16,171.66		
Alphecca	255 005	June 18, 1969	June 18, 1969	½	Ecuador:			
					Fine	None	(1)	Stopped and seized by Ecuadorean gunboat No. 71 about 6 to 7 miles offshore. Alphecca headed into port to check license.
					License	None	(1)	
					Matricula	None		
					Etc	None		
Caribbean	291 814	June 19, 1969	June 28, 1969	10	Ecuador:			
					Fine	32,950.00	(1)	Seized at 01° 8′ south, 86° 45′ west, about 184 miles off coast of Ecuador near Galapagos Islands. Purchased license and matricula with promise of release. Held 9 days until fine assessed and paid.
					License	8,250.00	(1)	
					Matricula	None	Certified: Oct. 31, 1969	
					Etc	N/A		
					Total	41,200.00		
Neptune	505 674	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea. Neptune fired upon, 2 bursts from machinegun, damage to house only.
					License	None		
					Matricula	None		
					Etc	None		
Marietta	517 099	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Bold Venture	513 392	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Queen Mary	520 243	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Royal Pacific	286 263	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Dominator	268 896	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p m at sea. No fine imposed
					License	None		
					Matricula	None		
					Et cetera	None		
Seafarer	252 486	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p m at sea. No fine imposed.
					License	None		
					Matricula	None		
					Et cetera	None		
Invader	236 946	Oct. 31, 1969	Nov. 6, 1969	7	Ecuador:			
					Fine	None	(1)	Seized at San Cristobal, Galapagos Island. Vessel had valid license No. 015. Left Costa Rica after unloading on Oct. 16. On 21st entered Ecuadorean 200-mile area, then on 29th purchased second license. Captain of port felt vessel operated in violation for 8 days on expired license. Vessel forced to Salinas, then released without fine or penalty.
					License	None		
					Matricula	None		
					Et cetera	None		
					1970			
City of Panama	514 567	February 14	February 15	1	Ecuador:			
					Fine	$49,650.00	(1)	LC-72 (Guayaquil) seized vessel 17 miles SW Pt. Ancon—02°29′ (south) latitude, 81°08′ (west) longitude. Reported 2 Ecuadorean pilots killed in crash on patrol.
					License			
					Matricula			
					Etc	(1)		
					Total	49,650.00		
Western King	273 287	February 23	February 24	1	Peru:			
					Fine	15,072.00	(1)	Seizure 37 miles from Pta. Pecos, 03°20′ south latitude, 81°12′ west longitude.
					License			
					Matricula			
					Etc	(1)		
					Total	15,072.00		
Day Island	288 260	February 25	March 1	3	Ecuador:			
					Fine	84,050.00	Filed: June 1, 1970	Seized by "25 de Julio", 36 miles off Ecuador; 02°53′ south latitude, 81°12′ west longitude.
					License		Acknowledged: June 5, 1970	
					Matricula		Certified: June 15, 1970	
					Etc	2,600.00	Paid: January 20, 1971	
					Total	86,650.00		
Western Ace	263 848	April 17	April 17	½	Peru:			
					Fine	5,480.00	Not Authorized	Seized on high seas, taken into Talara. No further information.
					License			
					Matricula			
					Etc	(1)		
					Total	5,480.00		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
					1971 (Preliminary)			
1. exington	249 877	Jan. 11	Jan. 14	3	Ecuador	$33,150.00		Anchorage episode resulting in damage to vessel; 02°45′ S. Latitude, 81°45′ W. Long.
2. Bold Venture	513 392	Jan. 15	Jan. 16	1	do	49,550.00		50 Miles S.S.W. of Salinas, Ecuador.
3. Anna Maria	523 633	do	do	1	do	52,000.00		
4. Apollo	529 833	Jan. 17	Jan. 18	1	do	92,000.00		Seized by LC–71 (Quito).
5. Antonina C	525 457	Jan. 18	Jan. 19	1	do	39,850.00		Seized 2°49′ S. Latitude, 81°35′ N. Longitude by "25 de Julio".
6. Ocean Queen	527 550	do	Jan. 20	1	do	69,100.00		Seized 2°38′ S. Latitude, 81°10′ W. Longitude by "25 de Julio".
7. Cape Cod	291 488	do	do	1	do	44,150.00		Seized 3°8′ S. Latitude, 81°30′ N. Longitude by "Guayaquil".
8. Captain Vincent Gann.	527 923	do	do	1	do	52,550.00		Seized 2°51′ S. Latitude, 81°21′ W. Longitude by "25 de Julio".
9. Blue Pacific	509 115	do	do	1	do	56,500.00		Seized 2°38′ S. Latitude, 81°20′ W. Longitude by "25 de Julio".
10. Hornet	289 761	Jan. 19	Jan. 20	1	Ecuador	41,200.00		(1).
11. Quo Vadis	528 822	do	do	1	do	48,150.00		(1).
12. Neptune	505 674	Jan. 22	Jan. 23	1	do	42,954.00		(1).
13. Day Island	288 260	do	do	1	do	46,500.00		(1).
14. Caribbean	291 814	Jan. 23	Jan. 24	1	do	41,200.00		(1).
Total				16		708,854.00		
Other cost						16,000.00		
Total						[2] 724,854.00		

[1] Not available.
[2] Estimate.

TABLE II.—AMOUNTS PAID TO FOREIGN COUNTRIES UNDER THE ACT OF AUG. 27, 1954, AS AMENDED

[Distribution of all claims by year of certification, number, country and by amount]

Year and number	Country	Amount
1955: 2	Ecuador	$55,481.20
1956: None.		
1957: 7	Mexico	8,400.00
1958:		
1	do	1,200.00
1	Ecuador	5,881.10
1959: 2	Mexico	2,400.00
1960: 11	do	24,400.00
1961:		
3	do	6,400.00
1	Ecuador	9,906.60
1	Panama	2,500.00
1962: 4	Mexico	10,400.00
1963:		
1	Colombia	$2,277.90
1	Ecuador	9,504.00
2	Peru	15,000.00
12	Mexico	33,600.00
1964:		
1	Ecuador	11,184.00
5	Mexico	16,000.00
1965:		
1	Peru	7,128.00
2	Mexico	6,400.00
9	Honduras	45,000.00
1966:		
1	Colombia	5,000.00
3	Mexico	5,600.00
1967:		
2	Panama	20,000.00
5	Ecuador	59,904.00
7	Peru	73,696.00
1968: 5	Ecuador	211,664.00
1969:		
5	Peru	$55,692.00
2	Ecuador	122,575.00
1970:		
1	Peru	15,072.00
2	Ecuador	133,700.00
Total fines paid or certified:		
	Ecuador	619,799.90
	Peru	166,588.00
	Mexico	114,800.00
	Honduras	45,000.00
	Panama	22,500.00
	Colombia	7,277.90
	Total paid	975,965.80

Note: Fines imposed upon and paid by owners but claims not filed as yet in connection with seizures by Ecuador of vessels determined ($8,784) and paramount ($21,700), for a total of $30,484.

Source: American Tunaboat Association.

Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Sun Streak, Ecuador, Sun Pacific, Inc	$12,000.00	May 20, 1955	Sept. 4, 1954	84th, 1st	Public Law 219, Ch. 541.	H.R. 184
Artic Maid, Ecuador, Artic Maid Fisheries, Inc	43,481.20	July 19, 1955	Mar. 27, 1955	85th, 1st	Public Law 85–58	H.R. 156
Captain Mac, Mexico, Sea Garden Corp	1,200.00	Aug. 3, 1957	Mar. 26, 1956	85th, 1st	Public Law 85–170	S. 60
Lucky Star, Mexico, O. W. Franks	1,200.00	Sept. 3, 1957	Unavailable	85th, 2nd	Public Law 85–352	H.R. 321
Captain Scotty, Mexico, William L. Hardee	1,200.00	Sept. 19, 1957	do	85th, 2nd	do	H.R. 321
Sea Otter, Mexico, N. A. Hardee, Jr. and I. D. Hardee	1,200.00	Sept. 21, 1957	do	85th, 2nd	do	H.R. 321
Princess, Mexico, William Hardee	1,200.00	do	do	85th, 2nd	do	H.R. 321
Ranger, Mexico, Noble A. Hardee, Jr	1,200.00	Sept. 25, 1957	do	85th, 2nd	do	H.R. 321
Scotsman, Mexico, Sea Garden Corp	1,200.00	Oct. 28, 1957	do	85th, 2nd	do	H.R. 321
Captain Wilson, Mexico, Mrs. Agnes S. Authement	1,200.00	Jan. 27, 1958	do	85th, 2nd	do	S. 80
Santa Anna, Ecuador, John Gradis, et al	5,881.10	Jan. 29, 1958	do	85th, 2nd	do	S. 80
Valley Sun, Mexico, Oliver J. Clark	1,200.00	Mar. 4, 1959	do	86th, 1st	Public Law 86–30	S. 20
Ann Carinhas, Mexico, Frances J. Carinhas	1,200.00	Mar. 11, 1959	do	86th, 1st	do	S. 20
Gail–D, Mexico, Producers Marine Ser	1,600.00	Apr. 7, 1960	do	86th, 2nd	Public Law 86–722	H.R. 452
Little Man, Mexico, Henry W. Humphreys	2,400.00	May 31, 1960	do	86th, 2nd	do	H.R. 452
Captain Hansi, Mexico, Curlen J. Kiffe	1,600.00	Mar. 20, 1961	do	87th, 1st	Public Law 87–14	S. 25
Cavalier, Mexico, Harry S. Hirst	2,400.00	Dec. 29, 1960	do	87th, 1st	do	S. 25
Georgia Pine, Mexico, Elizabeth B. DeRick	2,400.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Green Wave, Mexico, Samuel M. Snodgrass	2,400.00	do	do	87th, 1st	do	S. 25
Miss Port Isabel, Mexico, E. W. Catedra and C. H. Langford	2,400.00	Oct. 19, 1960	do	87th, 1st	do	S. 25
Saratoga, Mexico, O. P. Smith and O. D. Henslee	2,000.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Sherry Ann, Mexico, A. E. Kern and J. Cerneka	2,400.00	Sept. 15, 1960	do	87th, 1st	do	S. 25
Two Friends, Mexico, Earl Lemaire	2,400.00	Oct. 25, 1960	do	87th, 1st	do	S. 25
Valley King, Mexico, Darrow Tregre	2,400.00	Dec. 13, 1960	do	87th, 1st	do	S. 25
Valley Sky, Mexico, Valley Fisheries Inc	1,600.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Jerry Ann, Mexico, R. LeLoup Shrimp Co	2,400.00	Aug. 21, 1961	do	87th, 1st	Public Law 87–332	H.R. 229
Judy S., Ecuador, Pacific Clippers, Lief Bjorly and Blue Pacific Inc	9,906.60	Apr. 4, 1960	do	87th, 1st	do	H.R. 229
Shamrock, Panama, E. V. Monteiro and Elvera V. Monteiro	2,500.00	July 20, 1960	Mar. 21, 1961	87th, 1st	do	H.R. 229
Southern Pride, Mexico, V. F. Crotts and W. R. Lackey	2,400.00	June 28, 1961	Unavailable	87th, 1st	do	H.R. 29
Lucy Rae H., Mexico, S. D. Hughston	2,400.00	May 28, 1962	do	88th, 1st	Public Law 88–25	H.R. 90
Ramos Ace, Mexico, W. D. Gooding	2,400.00	do	do	88th, 1st	do	H.R. 90
Captain Jingle, Mexico, Sea Garden Corp	2,400.00	do	do	88th, 1st	do	H.R. 90
Valley Act, Mexico, Valley Fisheries Inc	3,200.00	Nov. 30, 1962	do	88th, 1st	do	H.R. 90
San Joaquin, Columbia, F. M. Medina, et al	2,277.90	Jan. 7, 1963	Feb. 12, 1962	88th, 1st	do	H.R. 90
Valley Gold, Mexico, Darrow Trege	2,400.00	Feb. 8, 1963	Unavailable	88th, 1st	do	H.R. 90
Queenie B., Mexico, Oscar D. Henslee and Francis H. Henslee	2,400.00	June 6, 1963	do	88th, 1st		H.R. 182
O. W. Burton, Mexico, Joaquim Gomes Carinhas	3,200.00	June 7, 1963	do	88th, 1st		H.R. 182
Lyco X, Mexico, F. K. Lytle	3,200.00	June 21, 1963	do	88th, 1st		H.R. 182
Captain, Mexico, Hattie B. Cateora	3,200.00	July 8, 1963	do	88th, 1st		H.R. 182
Captain Scotty, Mexico, William Love Hardee	2,400.00	July 11, 1963	do	88th, 1st		H.R. 182
Valley Wave, Mexico, Valley Fisheries, Inc	2,400.00	July 12, 1963	do	88th, 1st		H.R. 128
John O'Callaghan, Mexico, Sea Garden Corp	2,400.00	July 16, 1963	do	88th, 1st		H.R. 182
Valley Rio, Mexico, Edward Joseph Jones	2,400.00	Sept. 3, 1963	do	88th, 1st		H.R. 182
Georgia Pine, Mexico, Elizabeth B. DeRick	3,200.00	do	do	88th, 1st		H.R. 182

Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Chicken of the Sea, Peru, Ponce Fishing Co., Inc.	$10,000.00	Sept. 9, 1963	Oct. 28, 1962	88th, 1st		H.R. 182
Western Ace, Peru, Western Act Co., Inc.	5,000.00	Sept. 17, 1963	do	88th, 1st		H.R. 182
Ranger, Ecuador, Harbor Boat & Yacht Inc.	9,504.00	Oct. 18, 1963	May 25, 1963	88th, 1st		H.R. 182
C. W. Nugent, Mexico, Irene Nugent	3,200.00	Dec. 17, 1963	Unavailable	88th, 2nd	Public Law 88-317	H.R. 300
Butchie Boy, Mexico, James E. Wade	3,200.00	Dec. 27, 1963	do	88th, 2nd	do	H.R. 300
Southern Glory, Mexico, John Bunny Mills, Sr., Raymond Chester Canada, John Bunny Mills, Jr.	3,200.00	Jan. 28, 1964	do	88th, 2nd	do	H.R. 300
Lyco IX, Mexico, F. K. Lytle	3,200.00	Feb. 7, 1964	do	88th, 2nd	do	H.R. 300
White Star, Ecuador, White Star Fishing Co.	11,184.00	Feb. 20, 1964	Oct. 5, 1965	88th, 2nd	do	H.R. 300
Narco, Mexico, P. D. LaBove	3,200.00	Oct. 2, 1964	Unavailable	89th, 1st	Public Law 89-16	H.R. 113
Jean Frances, Mexico, B. K. Galloway, et al.	3,200.00	Oct. 28, 1964	do	89th, 1st	do	H.R. 113
Arlene, Mexico, R. LeLoup Shrimp Co.	3,200.00	Nov. 2, 1964	do	89th, 1st	do	H.R. 113
Davey Boy, Honduras, Norman Jamsen	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Jo Frances, Honduras, S. T. Tringali	5,000.00	Mar. 16, 1965	do	89th, 1st	do	S. 19
Dave W., Honduras, S. T. Tringali	5,000.00	do	do	89th, 1st	do	S. 19
Sugar Daddy, Honduras, Gulf Shrimp Co. Inc.	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Thomas Michael, Honduras, Gulf Shrimp Co. Inc.	5,000.00	do	do	89th, 1st	do	S. 19
Southland, Honduras, Pioneer Shrimp Co.	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Big Daddy, Honduras, Pioneer Shrimp Co.	5,000.00	do	do	89th, 1st	do	S. 19
Miss Yvonne, Honduras, Pioneer Shrimp Co.	5,000.00	do	do	89th, 1st	do	S. 19
Earline-G, Honduras, L. A. Cejka, et al.	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Valley Grande, Mexico, J. M. Pafford	3,200.00	July 13, 1965	do	89th, 1st	Public Law 89-309	H.R. 283
Clipperton, Peru, Clipperton, Inc.	7,128.00	Sept. 21, 1965	June 4, 1965	89th, 1st	do	S. 64
Captain Nuggent, Mexico, Deep Sea Trawlers Inf.	3,200.00	Oct. 13, 1965	Unavailable	89th, 2nd	Public Law 89-426	H.R. 414
Captain Ramos, Mexico, W. D. Parker, et al.	1,200.00	Feb. 28, 1966	do	89th, 2nd	do	H.R. 414
Sea Eagle, Mexico, S.D. Augusta	1,200.00	Mar. 9, 1966	do	89th, 2nd	do	H.R. 414
Day Island, Colombia, M/V Day Island Inc.	5,000.00	Oct. 27, 1966	Feb. 3, 1966	90th, 1st	Public Law 90-21	H.R. 109
John O'Callaghan, Mexico, Sea Garden Corp.	3,200.00	Nov. 2, 1966	Unavailable	90th, 1st	do	H.R. 109
Day Island, Panama, M/V Day Island Inc.	10,000.00	Mar. 2, 1967	May 12, 1966	90th, 1st	do	H.R. 109
Sun Europa, Panama, S. Crivello, et al.	10,000.00	do	Mar. 3, 1966	90th, 1st	do	H.R. 109
Endeavor, Ecuador, V.L. Morton, et al.	8,064.00	Mar. 31, 1967	Jan. 7, 1967	90th, 1st	do	H.R. 109
Victoria, Ecuador, Victoria Fishing Co.	8,448.00	do	do	90th, 1st	do	H.R. 109
Sea-Preme, Ecuador, D. A. Marks, et al.	12,528.00	Apr. 10, 1967	Jan. 20, 1967	90th, 1st	do	H.R. 109
Ronnie S., Ecuador, T. J. Santos, et al.	12,768.00	June 28, 1967	Feb. 15, 1967	90th, 2nd	Public Law 90-253	H.R. 254
Ronnie S., Peru, T. J. Santos, et al.	7,384.00	June 30, 1967	Oct. 2, 1966	90th, 2nd	do	H.R. 254
Pilgrim, Peru, United States Tuna Inc.	11,512.00	July 17, 1967	May 23, 1966	90th, 2nd	do	H.R. 254
San Juan, Peru, M/V San Juan, Inc.	11,776.00	July 24, 1967	do	90th, 2nd	do	H.R. 254
Day Island, Peru, M/V Day Island Inc.	12,160.00	do	do	90th, 2nd	do	H.R. 254
Caribbean, Peru, Sultana Fishing Co.	10,888.00	Aug. 1, 1967	Jan. 26, 1967	90th, 2nd	do	H.R. 254
Hornet, Peru, Mayaguez Fishing Co.	10,072.00	do	do	90th, 2nd	do	H.R. 254
Eastern Pacific, Peru, J. S. Martinac, et al.	9,904.00	do	Oct. 3, 1966	90th, 2nd	do	H.R. 254
Western King, Ecuador, Peter Pan Caribe Inc.	18,096.00	Dec. 4, 1967	July 4, 1967	90th, 2nd	do	H.R. 254
Ranger, Ecuador, Harbor Boat & Yacht Inc.	9,504.00	Sept. 23, 1968	Feb. 15, 1967	90th, 2nd	Public Law 90-608	H.R. 393
Royal Pacific, Ecuador, J. S. Martinac, et al.	34,580.00	Nov. 6, 1968	Aug. 8, 1968	91st, 1st	Public Law 91-47	H.R. 91-101
Eastern Pacific, Ecuador, J. S. Martinac, et al.	51,940.00	Nov. 8, 1968	do	91st, 1st	do	H.R. 91-101
Connie Jean, Ecuador, Connie Jean, Inc.	52,640.00	Nov. 6, 1968	do	91st, 1st	do	H.R. 91-101
Pacific Queen, Ecuador, Cape San Vincent, Inc.	63,000.00	do	do	91st, 1st	do	H.R. 91-101
Day Island, Ecuador, M/V Day Island, Inc.	81,375.00	Mar. 12, 1969	Dec. 10, 1968	91st, 1st	do	H.R. 91-101
Chicken of the Sea, Peru, White Star Fishing, Co., Inc.	2,900.00	Jan. 15, 1969	Oct. 23, 1968	91st, 1st	do	H.R. 91-101
Cape Ann, Peru, Mayflower, Inc.	8,732.00	Sept. 18, 1969	Mar. 19, 1969	91st, 1st	Public Law 91-166	H.R 91-199
Mariner, Peru, Mariner, Inc.	10,824.00	do	Mar. 14, 1969	91st, 1st	do	H.R. 91-199
San Juan, Peru, M/V San Juan, Inc.	18,164.00	do	Mar. 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc.	15,072.00	do	May 16, 1969	91st, 1st	do	H.R. 91-199
Carribean, Ecuador, Sultana Fishing Co., Inc.	41,200.00	Oct. 31, 1969	June 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc.	15,072.00	May 8, 1970	Feb. 23, 1970	91st, 2nd	Public Law 91-305	S. 91-86
Day Island, Ecuador, M/V Day Island, Inc.	84,050.00	June 17, 1970	Feb. 25, 1970	91st, 2nd	Public Law 91-669	S. 91-420
City of Panama, Ecuador, Caribe Master, Inc.	49,650.00	Nov. 3, 1970	Feb. 14, 1970	91st, 2nd	do	S. 91-420

Mr. HÉBERT. Will the gentleman yield?

Mr. LEGGETT. I yield to the chairman.

Mr. HÉBERT. Yes. There will be a great deal of concern, because I have challenged the use of these ships in the past. I deplore the fact that we have wandered so far away from the bill which is before us here and are talking about other matters which have no direct relationship to this particular bill under consideration.

As I indicated before, in private discussions and in conference after the hearings, if any legislation is brought before the Committee on Armed Services relating to this subject and asking for a full exploration of the uses of our vessels, the Armed Services Committee will have a searching and indepth investigation made, as I pointed out, and come up with proper and constructive recommendations. I will give it my full support.

However, I want to emphasize now that the business before the House is the passage of this particular piece of legislation. While there is validity to the other argument, with which I agree and which I have already decried, let us get along and not be misled as to what is to take place here.

Mr. LEGGETT. Will the gentleman yield for another moment?

Mr. HÉBERT. I cannot. I have other requests for time. I have yielded to the gentleman as much as I can. He knows my position on this matter, and I thank him for his contribution and his support of the legislation under these conditions.

I yield 3 minutes, Mr. Speaker, to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I simply want to take this time to reinforce what the chairman of the committee, the gentleman from Louisiana (Mr. HÉBERT) said a moment ago.

There has been a good deal of attention focused in the last few minutes on people who have used American ships for preying on our fishing fleets in South America. There has been a good deal of analysis as to whether the countries getting these particular ships are dictatorships or democracies.

I think we are forgetting the fact that countries spelled out in this particular piece of legislation, with one exception, are countries that are directly involved in the Mediterranean. These ships are going to be used in NATO. These ships are going to be used in backing up our naval commitment there. We are already reducing our U.S. Fleet because of severe budgetary limitations, many imposed by the Congress.

The 6th Fleet in the Mediterranean is no exception. If we turn these ships over to these countries, as specified in this bill, then we will be getting more ships in the Mediterranean supporting the NATO naval position. Already the Soviets outnumber us in ships, at times even 2 to 1 in the Mediterranean.

Mr. Speaker, we have just had here in the city of Washington the very distinguished Prime Minister of the State of Israel, Mrs. Golda Meir. We have assured her once again of our support against the various threats of aggression that have been directed toward the State of Israel in the Middle East. But, the only real manifestation of our ability to back up Israel lies in the strengh of our 6th Fleet. The only real edge we have to deter aggression by the Soviets in the Middle East is the power of our 6th Fleet, and that power is gravely threatened by Russian submarines in the Mediterranean. These anti-submarine-warfare ships will be used to support our defenses against these Soviet submarines.

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

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

Mr. KOCH. I would like the gentleman's response to this situation: We recently passed a bill which has a provision which bars the sale of military equipment to Greece, subject to a condition which permits the President to remove the bar if he believes it is in the national interest of the United States to do that.

It is my understanding that the Senate accepted that provision in conference

and that it will be in the bill which will finally come before this House.

Therefore, my question is, does it make any sense to bar the sale of military equipment but at the same time lease destroyers to Greece?

Mr. STRATTON. The gentleman has already answered his own question. This bill provides for the lease of ships, not for the sale of them. Therefore, it is not covered by the amendment to which the gentleman refers.

I do not think the gentleman feels, and I am sure the gentleman would not support, the elimination of Greece from our NATO naval structure in the Mediterranean. If we eliminate Greece or Turkey, both of which lie along the soft underbelly, if I may use that expression, of the Russian flank on the Mediterranean, then we might as well throw NATO out altogether.

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

Mr. HÉBERT. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, in 1970 on this House floor 10 of us sought to ban the leasing of a submarine to Greece which was regrettably leased to them.

I say to the gentleman that in 1971 I am still opposed to being a party to a transaction which will place blood on our hands by giving the Greek junta arms and ships which they ultimately use against their own citizens.

Mr. STRATTON. Let me say to the gentleman for whom I have a great deal of respect and admiration, that we are not talking here about ideology but about hard reality, and if we really intend to maintain peace in the Middle East and to deter aggression, the only basic way we will be able to do it is with the strength of our 6th Fleet and the NATO naval forces in the Mediterranean. Whether one likes or does not like the Government of Greece, these ships are going to contribute to our overall ability to defend our 6th Fleet carriers against the Soviet submarine threat in the Mediterranean.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, the security of Israel which is very important to the United States and to me personally will be insured I hope by the presence of the U.S. 6th Fleet and the security of Israel will not be enhanced by supporting the Greek junta and the gentleman knows that.

Mr. STRATTON. No; these ships going to Greece will be under the command of our U.S. Navy Mediterranean commander, Adm. Gerald Miller, in the event of NATO action.

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

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

Mr. PIKE. I ask the gentleman from New York (Mr. STRATTON) on the hard reality of the four NATO allies who get ships under this particular legislation, did one of them vote with us on the Albanian resolution admitting Red China to the United Nations?

Mr. STRATTON. The gentleman is quite aware of what the answer to that question is or he would not have asked it in the first place, being a very knowledgeable attorney. These countries did not support us in the U.N. on the final Red China vote. But we still have our NATO alliance in effect in Europe and the Mediterranean, and I hope the gentleman does not suggest that we should now repudiate that important alliance for peace simply because those countries did not vote with us in the U.N. on one particular vote, important as that vote may be regarded by many of us.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. I know that the bill that is on the floor today does not concern Ecuador or any of the recipients of naval and Coast Guard vessels in South America. But I must express my thanks to the chairman for promising us that he will conduct hearings on the validity of this program for providing naval vessels that have been used repeatedly against our fishermen on the high seas.

It is more than can be justified, trying to explain to one's constituents how it is that we place our surplus vessels in the hands of these foreign-flag nations, which then use them against our citizens. In correspondence with the Secretary of State and conversation with his subordinates, I learned that there is no likelihood these vessels will be recalled. And the reason? There is no assurance that this would result in a reduction of the Ecuadorian Government's campaign against our fishing fleet.

Then one asks, "Why did you cut foreign aid last January?" And they say, "Because Congress mandated the reduction in foreign aid."

"Then will there be no recall of these vessels unless it is mandated by Congress?"

And in State Department language, that is what we are talking about. I do look forward to the time when Congress will take such action—will mandate that when our own former American-flag vessels are on loan to a nation that is harassing our people, that the State Department will demand their recall.

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

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr LEGGETT. Mr. Speaker, I would like to commend the gentleman from San Diego for the great work he has done in presenting this issue to this body, and the need to develop some kind of reasonable international law with respect to fishing.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, may I again inquire how much time I have remaining?

The SPEAKER. The gentleman from Iowa has 3 minutes remaining.

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

Mr. RYAN. Mr. Speaker, it is so highly unusual that I find myself on the same side of an issue with the gentleman from Iowa (Mr. GROSS) that I will seize the opportunity to commend his wisdom in recognizing the utter foolishness of our continuing to supply naval ships, willy-nilly, to various countries scattered around the globe. These destroyers and submarines end up more often than not being used by military dictators in either putting down democratic aspirations in their own countries, or in opposing other countries to which we have also supplied armaments.

This issue must be viewed not as a simple question of loaning 16 vessels, as the distinguished chairman of the Committee on Armed Services has suggested, but rather as part and parcel of what our overall foreign policy should be; and when examined in this light, the bill before us should be rejected.

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

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, this bill reads like something that has been lying around on the calendar since 1955, for it is a loud and unpleasant echo of the cold war philosophy. It asks us to authorize the President to give warships to two of the most undemocratic governments in the world—Greece and Spain—so that we may help to protect democratic ideals.

At a time when we are taking a long, close look at our foreign aid program, especially the military part of it, it is astounding to find this bill before us, for it represents all that is wrong with our approach to foreign aid. Our practice of giving out arms as freely as if they were political leaflets, is one that I thought was put to rest when the Senate defeated the foreign aid bill at the end of October; at the very least, I would have thought that our own vote to cut off military assistance to Greece would have put our Armed Services Committee on notice that we do not wish to give further arms to the junta there.

A few days after the Senate defeated the foreign aid bill, I introduced in the House a bill which would redesign our foreign aid program. As I said then:

> The time has come, as the era of the Cold War draws to an end, to redefine our foreign policy objectives, to end our insistence on "the containment of communism," and the attendant predominance of military assistance in our foreign aid programs.

Our basic policy with regard to foreign aid should be to provide economic aid freely, but to provide military aid only where a democratic nation absolutely must have it in order to insure its survival. Greece and Spain are not democratic by any stretch of the imagination; furthermore, neither has demonstrated any need for these warships in order to protect itself.

We are told that this bill will only cost the taxpayers $32.5 million, which is not much of an addition to a $73 billion defense appropriation. But that measly $32.5 million, my friends, is twice what we spent last summer—over the President's objections—for food programs for our children. It is over 30 times what we are going to authorize to plan the programs under the new Child Development Act.

This bill would continue the misguided direction of our national priorities generally and would rejuvenate a foreign assistance policy which most Americans have come to recognize as wasteful and backward. I strongly urge its defeat.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker, the title of this exercise might well be "here we go again."

Despite what we have been told about the revolutionary impact of the Nixon doctrine, this bill, and the testimony adduced by the administration in support of it, represents the sterile cold-war approach to foreign policy that has characterized our efforts in Europe since World War II. With the change of a few dates, the entire record on this bill could be inserted in the appropriate documents for 1952 or 1962 without appearing out of place.

I had hoped that we would begin to benefit from our experience in international relations over the past 20 years, and that we would learn that indiscriminately arming any nation that asks for weapons makes no sense whatever in terms of our own interests, or a rational and peaceful world. Those who wonder what the result of this kind of program really is have only to look at today's headlines to see how well India and Pakistan are using American arms to kill each other off.

The notion that supplying antisubmarine vessels to the Spanish or Greek dictatorships somehow enhances our security, or that it makes any political or even linguistic sense to include these regimes in something the administration persists in calling the "free world" is so farfetched that not even the supporters of this bill will defend it.

What we have before us today is a clear example of the force of inertia in public policymaking. No other explanation accounts for the kind of myopia which is necessary to believe that a few rusty submarines in the hands of some Mediterranean nations has any serious relation to our national security.

Mr. HÉBERT. Mr. Speaker and Members of the House, in closing this appeal in behalf of the Committee on Armed Services for the adoption of this legislation, let me again direct your attention to the fact that there is nobody on the committee, including its chairman, who decries more what has happened in the Latin American countries with our ships. Certainly, there is nobody who decries the fact more than the chairman of the House Committee on Armed Services that democracy does not flourish throughout the world. There is nobody, who realizes more than the chairman of the House Committee on Armed Services that we do not have a utopia on earth and that Heaven is not here with us, but that indeed we have a little bit of hell surrounding us. These are the realities of life—these are the matters with which we must deal.

Now I could not state what I have said more emphatically. The criticism that has been raised has been most valid. I have agreed with it. But this is not the time nor the place to attempt to solve these difficulies.

Each of these matters must come up in its own time. Each must have its own day in court and each matter must be resolved by reasonable men in a reasonable fashion and not through these emotional outcries some of which you have heard repeatedly, with the words changed very little.

I believe now is the time when the days are growing short for this session of the Congress. We have a commitment to one country that is over a year old. Whether we like that country's government or do not like it, we are committed to Spain—a commitment that we place on Spanish soil our bases to defend NATO and to defend our own Nation in time of war. We have made this commitment. It is a sacred commitment and we are a year late in delivering on our part of the bargain. Time is running out on us. I urge you and plead with you this evening as the session closes, as the days grow shorter and the year comes to an end—I plead with you to pass this bill at this time and I reassure you again and again that this entire matter will be thoroughly ventilated and thoroughly explored in depth as soon as the committee comes back in January and we hope to come up with some answers.

My colleagues, I think the record of the House Committee on Armed Services speaks for itself. I think its actions cry out loudly that we keep our word—and I pledge that word to you again today.

Mr. ANDERSON of California. Mr. Speaker, I rise in opposition to H.R. 9526, a bill which would authorize the loan of 16 U.S. naval vessels to foreign governments, and I would like to associate myself with the remarks of my colleague (Mr. VAN DEERLIN).

This bill perpetuates the policy of loaning our U.S. Navy vessels to governments considered to be friendly. I have no doubt that the administration considers the foreign governments involved in this bill as friendly.

But, Mr. Speaker, what happens to these vessels when they are out of our hands? What happens if one of these governments becomes antagonistic and uses the U.S. naval vessels against us?

This is not an impossible scenario. This has happened, in fact, with the U.S. Navy vessels that we loaned to the Government of Ecuador which, at the time, was friendly.

Thus far, in 1971, 50 of our tuna vessels have been illegally seized while fishing in international waters off the coast of South America. Many of our tuna vessels have been seized by naval vessels which we have loaned to the "pirate country."

In February, when the Merchant Marine and Fisheries Committee, of which I am a member, conducted hearings in San Pedro, Calif., testimony revealed that of the 25 U.S. vessels seized by the time of the hearings, all but four of the seizures involved former U.S. naval warships.

Mr. Speaker, we should look at the past record. Two Ecuadorian Navy ships, the *Quayaquil* and the *Quito*, were former U.S. Coast Guard vessels. The Ecuadorian Navy ship, the *Esmeralda*, was formerly the U.S. patrol escort craft, the *Eunice*. These former U.S. vessels have been involved in the seizure of our tuna vessels.

This is the greatest insult, Mr. Speaker, to have our fishermen—many of who are former Navy men—being seized, harassed, and shot at by vessels on which they have served while in the U.S. Navy.

Mr. Speaker, we must reevaluate the policy which allows the Department of Defense to loan U.S. warships to foreign governments. We must either discard this policy or we must enact a provision which provides for the immediate return of our U.S. vessels if they are abused in the same method as has the Ecuadorian Government.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. HÉBERT) that the House suspend the rules and pass the bill H.R. 9526, as amended.

The question was taken.

Mr. HARRINGTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. KOCH. 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 260, nays 116, not voting 55, as follows:

[Roll No. 431]

YEAS—260

Abernethy	Cleveland	Giaimo
Addabbo	Collier	Goldwater
Alexander	Collins, Tex.	Gonzalez
Andrews, N. Dak.	Colmer	Goodling
Annunzio	Conable	Gray
Archer	Cotter	Griffin
Arends	Coughlin	Hagan
Ashbrook	Crane	Hall
Aspinall	Daniel, Va.	Hamilton
Baker	Daniels, N.J.	Hammer-schmidt
Bell	Davis, Ga.	Hanley
Bennett	Davis, S.C.	Hanna
Betts	Davis, Wis.	Hansen, Idaho
Bevill	de la Garza	Hansen, Wash.
Biester	Delaney	Harvey
Blackburn	Denholm	Hastings
Blanton	Dennis	Hébert
Boggs	Dent	Heinz
Bow	Devine	Henderson
Bray	Dickinson	Hicks, Wash.
Brinkley	Donohue	Hillis
Brooks	Dorn	Hogan
Broomfield	Downing	Horton
Brown, Mich.	Dulski	Hosmer
Brown, Ohio	Duncan	Hull
Broyhill, N.C.	Dwyer	Hungate
Broyhill, Va.	Edmondson	Hunt
Buchanan	Edwards, Ala.	Ichord
Burke, Fla.	Erlenborn	Jarman
Burke, Mass.	Esch	Johnson, Calif.
Byrne, Pa.	Eshleman	Johnson, Pa.
Byrnes, Wis.	Fascell	Jonas
Byron	Fish	Jones, Ala.
Cabell	Fisher	Jones, N.C.
Caffery	Flood	Jones, Tenn.
Camp	Flowers	Kazen
Carter	Flynt	Keating
Casey, Tex.	Ford, Gerald R.	Kee
Cederberg	Frelinghuysen	Keith
Chamberlain	Frenzel	Kemp
Chappell	Frey	King
Clancy	Fulton, Tenn.	Kyl
Clausen, Don H.	Fuqua	Kyros
Clawson, Del	Gallagher	Landgrebe
	Garmatz	Latta
	Gettys	

Leggett	Perkins	Stanton, James V.
Lennon	Pettis	Steed
Lent	Pirnie	Steele
Lloyd	Poff	Steiger, Ariz.
Long, La.	Preyer, N.C.	Steiger, Wis.
Lujan	Price, Ill.	Stephens
McClory	Price, Tex.	Stratton
McCollister	Pryor, Ark.	Stubblefield
McCulloch	Quie	Stuckey
McDade	Railsback	Symington
McDonald, Mich.	Randall	Talcott
McEwen	Rarick	Taylor
McFall	Roberts	Teague, Calif.
McKinney	Robison, N.Y.	Teague, Tex.
McMillan	Rodino	Terry
Macdonald, Mass.	Roe	Thompson, Ga.
Mahon	Rogers	Thomson, Wis.
Mailliard	Roncalio	Thone
Martin	Rooney, N.Y.	Tiernan
Mayne	Rooney, Pa.	Ullman
Michel	Rousselot	Van Deerlin
Miller, Calif.	Runnels	Vander Jagt
Miller, Ohio	Ruppe	Veysey
Mills, Md.	Ruth	Waggonner
Minish	St Germain	Wampler
Minshall	Sandman	White
Mollohan	Satterfield	Whitehurst
Monagan	Saylor	Whitten
Montgomery	Schmitz	Widnall
Morgan	Schneebeli	Williams
Morse	Schwengel	Wilson, Charles H.
Murphy, Ill.	Sebelius	Winn
Murphy, N.Y.	Shoup	Wyatt
Myers	Shriver	Wydler
Natcher	Sikes	Wylie
Nedzi	Sisk	Wyman
Nelsen	Slack	Young, Fla.
Nichols	Smith, N.Y.	Young, Tex.
O'Neill	Snyder	Zablocki
Passman	Spence	Zion
Patten	Staggers	
Pepper	Stanton, J. William	

NAYS—116

Abourezk	Ford, William D.	Moorhead
Abzug	Forsythe	Mosher
Adams	Fraser	Moss
Anderson, Calif.	Gaydos	Nix
Anderson, Ill.	Gibbons	O'Hara
Anderson, Tenn.	Grasso	O'Konski
Ashley	Green, Oreg.	Patman
Aspin	Green, Pa.	Pelly
Badillo	Griffiths	Peyser
Barrett	Gross	Pickle
Begich	Grover	Pike
Bergland	Gude	Podell
Biaggi	Haley	Quillen
Bingham	Harrington	Rangel
Boland	Hathaway	Rees
Bolling	Hawkins	Reid, N.Y.
Brademas	Hays	Reuss
Brasco	Hechler, W. Va.	Riegle
Brotzman	Heckler, Mass.	Rosenthal
Burlison, Mo.	Helstoski	Roush
Burton	Hicks, Mass.	Roybal
Carey, N.Y.	Holifield	Ryan
Carney	Hutchinson	Scherle
Celler	Jacobs	Scheuer
Clark	Karth	Seiberling
Conyers	Kastenmeier	Skubitz
Corman	Koch	Smith, Calif.
Culver	Link	Smith, Iowa
Danielson	Long, Md.	Stokes
Dellenback	McKay	Thompson, N.J.
Dingell	Madden	Udall
Dow	Mathis, Ga.	Vanik
Drinan	Matsunaga	Vigorito
Edwards, Calif.	Mazzoli	Waldie
Eilberg	Meeds	Whalen
Evans, Colo.	Melcher	Wolff
Findley	Mikva	Yates
Foley	Mink	Yatron
	Mitchell	

NOT VOTING—55

Abbitt	Fountain	Poage
Andrews, Ala.	Galifianakis	Powell
Baring	Gubser	Pucinski
Belcher	Halpern	Purcell
Blatnik	Harsha	Rhodes
Burleson, Tex.	Howard	Rostenkowski
Chisholm	Kluczynski	Sarbanes
Clay	Kuykendall	Scott
Collins, Ill.	Landrum	Shipley
Conte	McCloskey	Springer
Curlin	McClure	Sullivan
Dellums	McCormack	Ware
Derwinski	McKevitt	Whalley
Diggs	Mann	Wiggins
Dowdy	Mathias, Calif.	Wilson, Bob
du Pont	Metcalfe	Wright
Eckhardt	Mills, Ark.	Zwach
Edwards, La.	Mizell	
Evins, Tenn.	Obey	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski and Mr. Fountain for, with Mrs. Chisholm against.

Mr. Andrews of Alabama and Mr. Burleson of Texas for, with Mr. Halpern against.

Mr. Abbitt and Mr. Kluczynski for, with Mr. Diggs against.

Mr. Wright and Mr. Ware for, with Mr. Rhodes against.

Mr. Whalley and Mr. Mizell for, with Mr. Howard against.

Mr. Kuykendall and Mr. Derwinski for, with Mr. Clay against.

Mr. Dowdy and Mr. Landrum for, with Mr. Dellums against.

Until further notice.

Mr. Blatnik with Mr. Belcher.
Mr. Shipley with Mr. Conte.
Mrs. Sullivan with Mr. du Pont.
Mr. Evins of Tennessee with Mr. Gubser.
Mr. Galifianakis with Mr. Powell.
Mr. Purcell with Mr. Harsha.
Mr. Collins of Illinois with Mr. McCloskey.
Mr. McCormack with Mr. McClure.
Mr. Mills of Arkansas with Mr. McKevitt.
Mr. Metcalfe with Mr. Pucinski.
Mr. Baring with Mr. Mathias of California.
Mr. Mann with Mr. Scott.
Mr. Eckhardt with Mr. Springer.
Mr. Sarbanes with Mr. Wiggins.
Mr. Zwach with Mr. Bob Wilson.

Mr. MOORHEAD changed his vote from "yea" to "nay".

Messrs. HUNGATE, RARICK, and DEVINE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRANSPO '72 AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11624), to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The Clerk read as follows:

H.R. 11624

A bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this bill, H.R. 11624, under consideration today will amend the Military Construction Authorization Act for fiscal year 1970 (P.L. 91–142), as amended. In section 709 of Public Law 91–142, the Congress authorized the President of the United States to establish and conduct an international aeronautical exposition. The law provided that the exposition should be held at such time as the President might deem appropriate but not later than 1971. It also authorized such sums, not to exceed $750,000, as might be necessary to carry out the exposition.

Secretary Volpe wrote our committee on May 7, 1970, and requested an amendment. In his request, Secretary Volpe stated:

Of utmost and urgent importance is the matter of budget. The exposition must be the best of its kind the United States can produce to compare and compete with the Paris Air Show and other similar international events. Because of the high cost and long lead time required for most of the preparations necessary for the exposition, the $750,000 presently authorized to be appropriated is not adequate to meet expenses prior to the time additional funding can be derived from exposition incomes. I am therefore requesting the committee to raise the appropriation authorization to $3 million. We will seek this funding from our own appropriations committee.

Therefore, in Public Law 91–511, section 609, the Congress amended Public Law 91–142 by deleting "1971" and inserting in its place "1972"; and deleting "$750,000" and inserting in its place "$3 million."

The purpose of the bill before us is to increase from $3 to $5 million the funds currently authorized to be appropriated. The exposition, now referred to as "Transpo '72" is scheduled to be conducted at Dulles International Airport beginning next May 27. The President assigned responsibility for the conduct of the exposition to the Secretary of Transportation, who determined that the exposition will exhibit all forms of transportation and not be strictly an aeronautical exposition.

The current authorization level of $3 million was based on preliminary cost estimates made by the Department of Transportation last year. Based upon final engineering studies they have now made a more precise cost estimate and are recommending that the present authorization be increased to a total of $5 million.

Our committee passed this bill without objection, and we recommend the House approve the increase in authorization for this great transportation exposition.

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

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

Mr. PICKLE. Mr. Speaker, I rise in strong support of this measure. I commend the gentleman and his committee for bringing this legislation before the House. It is very hard to hold this kind of exposition. It is fitting to hold it at Dulles.

Over 3 years, I asked that we initiate an air show at Dulles similar to the exposition in Paris. At that time, I stood nearly alone. I am glad, however, that the idea has not only been kept alive, but actually expanded. We can learn from project; we can swap ideas and technology; we can look beyond the invention of the wheel and, hopefully, even into the future.

I want Members to know I think this is a good bill and I think it should pass.

Mr. HÉBERT. I thank the gentleman from Texas.

Mr. Speaker, I yield the gentleman from Illinois, (Mr. ARENDS) such time as he may consume.

Mr. ARENDS. Mr. Speaker, I rise in support of H.R. 11624.

The purpose of this bill is to increase from $3 to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act, as amended, for the conduct of an international aeronautical exposition. The exposition, referred to as Transpo '72, is scheduled to be conducted at Dulles International Airport on May 27, 1972, through June 4, 1972. The responsibility for the conduct of the exposition has been delegated to the Department of Transportation.

When the President assigned responsibility to produce this event to the Secretary of Transportation, the Secretary ordered a review of all factors involved in such an event. It immediately became clear that a simple aeronautical exposition would not satisfy the basic objectives as they were interpreted. The Secretary of Transportation, therefore, sought and received permission to expand the concept of the exposition to include all modes of transportation. As Chairman HÉBERT told you, the Secretary also requested Congress to increase the authorization from $750 thousand to $3 million and to change the date from 1971 to 1972. Congress approved this request and it is included in the fiscal year 1971 Military Construction Authorization Act as section 609 (Public Law 91-511).

The Department of Transportation advises that they anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as internationally, and, therefore, that the additional funds to be expended pursuant to the additional authorization would be a most productive investment.

I believe this is meritorious legislation and it should receive the support of every Member of this body.

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

Mr. Speaker, I think the Members of the House ought to be interested in the fact that the authorizing legislation was enacted in the 91st Congress for this transportation show at Dulles Airport. It came in with a request for $750,000. That apparently was the camel's nose under the tent, because we are now confronted with a bill for $5 million.

Not $750,000, but $5 million.

Somebody, somewhere—perhaps over in the Department of Transportation—has a real T-bone steak appetite. A few of us in Congress are trying these days to get this Government on a hamburger diet until we can stop the huge deficits and the inflation brought about by these extravagances and deficits.

I wonder if today, without any "ifs, ands, or buts," the House is going to increase from $750,000, the amount authorized for this transportation show at Dulles Airport, to $5 million, in this short space of time and with no more justification than we have heard?

If the Members want to jump through the hoop, hop to it. If there is to be a nonrecorded vote, I want the record to show I do not go along with the proposition of coming to the House one day and saying, "All we want, all we need, is $750,000" and then turning around almost the next day and asking for $5 million for the same purpose.

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

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

Mr. DICKINSON. I thank the gentleman for yielding.

We went into this matter in the committee. I certainly share the gentleman's concern that the nose of the camel did get under the tent and we evidently have the whole camel there now.

Looking back as to the purpose for this, every 2 years there is a great cry and a great to-do about the Paris air show. It is automatically suspect because it is in Paris.

Some time ago some of the members of the Armed Services Committee, and our chairman at the time, decided it would be a good idea to have an air show over here. It has expanded, and it includes not only air transportation but all forms of surface transportation.

The Secretary has certainly assured our committee he would not see us embarrassed by not being able even to provide transportation control for automobiles to see the exhibits on transportation.

I believe it would be money well spent, and I will support the bill.

Mr. GROSS. I thank the gentleman.

Why did they not, at the inception of this thing, come in with a realistic figure? The answer is, of course, that they might have had some difficulty in getting it through.

This is the old, old game that is played here all the time. They come in and ask for $750,000, and then kite it up to $5 million in a matter of a few months. This is what I take exception to.

Mr. DICKINSON. If the gentleman will yield further, I can only say I have no defense for it. I realize this happens. The gentleman is absolutely right.

I believe even at this figure it would be a good thing, and I will support the bill.

Mr. GROSS. I will say to the gentleman, I have not attended any of the Paris air shows, so I have no debts to pay to the French.

Mr. Speaker, I yield back the remainder of my time. Evidently almost everybody on this side of the aisle is satisfied with this raid on the Treasury.

Mr. HÉBERT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana that the House suspend the rules and pass the bill H.R. 11624.

The question was taken.

Mr. GROSS. 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 202, nays 173, not voting 56, as follows:

[Roll No. 432]

YEAS—202

Abernethy	Gettys	Mosher
Adams	Giaimo	Murphy, N.Y.
Alexander	Gonzalez	Myers
Anderson, Tenn.	Grasso	Natcher
Annunzio	Gray	Nedzi
Arends	Griffin	Nichols
Aspinall	Griffiths	O'Hara
Bell	Grover	O'Neill
Bennett	Gude	Passman
Boggs	Hagan	Patten
Boland	Hall	Pepper
Bolling	Hammer-schmidt	Perkins
Bow	Hansen, Idaho	Pettis
Brasco	Hansen, Wash.	Peyser
Bray	Harrington	Pike
Brinkley	Harvey	Pirnie
Brooks	Hastings	Poff
Brotzman	Hathaway	Preyer, N.C.
Brown, Ohio	Hébert	Price, Ill.
Broyhill, N.C.	Heckler, Mass.	Quie
Broyhill, Va.	Heinz	Randall
Buchanan	Henderson	Rees
Burke, Mass.	Hicks, Mass.	Reid, N.Y.
Byrne, Pa.	Hicks, Wash.	Roberts
Cabell	Hillis	Robinson, Va.
Caffery	Hogan	Rogers
Carter	Holifield	Roncalio
Casey, Tex.	Hosmer	Rooney, N.Y.
Cederberg	Hunt	Ruppe
Chamberlain	Ichord	St Germain
Chappell	Jarman	Sandman
Clancy	Johnson, Calif.	Saylor
Clark	Johnson, Pa.	Scott
Clausen, Don H.	Jonas	Sebelius
Conte	Jones, Ala.	Shriver
Corman	Karth	Sikes
Cotter	Kee	Sisk
Coughlin	Keith	Smith, Iowa
Culver	Kemp	Staggers
Daniel, Va.	King	Stanton, J. William
Davis, Ga.	Kyros	Steed
Davis, S.C.	Landgrebe	Steele
de la Garza	Leggett	Stephens
Dellenback	Lennon	Stratton
Devine	Link	Stubblefield
Dickinson	Long, La.	Stuckey
Dingell	McClory	Symington
Dorn	McCormack	Thompson, Ga.
Downing	McDade	Tiernan
Duncan	McDonald, Mich.	Udall
Dwyer	McFall	Ullman
Edmondson	McKay	Veysey
Edwards, Ala.	McKinney	Waggonner
Erlenborn	McMillan	Wampler
Esch	Mahon	Whalen
Fascell	Mailliard	White
Fisher	Matsunaga	Whitehurst
Flood	Meeds	Widnall
Flowers	Melcher	Williams
Flynt	Miller, Calif.	Wilson, Charles H.
Foley	Mink	Winn
Ford, Gerald R.	Minshall	Wolff
Forsythe	Mollohan	Wyatt
Fountain	Monagan	Wyman
Frelinghuysen	Montgomery	Young, Tex.
Fulton, Tenn.	Moorhead	Zion
Fuqua	Morgan	
Garmatz	Morse	

NAYS—173

Abourezk	Biaggi	Collier
Abzug	Biester	Collins, Tex.
Addabbo	Bingham	Colmer
Anderson, Calif.	Blackburn	Conable
Anderson, Ill.	Blanton	Conyers
Andrews, N. Dak.	Brademas	Crane
Archer	Broomfield	Daniels, N.J.
Ashbrook	Brown, Mich.	Danielson
Ashley	Burke, Fla.	Davis, Wis.
Aspin	Burlison, Mo.	Delaney
Badillo	Burton	Denholm
Baker	Byrnes, Wis.	Dennis
Barrett	Byron	Dent
Begich	Camp	Donohue
Bergland	Carey, N.Y.	Dow
Betts	Carney	Drinan
Bevill	Celler	Dulski
	Clawson, Del	Edwards, Calif.
	Cleveland	Eilberg

Eshleman	Lujan	Roy
Evans, Colo.	McCollister	Roybal
Findley	McCulloch	Runnels
Fish	McEwen	Ruth
Ford, William D.	Macdonald, Mass.	Ryan
Fraser	Madden	Satterfield
Frenzel	Martin	Scherle
Frey	Mathis, Ga.	Scheuer
Gallagher	Mayne	Schmitz
Gaydos	Mazzoli	Schneebeli
Gibbons	Michel	Schwengel
Goodling	Mikva	Seiberling
Green, Oreg.	Miller, Ohio	Shoup
Green, Pa.	Mills, Md.	Skubitz
Gross	Minish	Slack
Haley	Mitchell	Smith, Calif.
Halpern	Moss	Smith, N.Y.
Hamilton	Murphy, Ill.	Snyder
Hanley	Nelsen	Steiger, Ariz.
Hanna	Nix	Steiger, Wis.
Hawkins	O'Konski	Stokes
Hays	Patman	Talcott
Hechler, W. Va.	Pelly	Taylor
Helstoski	Podell	Teague, Calif.
Horton	Price, Tex.	Terry
Hull	Pryor, Ark.	Thompson, N.J.
Hungate	Quillen	Thomson, Wis.
Hutchinson	Railsback	Thone
Jacobs	Rangel	Van Deerlin
Jones, Tenn.	Rarick	Vander Jagt
Kastenmeier	Reuss	Vanik
Kazen	Riegle	Vigorito
Keating	Robison, N.Y.	Waldie
Koch	Rodino	Whitten
Kyl	Roe	Wydler
Latta	Rooney, Pa.	Wylie
Lent	Rosenthal	Yates
Lloyd	Roush	Yatron
Long, Md.	Rousselot	Young, Fla.
		Zablocki

NOT VOTING—56

Abbitt	Goldwater	Powell
Andrews, Ala.	Gubser	Pucinski
Baring	Harsha	Purcell
Belcher	Howard	Rhodes
Blatnik	Jones, N.C.	Rostenkowski
Burleson, Tex.	Kluczynski	Sarbanes
Chisholm	Kuykendall	Shipley
Clay	Landrum	Spence
Collins, Ill.	McCloskey	Springer
Curlin	McClure	Stanton, James V.
Dellums	McKevitt	Sullivan
Derwinski	Mann	Teague, Tex.
Diggs	Mathias, Calif.	Ware
Dowdy	Metcalfe	Whalley
du Pont	Mills, Ark.	Wiggins
Eckhardt	Mizell	Wilson, Bob
Edwards, La.	Obey	Wright
Evins, Tenn.	Pickle	Zwach
Galifianakis	Poage	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Burleson of Texas and Mr. Teague of Texas for, with Mr. Diggs against.

Mr. Pickle and Mr. Rostenkowski for, with Mrs. Chisholm against.

Mr. Rhodes and Mr. Mizell for, with Mr. Metcalfe against.

Mr. Bob Wilson and Mr. Kuykendall for, with Mr. Clay against.

Mr. Spence and Mr. Abbitt for, with Mr. Ware against.

Mr. Andrews of Alabama and Mr. Kluczynski for, with Mr. Zwach against.

Mr. Wright and Mr. Dowdy for, with Mr. Dellums against.

Mr. Howard and Mr. James V. Stanton for, with Mr. Collins of Illinois against.

Mr. Goldwater and Mr. Landrum for, with Mr. Belcher against.

Until further notice:

Mrs. Sullivan with Mr. Gubser.

Mr. Shipley with Mr. Harsha.

Mr. Blatnik with Mr. Derwinski.

Mr. Mann with Mr. du Pont.

Mr. Purcell with Mr. McClure.

Mr. Galifianakis with Mr. McCloskey.

Mr. Jones of North Carolina with Mr. McKevitt.

Mr Evins of Tennessee with Mr. Mathias of California.

Mr. Pucinski with Mr. Powell.

Mr. Mills of Arkansas with Mr. Springer.

Mr. Eckhardt with Mr. Whalley.

Mr. Baring with Mr. Wiggins.

Mr. HOSMER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. DEVINE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. DEVINE. Mr. Speaker, earlier in the day a point of no quorum was raised on H.R. 45, at which time an agreement was made that a yea-and-nay vote would occur on H.R. 45, and later two subsequent bills, as soon as the delegation had returned from the funeral.

I make the point of order that the delegation has returned, and demand the yeas and nays on H.R. 45.

The SPEAKER. The Chair will state that a point of order does not lie to this matter, although the Chair will honor the agreement that was made. However, the Chair would prefer, with the indulgence of the House, to proceed and do it at the end of suspension of business.

Mr. DEVINE. I would point out, Mr. Speaker, that a number of Members who would like to vote on this legislation have commitments and wish not to be delayed. They were here at the time the bills came up.

The SPEAKER. Will the gentleman withhold until the Chair recognizes for a unanimous consent request?

Mr. DEVINE. Yes, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON of New Jersey. I happen to have been here all day. My parliamentary inquiry is this, and I have no argument with my friend from Ohio: I think it is an unusual procedure on which the gentleman made his point of order. I wonder if it is not a matter of comity as distinguished from a matter of parliamentary right to make such a demand?

The SPEAKER. The Chair will honor the request that has been made, because the agreement was made and understood between those who were present and in charge of the proceedings in the House. The Chair intends to honor that as soon as the unanimous consent request relating to the previous bills is made by the gentleman from Louisiana.

GENERAL LEAVE ON H.R. 9526 AND H.R. 11624

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on H.R. 9526 and H.R. 11624, bills just acted on.

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

There was no objection.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

The SPEAKER. The unfinished business is the question on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous-consent agreement, the yeas and nays have been ordered on this particular bill.

PARLIAMENTARY INQUIRY

Mr. CORMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORMAN. Is it possible at this point, by unanimous consent, to take these votes by recorded tellers instead of by rollcall?

The SPEAKER. The yeas and nays were ordered on this bill under the unanimous-consent agreement, so the Chair has no discretion on that.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Is this the bill, H.R. 45, relating to the Institute for Continuing Studies of Juvenile Justice?

The SPEAKER. The gentleman is correct.

The question was taken; and there were—yeas 240, nays 135, not voting 56, as follows:

[Roll No. 433]

YEAS—240

Abourezk	Donohue	Johnson, Calif.
Abzug	Dow	Jones, Ala.
Adams	Drinan	Karth
Alexander	Dulski	Kastenmeier
Anderson, Calif.	Dwyer	Kazen
Anderson, Ill.	Edmondson	Keating
Anderson, Tenn.	Edwards, Calif.	Kee
Andrews, N. Dak.	Eilberg	Kemp
Annunzio	Erlenborn	Koch
Archer	Esch	Kyros
Ashley	Eshleman	Leggett
Aspin	Evans, Colo.	Link
Badillo	Fascell	Long, Md.
Barrett	Findley	Lujan
Begich	Fish	McClory
Bell	Flowers	McCormack
Bergland	Foley	McDade
Biaggi	Ford, William D.	McDonald, Mich.
Biester	Forsythe	McFall
Bingham	Fraser	McKinney
Blanton	Frelinghuysen	Macdonald, Mass.
Boggs	Frenzel	Madden
Boland	Frey	Mailliard
Bolling	Fulton, Tenn.	Matsunaga
Brademas	Fuqua	Mazzoli
Brasco	Gallagher	Meeds
Brooks	Garmatz	Melcher
Broomfield	Giaimo	Michel
Brotzman	Gibbons	Mikva
Brown, Mich.	Gonzalez	Miller, Calif.
Buchanan	Grasso	Minish
Burke, Mass.	Gray	Mink
Burlison, Mo.	Green, Pa.	Mitchell
Burton	Griffiths	Mollohan
Byrne, Pa.	Gude	Moorhead
Byrnes, Wis.	Halpern	Morgan
Carey, N.Y.	Hamilton	Morse
Carney	Hanley	Mosher
Cederberg	Hanna	Moss
Celler	Hansen, Idaho	Murphy, Ill.
Clark	Hansen, Wash.	Murphy, N.Y.
Cleveland	Harrington	Myers
Collier	Harvey	Nedzi
Collins, Tex.	Hastings	Nelsen
Conte	Hathaway	Nix
Conyers	Hays	Obey
Corman	Hechler, W. Va.	O'Hara
Cotter	Heckler, Mass.	O'Neill
Coughlin	Heinz	Patman
Culver	Helstoski	Patten
Daniels, N.J.	Hicks, Mass.	Pepper
Danielson	Hicks, Wash.	Perkins
Davis, S.C.	Hillis	Pettis
de la Garza	Hogan	Peyser
Dellenback	Holifield	Podell
Dickinson	Horton	Poff
Dingell	Hosmer	Preyer, N.C.
	Hungate	Price, Ill.
	Jacobs	

Pryor, Ark.	Schwengel	Thompson, N.J.
Quie	Seiberling	Thone
Railsback	Shoup	Tiernan
Randall	Sikes	Udall
Rangel	Sisk	Ullman
Rees	Skubitz	Van Deerlin
Reid, N.Y.	Slack	Vander Jagt
Robison, N.Y.	Smith, Iowa	Vanik
Rodino	Smith, N.Y.	Vigorito
Roe	Staggers	Waldie
Rogers	Stanton,	Whalen
Roncalio	J. William	White
Rooney, Pa.	Stanton,	Whitehurst
Rosenthal	James V.	Widnall
Roush	Steed	Wilson,
Roy	Steele	Charles H.
Roybal	Steiger, Wis.	Winn
Ruppe	Stephens	Wolff
Ryan	Stokes	Wyatt
St Germain	Stratton	Yates
Sandman	Stuckey	Yatron
Scheuer	Symington	Young, Tex.
Schneebeli	Terry	Zablocki

NAYS—135

Abernethy	Flynt	Minshall
Addabbo	Ford, Gerald R.	Monagan
Arends	Fountain	Montgomery
Ashbrook	Gaydos	Natcher
Aspinall	Gettys	Nichols
Baker	Goldwater	O'Konski
Bennett	Goodling	Passman
Betts	Green, Oreg.	Pelly
Bevill	Griffin	Pike
Blackburn	Gross	Pirnie
Bow	Grover	Price, Tex.
Bray	Haley	Quillen
Brinkley	Hall	Rarick
Brown, Ohio	Hammer-	Roberts
Broyhill, N.C.	schmidt	Robinson, Va.
Broyhill, Va.	Hébert	Rooney, N.Y.
Burke, Fla.	Henderson	Rousselot
Byron	Hull	Runnels
Cabell	Hunt	Ruth
Caffery	Hutchinson	Satterfield
Camp	Ichord	Saylor
Carter	Jarman	Scherle
Casey, Tex.	Johnson, Pa.	Schmitz
Chamberlain	Jonas	Scott
Chappell	Jones, N.C.	Sebelius
Clancy	Jones, Tenn.	Shriver
Clausen,	Keith	Smith, Calif.
Don H.	King	Snyder
Clawson, Del	Kyl	Steiger, Ariz.
Colmer	Landgrebe	Stubblefield
Conable	Latta	Talcott
Crane	Lennon	Taylor
Daniel, Va.	Lent	Teague, Calif.
Davis, Ga.	Lloyd	Thompson, Ga.
Davis, Wis.	Long, La.	Thomson, Wis.
Delaney	McCollister	Veysey
Denholm	McCulloch	Waggonner
Dennis	McEwen	Wampler
Dent	McKay	Whitten
Devine	McMillan	Williams
Dorn	Mahon	Wydler
Downing	Martin	Wylie
Duncan	Mathis, Ga.	Wyman
Edwards, Ala.	Mayne	Young, Fla.
Fisher	Miller, Ohio	Zion
Flood	Mills, Md.	

NOT VOTING—56

Abbitt	Gubser	Pucinski
Andrews, Ala.	Hagan	Purcell
Baring	Harsha	Reuss
Belcher	Hawkins	Rhodes
Blatnik	Howard	Riegle
Burleson, Tex.	Kluczynski	Rostenkowski
Chisholm	Kuykendall	Sarbanes
Clay	Landrum	Shipley
Collins, Ill.	McCloskey	Spence
Curlin	McClure	Springer
Dellums	McKevitt	Sullivan
Derwinski	Mann	Teague, Tex.
Diggs	Mathias, Calif.	Ware
Dowdy	Metcalfe	Whalley
du Pont	Mills, Ark.	Wiggins
Eckhardt	Mizell	Wilson, Bob
Edwards, La.	Pickle	Wright
Evins, Tenn.	Poage	Zwach
Galifianakis	Powell	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. Chisholm and Mr. Kluczynski for, with Mr. Andrews of Alabama, against

Mr. Rostenkowski and Mr. Diggs for, with Mr. Abbitt against.

Mr. Howard and Mr. Clay for, with Mr. Burleson, of Texas, against.

Mr. Blatnik and Mr. Dellums for, with Mr. Rhodes against.

Mr. Hawkins and Mr. Collins of Illinois, for, with Mr. Spence against.

Mr. Reuss and Mr. Metcalfe for, with Mr. Bob Wilson against.

Mr. Pucinski for, with Mr. Teague of Texas, against.

Until further notice:

Mrs. Sullivan with Mr Kevitt.
Mr. Shipley with Mr. Belcher.
Mr. Evins of Tennessee with Mr. du Pont.
Mr. Galifianakis with Mr. Mizell.
Mr. Mills of Arkansas with Mr. Gubser.
Mr. Mann with Mr. Kuykendall.
Mr. Wright with Mr. Harsha.
Mr. Landrum with Mr. Derwinski.
Mr. Pickle with Mr. McClure.
Mr. Dowdy with Mr. McCloskey
Mr. Baring with Mr. Mathias of California.
Mr. Purcell with Mr. Powell.
Mr. Wiggins with Mr. Springer.
Mr. Hagan with Mr. Ware.
Mr. Zwach with Mr. Whalley.

Messrs. DOWNING, DENHOLM, MAHON, DUNCAN, MINSHALL, and WILLIAMS changed their votes from "nay" to "yea."

Messrs. SCHWENGEL and BARRETT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 11955, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. ROGERS. Mr. Speaker, reserving the right to object—and I shall not object—I do want to bring to the attention of the House, and particularly to the attention of the chairman and the members of the Appropriations Committee, the concern which people all over this country have as to proper funding of the Health Manpower legislation which has just passed this Congress and which the President has just signed, asking that it be adequately funded.

The supplemental came up, and the OMB set the figure at about 44 percent of what this Congress has authorized, a very inadequate sum which simply will not meet the needs of the people of this Nation as to getting doctors and getting nurses trained.

If we do not start now we will never get on top of the medical shortage in this country, nor will we be able to get involved in raising the quality and standards of health care in this Nation. We must have the necessary manpower.

The Senate in its bill has raised that sum to about 72 percent of what the Congress has already authorized and the President has signed.

I am not asking to instruct the conferees at this time, but I would ask the chairman and the members of the committee to give favorable and I would hope concurring consideration to the figures as set by the Senate.

I wish the chairman of the committee would comment further to some degree, if he would.

Mr. MAHON. The other body increased the supplemental appropriation bill above the budget by about three-quarters of a billion dollars, overall. That is a very considerable sum. There are many items included in this amount, all of which of course are subject to conference. I am sure the conferees will give sympathetic consideration to all of the additions above the budget and otherwise that were added in the other body. However, in view of the desperate financial situation confronting this country, it is just not practical for the Congress to try fully to fund all legislative authorizations.

Mr. ROGERS. I understand that, and I am not asking for full funding and I do not think anyone is. However, we are asking in its consideration in this conference that you do give special consideration to proper funding of health manpower. I think this is essential.

I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

I would like to point out this is probably one of the most important bills we will have passed in this Congress. So many of the needs are so extensive. There was such complete agreement in our committee as to that. I join with my colleague from Florida in calling this to the attention of the committee. I am sure they will give attention to it in their judgment.

Mr. MAHON. Will the gentleman yield further?

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

Mr. MAHON. I am pleased to have these views and suggestions. I think my friend from Florida knows that we on the Committee on Appropriations try to cooperate with the House in doing what we can do reasonably. Since our Federal finances are in such bad shape, we do have to weigh all of the claims on our limited Federal funds. We just try to do the best we can do under the circumstances. The views that have been expressed here will be helpful to the conferees in connection with this measure.

Mr. ROGERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, BOLAND, NATCHER, FLOOD, STEED, SMITH of Iowa, Mrs. HANSEN of Washington, Messrs. MCFALL, BOW, CEDERBERG, RHODES, MICHEL, SHRIVER, and MCDADE.

APPOINTMENT OF CONFEREES ON S. 18, RADIO FREE EUROPE AND RADIO LIBERTY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 18) to amend the U.S. Information and Educational

Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

INTERIM EXTENSION OF HOUSING AND BANKING LAWS

The SPEAKER. The further unfinished business of the House is the question on the motion of the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and pass the Senate Joint Resolution—Senate Joint Resolution 176—as amended.

The Clerk read the title of the Senate joint resolution.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. PATMAN, WIDNALL, ANNUNZIO, and HALL.

The Committee divided, and the tellers reported that there were—ayes 357, noes 4, answered "present" 1, not voting 69, as follows:

[Roll No. 434]

[Recorded Teller Vote]

AYES—357

Abernethy	Burke, Fla.	Dow
Abourezk	Burke, Mass.	Downing
Abzug	Burlison, Mo.	Drinan
Adams	Burton	Dulski
Addabbo	Byrne, Pa.	Duncan
Alexander	Byrnes, Wis.	Dwyer
Anderson, Calif.	Byron	Edmondson
Anderson, Ill.	Cabell	Edwards, Ala.
Anderson, Tenn.	Caffery	Edwards, Calif.
Andrews, N. Dak.	Camp	Eilberg
Annunzio	Carey, N.Y.	Erlenborn
Archer	Carter	Esch
Arends	Casey, Tex.	Eshleman
Ashbrook	Cederberg	Evans, Colo.
Aspin	Celler	Fascell
Aspinall	Chamberlain	Findley
Badillo	Chappell	Fish
Baker	Clark	Fisher
Barrett	Clausen, Don H.	Flood
Begich	Clawson, Del	Flowers
Bell	Cleveland	Flynt
Bennett	Collier	Foley
Bergland	Collins, Tex.	Ford, Gerald R.
Betts	Colmer	Ford, William D.
Bevill	Conable	Forsythe
Biaggi	Conte	Fountain
Biester	Corman	Fraser
Bingham	Cotter	Frelinghuysen
Blackburn	Coughlin	Frenzel
Blanton	Crane	Frey
Boggs	Culver	Fulton, Tenn.
Boland	Daniel, Va.	Fuqua
Bolling	Daniels, N.J.	Gallagher
Bow	Danielson	Garmatz
Brademas	Davis, Ga.	Gaydos
Brasco	Davis, S.C.	Gettys
Bray	Davis, Wis.	Giaimo
Brinkley	de la Garza	Gibbons
Brooks	Delaney	Goldwater
Broomfield	Dellenback	Gonzalez
Brotzman	Denholm	Goodling
Brown, Mich.	Dennis	Grasso
Brown, Ohio	Dent	Gray
Broyhill, N.C.	Devine	Green, Oreg.
Broyhill, Va.	Dickinson	Green, Pa.
Buchanan	Dingell	Griffin
	Donohue	Griffiths
	Dorn	Gross
Grover	Mahon	Ruth
Gude	Mailliard	Ryan
Hagan	Martin	St Germain
Haley	Mathis, Ga.	Sandman
Hall	Matsunaga	Satterfield
Halpern	Mayne	Saylor
Hamilton	Mazzoli	Scherle
Hammer-schmidt	Meeds	Scheuer
	Melcher	Schmitz
Hanley	Michel	Schneebeli
Hanna	Mikva	Schwengel
Hansen, Idaho	Miller, Ohio	Scott
Hansen, Wash.	Mills, Md.	Sebelius
Harrington	Minish	Seiberling
Harvey	Mink	Shoup
Hastings	Minshall	Shriver
Hathaway	Mitchell	Sikes
Hays	Mollohan	Sisk
Hechler, W. Va.	Monagan	Skubitz
Heinz	Montgomery	Slack
Helstoski	Moorhead	Smith, Calif.
Henderson	Morgan	Smith, Iowa
Hicks, Mass.	Morse	Smith, N.Y.
Hicks, Wash.	Mosher	Snyder
Hillis	Moss	Staggers
Hogan	Murphy, Ill.	Stanton, J. William
Holifield	Murphy, N.Y.	
Horton	Myers	Stanton, James V.
Hosmer	Natcher	
Hull	Nedzi	Steed
Hungate	Nelsen	Steele
Hunt	Nichols	Steiger, Ariz.
Hutchinson	Nix	Steiger, Wis.
Ichord	Obey	Stephens
Jarman	O'Hara	Stratton
Johnson, Calif.	O'Konski	Stubblefield
Johnson, Pa.	O'Neill	Stuckey
Jonas	Passman	Symington
Jones, Ala.	Patman	Talcott
Jones, Tenn.	Patten	Taylor
Karth	Pelly	Teague, Calif.
Kastenmeier	Pepper	Terry
Kazen	Perkins	Thompson, Ga.
Keating	Pettis	Thompson, N.J.
Kee	Peyser	Thomson, Wis.
Keith	Pike	Thone
Kemp	Pirnie	Tiernan
King	Podell	Udall
Koch	Poff	Ullman
Kyl	Preyer, N.C.	Vander Jagt
Kyros	Price, Ill.	Vanik
Landgrebe	Price, Tex.	Veysey
Latta	Pryor, Ark.	Vigorito
Leggett	Quie	Waggonner
Link	Railsback	Wampler
Lloyd	Randall	Whalen
Long, La.	Rarick	White
Long, Md.	Reid, N.Y.	Whitehurst
Lujan	Roberts	Widnall
McClory	Robinson, Va.	Williams
McCollister	Robison, N.Y.	Wilson, Charles H.
McCormack	Rodino	
McCulloch	Roe	Winn
McDade	Rogers	Wolff
McDonald, Mich.	Roncalio	Wyatt
	Rooney, N.Y.	Wylie
McEwen	Rooney, Pa.	Wyman
McFall	Rosenthal	Yates
McKay	Roush	Yatron
McKinney	Rousselot	Young, Fla.
McMillan	Roy	Young, Tex.
Macdonald, Mass.	Roybal	Zablocki
	Runnels	Zion
Madden	Ruppe	

NOES—4

Carney	Van Deerlin	Waldie
Rees		

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—69

Abbitt	Galifianakis	Mills, Ark.
Andrews, Ala.	Gubser	Mizell
Ashley	Harsha	Pickle
Baring	Hawkins	Poage
Belcher	Hébert	Powell
Blatnik	Heckler, Mass.	Pucinski
Burleson, Tex.	Howard	Purcell
Chisholm	Jacobs	Rangel
Clancy	Jones, N.C.	Reuss
Clay	Kluczynski	Rhodes
Collins, Ill.	Kuykendall	Riegle
Conyers	Landrum	Rostenkowski
Curlin	Lennon	Sarbanes
Dellums	Lent	Shipley
Derwinski	McCloskey	Spence
Diggs	McClure	Springer
Dowdy	McKevitt	Stokes
du Pont	Mann	Sullivan
Eckhardt	Mathias, Calif.	Teague, Tex.
Edwards, La.	Metcalfe	Ware
Evins, Tenn.	Miller, Calif.	Whalley
Whitten	Wilson, Bob	Wydler
Wiggins	Wright	Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

The SPEAKER. The further unfinished business is the question on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11809.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous consent agreement, the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 113, not voting 60, as follows:

[Roll No. 435]

YEAS—259

Abernethy	Dorn	Kyros
Abourezk	Dow	Leggett
Abzug	Downing	Lennon
Adams	Drinan	Lent
Addabbo	Edmondson	Link
Alexander	Edwards, Calif.	Lloyd
Anderson, Calif.	Eilberg	McClory
	Erlenborn	McCollister
Anderson, Tenn.	Esch	McCormack
	Fascell	McCulloch
Andrews, N. Dak.	Fisher	McDade
	Flood	McEwen
Annunzio	Foley	McFall
Aspin	Ford, Gerald R.	McKay
Aspinall	Ford, William D.	McMillan
Badillo		Macdonald, Mass.
Barrett	Forsythe	
Begich	Fraser	Madden
Bell	Frey	Mahon
Bennett	Fulton, Tenn.	Mailliard
Bergland	Fuqua	Matsunaga
Bevill	Garmatz	Mayne
Biaggi	Gaydos	Mazzoli
Biester	Gettys	Meeds
Bingham	Giaimo	Melcher
Blanton	Gibbons	Mikva
Boggs	Goldwater	Miller, Calif.
Boland	Gonzalez	Minish
Bolling	Grasso	Mink
Brademas	Gray	Minshall
Brasco	Green, Oreg.	Mitchell
Bray	Green, Pa.	Mollohan
Brinkley	Griffiths	Moorhead
Brooks	Gude	Morgan
Brotzman	Hagan	Morse
Broyhill, Va.	Haley	Mosher
Burke, Mass.	Halpern	Moss
Burlison, Mo.	Hamilton	Murphy, Ill.
Burton	Hammer-schmidt	Murphy, N.Y.
Byrne, Pa.		Natcher
Byron	Hanley	Nedzi
Camp	Hanna	Nelsen
Carey, N.Y.	Hansen, Idaho	Nichols
Carney	Hansen, Wash.	Nix
Casey, Tex.	Harrington	Obey
Celler	Hathaway	O'Hara
Clark	Hawkins	O'Konski
Clausen, Don H.	Hechler, W. Va.	O'Neill
	Helstoski	Patten
Clay	H' ks, Mass.	Pelly
Cleveland	Hicks, Wash.	Pepper
Collier	Holifield	Perkins
Colmer	Horton	Pettis
Conable	Hosmer	Peyser
Conte	Hull	Pike
Conyers	Jacobs	Pirnie
Corman	Jarman	Podell
Cotter	Johnson, Calif.	Poff
Culver	Jones, Ala.	Preyer, N.C.
Daniels, N.J.	Jones, Tenn.	Price, Ill.
Danielson	Karth	Price, Tex.
Davis, Ga.	Kastenmeier	Pryor, Ark.
Davis, S.C.	Kazen	Quie
de la Garza	Keating	Railsback
Delaney	Kee	Randall
Denholm	Keith	Rangel
Dent	Kemp	Rees
Dingell	King	Reid, N.Y.
Donohue	Koch	Robinson, Va.

Robison, N.Y.	Snyder	Vanik
Rodino	Staggers	Vigorito
Roe	Stanton,	Waldie
Rogers	James V.	Wampler
Roncalio	Steed	Whalen
Rooney, N.Y.	Steele	White
Rooney, Pa.	Stephens	Whitehurst
Rosenthal	Stokes	Widnall
Roush	Stratton	Wilson,
Roybal	Stubblefield	Charles H.
Ryan	Stuckey	Winn
St Germain	Symington	Wolff
Scheuer	Teague, Calif.	Wyatt
Schwengel	Thompson, Ga.	Wyman
Scott	Thompson, N.J.	Yates
Seiberling	Thomson, Wis.	Yatron
Shriver	Thone	Young, Tex.
Sisk	Tiernan	Zablocki
Skubitz	Udall	Zion
Slack	Ullman	
Smith, N.Y.	Van Deerlin	

NAYS—113

Anderson, Ill.	Findley	Miller, Ohio
Archer	Fish	Mills, Md.
Arends	Flowers	Monagan
Ashbrook	Flynt	Montgomery
Ashley	Fountain	Myers
Baker	Frelinghuysen	Passman
Betts	Frenzel	Quillen
Blackburn	Gallagher	Rarick
Bow	Goodling	Roberts
Broomfield	Griffin	Rousselot
Brown, Mich.	Gross	Runnels
Brown, Ohio	Grover	Ruppe
Broyhill, N.C.	Hall	Ruth
Buchanan	Harvey	Sandman
Burke, Fla.	Hastings	Satterfield
Byrnes, Wis.	Hays	Saylor
Cabell	Heinz	Scherle
Caffery	Henderson	Schmitz
Carter	Hillis	Schneebeli
Cederberg	Hogan	Sebelius
Chamberlain	Hungate	Shoup
Chappell	Hutchinson	Sikes
Clancy	Ichord	Smith, Calif.
Clawson, Del	Johnson, Pa.	Smith, Iowa
Collins, Tex.	Jonas	Stanton,
Coughlin	Jones, N.C.	J. William
Crane	Kyl	Steiger, Ariz.
Daniel, Va.	Landgrebe	Steiger, Wis.
Davis, Wis.	Latta	Talcott
Dellenback	Long, La.	Taylor
Dennis	Long, Md.	Terry
Devine	Lujan	Vander Jagt
Dickinson	McDonald,	Veysey
Dulski	Mich.	Waggonner
Duncan	McKinney	Williams
Dwyer	Martin	Wydler
Edwards, Ala.	Mathis, Ga.	Wylie
Eshleman	Michel	Young, Fla.

NOT VOTING 60

Abbitt	Harsha	Pucinski
Andrews, Ala.	Hébert	Purcell
Baring	Heckler, Mass.	Reuss
Belcher	Howard	Rhodes
Blatnik	Hunt	Riegle
Burleson, Tex.	Kluczynski	Rostenkowski
Chisholm	Kuykendall	Roy
Collins, Ill.	Landrum	Sarbanes
Curlin	McCloskey	Shipley
Dellums	McClure	Spence
Derwinski	McKevitt	Springer
Diggs	Mann	Sullivan
Dowdy	Mathias, Calif.	Teague, Tex.
du Pont	Metcalfe	Ware
Eckhardt	Mills, Ark.	Whalley
Edwards, La.	Mizell	Whitten
Evans, Colo.	Patman	Wiggins
Evins, Tenn.	Pickle	Wilson, Bob
Galifianakis	Poage	Wright
Gubser	Powell	Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Bob Wilson.
Mr. Burleson of Texas with Mr. Kuykendall.
Mr. Blatnik with Mr. Rhodes.
Mr. Kluczynski with Mr. Harsha.
Mr. Hébert with Mr. Hunt.
Mr. Andrews of Alabama with Mr. Belcher.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Landrum with Mr. Derwinski.
Mr. Evins of Tennessee with Mr. Mathias of California.
Mr. Galifianakis with Mr. Mizell.
Mr. Purcell with Mr. du Pont.
Mr. Pickle with Mr. McClure.
Mr. Reuss with Mr. Riegle.
Mr. Rostenkowski with Mr. Gubser.
Mr. Mills of Arkansas with Mr. McKevitt.
Mr. Wright with Mr. Powell.
Mr. Baring with Mr. McCloskey.
Mr. Shipley with Mr. Diggs.
Mr. Blatnik with Mr. Metcalfe.
Mr. Reuss with Mrs. Chisholm.
Mr. Howard with Mr. Collins of Illinois.
Mr. Roy with Mr. Dellums.
Mr. Mann with Mr. Spence.
Mr. Eckhardt with Mr. Whalley.
Mr. Dowdy with Mr. Springer.
Mr. Evans of Colorado with Mr. Ware.
Mr. Pucinski with Mr. Wiggins.
Mr. Patman with Mr. Zwach.
Mr. Sarbanes with Mr. Whitten.

Messrs. SMITH of Iowa, ARCHER, and BUCHANAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER RELIEF FOR CERTAIN MEDICAL CARE FACILITIES

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1237) to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical facilities which are damaged or destroyed by a major disaster, as amended.

The Clerk read as follows:

S. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Disaster Relief Act of 1970 is amended by adding at the end thereof the following new section:

"PRIVATE MEDICAL CARE FACILITIES

"SEC. 255. (a) The President is authorized to make grants for the repair, reconstruction or replacement of any medical care facility which is owned by an organization exempt from taxation under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954 and is operated to carry out the exempt purposes of such organization, and which is damaged or destroyed by a major disaster. Such assistance shall be made available only on application, and subject to such rules and regulations as the President may prescribe.

"(b) A grant made under the provisions of subsection (a) shall not exceed—

"(1) 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards; or

"(2) in the case of any such facility which was under construction when so damaged or destroyed, 50 per centum of the net cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing such construction is increased over the original construction cost due to changed conditions resulting from such disaster.

"(c) For purposes of this section, 'medical care facility' includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical care facilities although not contiguous thereto."

SEC. 2. The amendment made by the first section of this Act shall take effect as of January 1, 1971.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the purpose of S. 1237 is to authorize Federal assistance for the repair or replacement of any nonprofit medical care facility damaged or destroyed by a major disaster after January 1, 1971. It would amend the Disaster Relief Act of 1970 by adding a new section 255 to make available to nonprofit health-care organizations the same kind of assistance for which publicly owned medical care facilities are now eligible under the 1970 act. It has the unanimous bipartisan support of the committee and was passed unanimously by the Senate on November 3, 1971. Only one technical amendment has been made by the committee to refer to the correct provision of the Public Health Service Act.

I support S. 1237 to amend the Disaster Relief Act of 1970. I personally viewed the earthquake damage along with other colleagues of the House, Mr. CORMAN and Mr. GOLDWATER, and members of the Public Works Committee, including our chairman, Mr. BLATNIK, Mr. KLUCZYNSKI, Mr. DORN, Mr. ANDERSON, Mr. HARSHA, Mr. DON H. CLAUSEN and Mr. MCDONALD of Michigan.

We made an aerial view of the disaster area as well as an on-the-ground inspection of some of the most severe disaster sites. We saw the damage to a dam, highways, public utilities, water, sewer, gas, and electric power. We saw damage to businesses, shopping centers, private homes, as well as to some of the hospitals.

In addition, we held hearings in Los Angeles on February 24 at which we heard testimony from some 45 witnesses to learn how effectively the new emergency disaster law was working.

In general we found it was fulfilling its purpose in providing an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities. We were impressed by the effectiveness and speed in which the coordinating effort between the Federal agencies through the Office of Emergency Preparedness and the State took place. Much of the cleanup had already been completed and some restoration was underway when we viewed the area 2 weeks after the disaster.

We did find, however, that although the act provided Federal assistance to State and local governments for damage to public facilities, including public hospital facilities, it had not contemplated the need for like assistance for medical facilities not publicly owned.

Several hospitals had been severely damaged, among which were private nonprofit facilities that provided medical services to large segments of the population.

For example, we visited Holy Cross Hospital in San Fernando operated by the Sisters of the Holy Cross that had been severely damaged. Another nonprofit hospital severely damaged was the Pacoima Memorial Lutheran Hospital.

We received testimony from the administrators of both of these facilities. Both hospitals were built partially with Hill-Burton grants about 10 years ago. These grants were based upon definitive proof of public need and necessity.

Damage to the Lutheran hospital reduced its operation from a 110-bed facility to 28 beds. It was estimated that approximately $6.5 million would be needed to restore all of its facilities.

Damage to Holy Cross Hospital, according to the best estimates of the engineers, indicated that it would not be economical to repair these facilities and that the cost of the repair would exceed the cost of replacement. Both hospitals had outstanding mortgages on the existing structures.

Obtaining funds to rebuild these facilities by public subscription was remote. The state of the economy in the area was poor. Damage to businesses and private homes gave little hope that the funds could be obtained from the general public. The testimony indicated that the problem of financing was so great that unless there was assistance from OEP or a related agency, there was no way that they could continue to serve the community.

We are all familiar with the problems facing health care facilities in this country. Disasters such as occurred in California only magnify these problems. Ninety-three percent of the private community hospitals of the Nation are nonprofit. These provide for approximately 547,000 beds, which result in an annual admission total of at least 20 million persons.

In many communities the only medical facility available to serve the area is a nonprofit facility. If such a facility is destroyed by a disaster the community is left without medical care.

Many of these nonprofit hospitals have been constructed at least in part with Federal funds through the Hill-Burton program. It is just as essential to help restore these facilities when they are damaged by a national disaster as it is to participate in their original construction.

I sincerely hope and urge my colleagues to act favorably on this bill.

Mr. JOHNSON of California. Mr. Speaker, at this time I yield to the gentleman from California (Mr. CORMAN) such time as he may require.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say to this House that you cannot fully appreciate the role of the Federal Government in a national disaster until you see what they can do.

The 1970 act with reference to public facilities was absolutely essential to the health of the disaster area following the earthquake of February 9, 1971. A substantial part of my district was without water and sewerage facilities and without fire protection. The Federal Government stepped in immediately however and within a matter of hours, emergency facilities were provided.

S. 1237 which we are considering today will take care of a problem which was overlooked when the Disaster Relief Act of 1970 was originally drafted and that is the problem of nonprofit medical facilities. We had four large hospitals totally destroyed and two of them cannot be rebuilt unless this measure is adopted.

The Holy Cross and Pacoima Memorial Lutheran Hospitals which are both in my congressional district suffered a combined loss of $19 million as a result of the February earthquake.

Holy Cross which had a 259 bed capacity was rendered inoperable as a result of the disaster and has been restricted in recent months to providing only outpatient and emergency services.

Pacoima Lutheran which had a 110 bed capacity prior to the quake has had to rely on makeshift facilities in order to restore itself to full capacity and has incurred serious indebtedness providing for these facilities.

Without Federal assistance these facilities, which were originally built with the aid of Federal Hill-Burton funds, will be left with no way to repair the destruction wrought by the earthquake and some one million citizens of the San Fernando Valley will be left with inadequate medical facilities.

Realizing the busy schedule under which they are working, I would like to thank the committee for acting to ensure consideration of this measure before our adjournment and for coming to my district to see first-hand the terrible problems which resulted from the earthquake.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. I thank the gentleman.

Mr. Speaker, I rise in support of S. 1237 and I would like to thank Chairman BLATNIK and the Public Works Committee members for their expeditious handling of this legislation.

The bill, S. 1237, introduced by Senator TUNNEY, was adopted by the Senate on November 3, 1971, and is similar to the bill, H.R. 6834, introduced by my friend and colleague, Mr. CORMAN, who has been most effective on behalf of this legislation.

As a cosponsor of H.R. 6834, I have worked with both Mr. CORMAN and Mr. GOLDWATER to bring the need for this bill to the attention of my colleagues on the Public Works Committee, and I commend both JIM and BARRY for working so diligently in pressing for the enactment of this bill which would provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which were damaged or destroyed by the February 9 earthquake in the San Fernando Valley and Los Angeles areas.

Mr. Speaker, the earthquake which struck on the morning of February 9, nearly completely destroyed the medical care facilities that were available to the residents of the San Fernando Valley. The Olive View Hospital, a $36 million Los Angeles County facility, was a total loss. As many as 15 private hospitals were damaged, two of which were major nonprofit facilities.

First, the nonprofit Holy Cross Hospital incurred an estimated $9 million damage. Although limited emergency and outpatient services have been continued in a relatively undamaged three-story wing, the main portion of the hospital has not been usable since the earthquake.

The second major nonprofit facility severely damaged by the earthquake was the Pacoima Memorial Lutheran Hospital which suffered such severe damage to its main structure that it had to be demolished and removed.

Mr. Speaker, shortly after the earthquake, I, along with several of my colleagues on the Public Works Committee, went to Los Angeles and directly investigated the situation. From that investigation, the legislation before us today was brought forth.

The bill, S. 1237, would allow the administration to make grants for the post-disaster repair, reconstruction, or replacement of the nonprofit medical care facilities that were damaged or destroyed by the February 9 earthquake. The bill before us today will bring the same Federal protection to the privately owned, nonprofit medical care facilities as is presently available to publicly owned facilities.

Mr. Speaker, I urge my colleagues to join me in supporting this necessary legislation.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to speak in behalf of S. 1237—a very vital bill—which would correct a serious omission in the existing Disaster Relief Act. In April of this year I introduced H.R. 7754, which is essentially identical to the legislation now before us. S. 1237 would include nonprofit medical care facilities as eligible recipients of Federal disaster assistance in the same way as publicly owned medical care facilities are now provided for. Surely there is no doubt in anyone's mind that this provision is both necessary and desirable. No one can disagree that a major medical facility is a most important part of any community, or that medical facilities take on even greater significance in times of disaster.

On February 24, this year, within 2 weeks of the devastating California earthquake, our committee held hearings in Los Angeles to review the damages, the administration of relief programs under the Disaster Act, and to give special attention to any need for new legislation in the field. As the ranking minority member of the Flood Control and Internal Development Subcommittee and as a representative of the State of California, I was intensely interested in the first full-scale test of the Disaster Act of 1970.

I particularly noted the destruction of the health care facilities in the San Fernando area—over a dozen hospitals dam-

aged or destroyed. Forty-six lives were lost because of the collapse of the Veterans' Administration hospital at Sylmar. The new Los Angeles County Olive View Hospital was a total loss. These two hospitals are able to receive disaster assistance, but many other nonprofit hospitals, such as Holy Cross and Pacoima Memorial Lutheran, are not provided for under the act.

S. 1237 would provide for the restoration of nonprofit medical facilities. It was reported unanimously by the committee with one technical amendment to refer to the correct provision of law. It is not the intent of the committee that disaster relief assistance be granted to such facilities without regard to a consideration of the public benefit to be derived. I would like to comment on that intent which was developed during the committee's deliberations on this legislation, and point out that clarifying language concerning the administration of the program is included under committee views in the report accompanying the bill.

The term "any medical care facility," as it is used in this legislation, is somewhat broad and could, conceivably, include certain facilities which might not really benefit the public at large. It is the intent of the committee that an eligible nonprofit medical facility be one that was in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical-care facility under construction. Replacement would be made on the basis of need to insure the community's health care, and consistent with the comprehensive plans for the affected area.

There is one other point I would like to make in connection with the administrative procedures for this program. S. 1237 authorizes the President to make grants, however, it does not specify to whom the grants are to be made directly. I want to make it clear that it is the intent of the committee that this grant money is to be provided through State or local governments. This would be consistent with section 252 of the Disaster Relief Act of 1970 which provides the same type of Federal disaster assistance for public facilities damaged or destroyed by major disasters.

Mr. Speaker, having made these points clear for the record, I urge my colleagues to support S. 1237.

In order to make some legislative history on the question of precedent and guidelines, I will read from the committee report the following:

> The congressional intent in this legislation is that eligible nonprofit medical facilities should not replaced unless there is a need for them to insure the health care of the community and unless such facilities are consistent with the comprehensive plans for the affected area. Federal aid for such eligible, nonprofit medical facilities is to be provided through local or State governments in the same manner as for public facilities under section 252 of the Disaster Relief Act of 1970.
>
> The Congress recognized that, in extending Federal aid under this legislation to eligible nonprofit medical facilities, questions would arise as to the precedent established. The extension of like Federal disaster aid to other types of nonprofit facilities is not now contemplated.
>
> The committee intends that a "medical care facility," to be eligible for this Federal disaster aid, should have been in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical care facility under construction.

I further urge the Office of Emergency Preparedness in concert with other agencies to write regulations that are reasonable but would also protect against abuse of this new provision.

Mr. Speaker, I yield such time as he may require to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, on February 9, 1970, millions of Californians were shaken out of bed at 6 o'clock in the morning by one of the worst earthquakes that California has experienced, and by far in terms of dollars amounts the most expensive. The beholder after awakening could not really believe what he saw unless he was there. There was tremendous, widespread damage to private homes, hospitals, and public facilities. Congress in 1970 passed the Natural Disaster Act, which provided relief for States in which natural disasters are experienced. In California the February 9 earthquake brought a half billion dollars in damages of all types—$200 million of damage was done to public facilities such as schools, electricity, water, sewer and gas, and also public hospitals.

But no provision was made in the 1970 National Disaster Act to help private hospitals. This bill as an amendment to the National Disaster Act will remedy that situation. I ask the unanimous support of all Members for the amendment.

Mr. JONES of Alabama. Mr. Speaker, the bill before us. S. 1237, has great merit and is urgently needed to authorize necessary Federal assistance to nonprofit medical facilities which were damaged or destroyed in the Los Angeles area as a result of the California earthquake in February of this year.

The bill would amend the Disaster Relief Act of 1970, which was enacted into law December 31, 1970, by adding a new section to the act.

This section would authorize the President to make grants up to 100 percent of cost for the purpose of repairing or replacing any medical-care facility which is damaged or destroyed by a major disaster and which is operated on a nonprofit basis by an organization exempt from taxation under section 501 of the Internal Revenue Code of 1954.

The bill would also authorize Federal grants up to 50 percent of cost to restore to predisaster conditions nonprofit medical care facilities which were under construction when damaged by a major disaster. Payment of up to 50 percent of increased construction costs due to the disaster would also be authorized.

The bill is made effective retroactively to January 1, 1971, in order to make this assistance available to those facilities damaged or destroyed in the California earthquake.

This legislation has bipartisan support and was reported unanimously out of committee. With the exception of an amendment of a technical nature to correct a reference to the Public Health Service Act which would define the scope of medical care facilities eligible for assistance, this bill is identical to S. 1237 passed by the Senate by voice vote on November 3, 1971.

The need for this amendment to the Disaster Relief Act became apparent when the committee visited California shortly after the earthquake occurred to inspect the damage and to hold hearings.

The California experience was the first application of the Disaster Relief Act of 1970. In reviewing the problems encountered as a result of this disaster, it became apparent that the committee had overlooked the situation where facilities providing needed medical services for the general public were operated by nonprofit organizations rather than by State or local governments.

The existing legislation had contemplated the need for assistance to repair or reconstruct facilities belonging to State or local governments. Public hospitals damaged or destroyed in the disaster were eligible for Federal assistance under the existing legislation.

What we are doing in this bill is simply to make similar assistance available to the nonprofit institutions that equally serve the public and, in fact, are less able to obtain necessary funds to restore their facilities to predisaster conditions.

I request my colleagues to support this legislation so that the medical services needed in this stricken area may be restored without further delay and that the same assistance offered public hospitals will be available in future disasters to nonprofit hospitals serving the same public need.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill S. 1237, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1971

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2887), authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, as amended.

The Clerk read as follows:

S. 2887

An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes as amended

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$38,000,000
Arkansas River	June 28, 1938	57,000,000
Brazos River	Sept. 3, 1954	20,000,000
Central and southern Florida	June 30, 1948	18,000,000
Columbia River	June 28, 1938	130,000,000
Mississippi River and tributaries	May 15, 1928	97,000,000
Missouri River	June 28, 1938	101,000,000
North Branch, Susquehanna River	July 3, 1958	17,000,000
Ohio River	June 22, 1936	62,000,000
Ouachita River	May 17, 1950	1,000,000
San Joaquin River	Dec. 22, 1944	44,000,000
South Platte River	May 17, 1950	37,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	do	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $628,000,000.

SEC. 2. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to perform such work as may be required, including the construction of dikes, to prevent shoaling near the pumping plant intake of the Frazer-Wolf Point irrigation unit on the Fort Peck Indian Reservation, located on the north bank of the Missouri River about thirty miles downstream from the Fort Peck Dam, at an estimated cost of $335,000 subject to the provision that the Bureau of Indian Affairs, Department of the Interior, obtain all necessary lands, easements, and rights-of-way, and maintain the project after completion.

SEC. 3. (a) That in connection with the improvements authorized by section 6 of the Act approved October 3, 1962 (76 Stat. 704, 706), to be undertaken on the Crow Creek Sioux Reservation in South Dakota, the Secretary of the Army is authorized and directed to provide the following under plans approved by the Crow Creek Sioux Tribal Council, at an estimated cost of $800,000:

(1) in connection with the community center building which serves as the Crow Creek Tribal Council offices: offices or conference rooms for visiting Bureau of Indian Affairs personnel, auditorium facilities, sufficient offices and conference rooms for tribal offices, and an adequately sized and equipped kitchen to serve community gatherings;

(2) adequate water, sewer, and drainage facilities;

(3) a street lighting system throughout the townsite;

(4) widening of streets and provision of offstreet residential parking;

(5) sufficient parking near the community center for community gatherings;

(b) The Secretary of the Interior is hereby authorized and directed to reimburse the Crow Creek Sioux Tribe, from appropriations authorized by subsection (a) of this section, for all attorneys' fees and engineering fees, and expenses related thereto, as approved by the Secretary of the Interior, that the tribe has incurred or will incur in obtaining and implementing legislation to remedy difficulties arising from implementation of the Act of October 3, 1962 (76 Stat. 704), but such reimbursement shall not exceed a total of $22,500.

SEC. 4. Section 221 of the Flood Control Act of 1970 (84 Stat. 1824, 1831) is amended by striking the period at the end of subsection (f), substituting a comma therefor, and adding the following: "or to the assurances for future demands required by the Water Supply Act of 1958, as amended."

SEC. 5. The Secretary of the Army, acting through Chief of Engineers, is hereby authorized to cause a survey to be made for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects on Chiltipin Creek at and in the vicinity of Sinton, Texas.

SEC. 6. The project for flood protection on Fourmile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall replace the George Washington Memorial Parkway bridge over Fourmile Run, at Federal expense, substantially as recommended by the Chief of Engineers in his report dated March 2, 1970, published as House Document Numbered 91-358.

SEC. 7. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified to provide that local cooperation to be hereafter furnished in connection with the Obion River Diversion aspect of the Tiptonville to Obion River, Tennessee project, authorized by the Act approved June 22, 1936, and amended by the Act approved July 24, 1946, shall consist of the requirement that local interests agree to maintain the completed works in accordance with the provisions of section 3 of the Act of May 15, 1928, and hold and save the United States free from damages due to the construction works.

SEC. 8. Nothing in any prior Act of Congress, committee report, or congressional document, shall be construed as requiring the State of West Virginia, in connection with the construction of the Stonewall Jackson Lake, West Fork River, West Virginia, and the Rowlesburg Lake project, Cheat River, West Virginia, to furnish assurances that it will hold and save the United States free from any claims for damages from storage of water.

SEC. 9. The Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

SEC. 10. (a) In order to protect the environment, promote safety, and provide access to the public use recreation area around Perry Reservoir, Kansas, the Secretary of the Army, acting through the Corps of Engineers, is authorized and directed, notwithstanding any other provision of law, to take such action as may be necessary to improve the following roads in the vicinity of the Perry Reservoir area, Kansas:

(1) The road leading north from United States Highway Numbered 24, at Perry, Kansas, to an intersection with a black top road east of the dam, consisting of approximately three miles;

(2) The road on the west side of Perry Reservoir beginning at the north end of Delaware State Park running north and west and intersecting State Highway K Numbered 92 approximately one and one half miles west of Ozawkie, Kansas, consisting of approximately six miles; and

(3) The road beginning on State Highway K Numbered 92, one mile east of Old Town Public Use Area, and running north approximately eight miles to intersect with State Highway K Numbered 4 and State Highway K Numbered 16 east of Valley Falls, consisting of approximately nine miles.

(b) In carrying out such improvements, the Secretary of the Army shall be authorized to realign and grade such roads, and to pave such roads with a plant-mix bituminous surface (including chemical stabilization), in accordance with secondary road standards of the State of Kansas.

SEC. 11. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Berdigris River portion of the McClellan-Kerr River Navigation Project in Oklahoma to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except

that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir project designated in this section.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir project specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment.

SEC. 12. The project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $40,031,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President.

SEC. 13. (a) The Lower Monumental Lock and Dam Project, Snake River, Washington, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 10), is hereby modified to provide that the United States shall perform, or pay the cost of performance of, such measures as the Secretary of the Army determines are or may have been necessary to protect any railway bridge or structure from damage caused by the project.

(b) The Secretary of the Army in making the determination required by subsection (a) of this section shall charge to the owner of any such bridge or structure an amount equal to the net value to such owner of any direct and special benefits accruing to the owner from any improvement or addition to or betterment of the bridge or structure, including any expectable decrease in repair, maintenance, or operating expense.

SEC. 14. This Act may be cited as the "River Basin Monetary Authorization Act of 1971".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I yield myself such time as I desire.

Mr. Speaker, I urge support of S. 2887 as an essential continuation for development of this Nation's water resources to benefit all the people.

S. 2887 provides increased authorizations for the prosecution of river basin plans for flood control and related purposes by the Secretary of the Army and the Chief of Engineers. This bill provides additional monetary authorizations for projects which have been authorized over the years with monetary limitations.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects, to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan.

Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been appropriated for this purpose.

At the present time there are 29 basin development plans or projects which are subject to monetary authorization limitations. The authorization provided to date, including that provided last year in passage of Public Law 91-282, is, in most instances, adequate for work to be performed through the 1971 construction season, but it is not sufficient to cover the work to be performed during the 1972 and 1973 construction seasons.

Deficiencies in monetary authorization will exist in nine basins, totaling around $201 million through the end of calendar year 1972. Based on projection by the Corps of Engineers for calendar year 1973, the deficiencies for the 2 years would involve 14 basins and the total deficit would amount to approximately $628 million.

S. 2887 contains a table giving a list of the basins, the dates of original authorization, and the amount of increased authorizations needed for the work to be performed through calendar year 1973. The table contains 14 basins as listed in section 1 of the bill. The total amount of increased authorizations needed for work to be performed through calendar year 1973 is approximately $628 million.

A description of the basins and the status of the monetary authorizations involved in S. 2887, as well as the specific projects on which these increased authorizations are intended to be used, are shown in the report on S. 2887, House Report No. 92-691.

The details of the monetary needs for the Columbia River Basin as furnished the committee and included on page 6 of the committee's report had projected a potential funding need for planning on the Asotin project in Idaho and Washington. The committee has been subsequently informed by the Corps of Engineers that this projection is in error, and that the Corps has no plans for funding the Asotin project at this time.

Sections 2 through 13, in general, modify existing projects and general legislation and include authorization of one project. Section 2 authorizes construction of dikes on the Missouri River to protect pumping plant intake of the Frazier-Wolf Point irrigation unit. Section 3 would provide additional community facilities at the Crow Creek Sioux Tribe Indian Reservation in South Dakota. Section 4 excludes assurances for future water supply storage from general authority provided in section 221 of the Flood Control Act of 1970.

Section 5 provides for a flood control survey of Chiltipin Creek in the vicinity of Sinton, Tex. Section 6 provides for the replacement of the George Washington Memorial Parkway bridge over Four-Mile Run at Federal expense. Section 7 eliminates certain items of local cooperation for the diversion channel feature of the Tiptonville-Obion River levee project. Section 8 eliminates an item of local cooperation relating to furnishing water rights for the Stonewall Jackson and Rowlesburg Dam and Reservoir projects, West Virginia. Section 9 authorizes use of future navigation storage in Benbrook Reservoir for emergency water supply for Arlington, Tex., for a period not to exceed 4 years. Section 10 authorizes recreation area access road improvements in the vicinity of Perry Lake, Kans. Section 11 authorizes reconveyance to former owners of certain lands, or part interest in certain lands acquired in fee along the Verdigris River portion of the McClellan-Kerr Arkansas River navigation project. Section 12 authorizes Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, subject to approval by the Appalachian Regional Commission and the President. Section 13 modifies the Lower Monumental lock and dam project, Snake River, Wash., to provide for Federal performance or pay cost of protect-

ing a bridge or structure from damage caused by the project.

Finally, section 14 would cite S. 2887 as the "River Basin Monetary Authorization Act of 1971."

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resource development program of this Nation. It was unanimously reported out by the committee.

At this time I would like to express my appreciation for the leadership given by the gentleman from Minnesota (Mr. BLATNIK), and the gentleman from Alabama (Mr. JONES), and the splendid cooperation given by the ranking minority Members, the gentleman from Ohio (Mr. HARSHA), and the gentleman from California (Mr. DON H. CLAUSEN), and for the participation of Members on both sides.

Mr. Speaker, I yield to the distinguished ranking minority Member (Mr. DON H. CLAUSEN) such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, I am in complete agreement with the gentleman from South Carolina, I also urge support of S. 2887. It provides an essential increase in the monetary authorizations for 14 comprehensive river basin plans which were previously approved by Congress. It also makes additional, necessary modifications to 12 other existing authorizations.

The added funds for the 14 previously approved basins total $628 million. These funds are to be used to continue work on the 14 basins during calendar years 1972 and 1973.

This $628 million authorization will allow completion of a part of the broad basin plans. The total estimated cost of the 14 projects in the plan is almost $13 billion. These projects have provided and will continue to provide needed flood control, navigation, and other waterway needs. These projects are an important national asset. The Congress can feel justifiably proud of the accomplishments to date and the expectations for the future.

The 12 modifications to existing projects in sections 2 through 13 are also nedeed to carry out the regional and national water resource development program.

Mr. Speaker, the leadership of the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), and the gentleman from Ohio (Mr. HARSHA), as well as the fine participation and cooperation of the Members from both sides are most appreciated. This legislation has the unanimous support of the committee, and I urge the support of the House.

Mr. DORN. Mr. Speaker, I yield to the gentleman from Washington (Mr. McCORMACK) such time as he may consume.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for yielding.

I would like to have it made perfectly clear, whether there is any money to be used from this authorization for the Asotin Dam on the Snake River. Will the gentlemen respond to that?

Mr. DORN. I would be delighted. The details of the monetary needs for the Columbia River Basin, as furnished to the committee are included on page 6 of the committee's report for the projected potential funding needs, and there is listed the Asotin Dam in Washington. The committee has been subsequently informed by the Corps of Engineers that this project is in error, and that the corps has no plans for funding the Asotin project at this time.

Mr. McCORMACK. What you are saying, then, is that, consistent with the announced intentions of the Corps of Engineers, this bill authorizes no funds for the Asotin Dam?

Mr. DORN. None whatsoever.

Mr. McCORMACK. I thank the gentleman for clarifying this matter.

Mr. McCLURE. Mr. Speaker, the proposed Asotin Dam on the Snake River is the subject of considerable controversy, and it is necessary that we have a very clear legislative record on this pending measure. I take this time for that purpose.

When authorizations for activities of the Corps of Engineers are given, the Congress lumps together all of the proposals within several areas. The committee, of course, goes into considerably more detail and requires that the Corps of Engineers justify its request by detailing its proposals for work to be done.

When their supporting statement revealed plans for work on the Asotin Dam, I immediately made inquiry, because they know of my oft-stated and unchanged position in opposition to any construction of this dam. While the dam was authorized many years ago by the Congress as a part of a comprehensive navigational and power development plan for the Lower Snake, I do not think it is now justified. I am, also, certain that it is strongly opposed by a great majority of the people in the area, as well as an overwhelming number of the citizens of the entire State of Idaho. It cannot be justified for power alone, the navigational need is a myth, and alternative uses of the river at this point are much more important. Recreational use by pleasure boaters is great and increasing. The only real commercial navigation on the river would be destroyed—not enhanced—by the dam. Esthetic values alone outweigh the values of the dam.

When I inquired, I was assured that the Corps of Engineers really does not plan to spend any of the money even though it was included in their request. I am told the committee received similar assurances. I am sure this does nothing to enhance their credibility in the eyes of an increasingly suspicious citizenry. It certainly does not increase my own confidence in their integrity or the honesty of their budget request. If the parliamentary situation were different today, I would seek to amend this measure to remove this item specifically and to reduce the authorization accordingly. Since that option is not open to me today, and I have no desire to hold up the entire measure, I ask only that the record be clear that the committee understands the situation as I have outlined it and that no money will be, in fact, spent on this dam—not even planning funds. I will, of course, ask that no money be appropriated for this purpose.

I have, in the past, received assurances from the Corps of Engineers that they have no plans for construction of a reregulating dam on the Clearwater River below Dworshak Dam. However, in view of their actions on the Asotin Dam, I must again state my adamant opposition to the Lenore Dam or any alternative to it. It is my understanding that absolutely no funds authorized in this measure will be used for the planning of any such dam; otherwise, I would be forced to oppose it today. I have been assured that this is true and want the record to reflect that fact.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of S. 2887, the River Basin Monetary Authorization Act of 1971, and especially support of section 6, which modifies the Four Mile Run flood control project in Alexandria and Arlington, Va., to provide for Federal construction of the bridge located south of the Washington National Airport on the George Washington Memorial Parkway.

May I take this opportunity to express my deep gratitude to my friends and colleagues on the Committee on Public Works for recognizing the inequity which would have been created had the city of Alexandria and the County of Arlington been required to bear the cost of replacement of a bridge located on Federal land, and my even deeper gratitude to them for consistently supporting since 1966 our somewhat uphill efforts to obtain the Federal help essential to avoiding the recurrent tragedies which have plagued the Four Mile Run area for more than a decade.

Back in 1963 we first attempted to obtain approval from the Corps of Engineers for a federally assisted program. I honestly believe it was with the best of intentions that the Corps of Engineers at first failed to take into account major factors in determining, after a flood which caused a little more than a million dollars in damage, that flooding was not likely to recur often. In 1963, high water extended from the mouth of Long Branch Run downstream to U.S. Highway 1, building a flood head at railroad culverts and blocking the Mount Vernon Avenue Bridge with sediment and flotsam. But prior to that deluge we had had only two major floods, in 1942 and in 1933 from a hurricane tide, with only minor flooding in between.

After the 1963 flood, Alexandria and Arlington enlarged the streambed, and since then they have devoted many hours to various attempts to improve the runoff. But some of these improvements have actually increased the potential of flood damage to one section of Arlandria while relieving it in other areas. So in spite of these efforts Four Mile Run flooded in 1965, 1966, and five times in 1969. Alexandria officials were called out four times in 1970 to alert citizens to danger of flooding, and so far this year there have been three flood watches, one flood warning, and one full assembly of troops and partial evacuation.

As I said before, I believe the Engineers overlooked a big factor in deter-

mining the frequency of floods in a developed area like northern Virginia. They had to take a whole new look at the tremendous increase in runoff along streambeds in suburban areas created by the construction of the impervious covering in paved areas upstream due to tremendous development of housing and other facilities. I do not believe the frequency studies the corps made in earlier years are at all representative of the frequency we can expect in the future, not only under present conditions but also under conditions that are bound to worsen with increasing development and more rapid runoff into rain-swollen streams.

Mr. Speaker, I am proud to have supported and worked for another type of project in northern Virginia last year. One approved by the Committee on Agriculture, which will provide for carefully controlled development of a suburban watershed, Pohick Creek, to prevent it from becoming another Four Mile Run as our community continues to grow I hope that suburban communities across the Nation will use Pohick Creek as an example of a way in which potential disasters such as we have along Four Mile Run can be avoided.

But it is too late to do more than build a flood control project along Four Mile Run. The conditions existing there, including proliferating home and industry construction, a peculiar set of circumstance involving railroad culverts, and other obstacles actually placed by the Federal Government in the way of proper drainage, call for special action by the Corps of Engineers to help us solve the problem. I am proud to say our committee colleagues agree and have directed that they do help us.

At the time the Four Mile Run project was authorized by our committee colleagues under the provisions of section 201 of the 1965 Flood Control Act, they knew it was imperative that the project be authorized as quickly as possible in view of the disaster potential along Four Mile Run. The section 201 procedure was chosen because it required only committee action in order to get the project underway. Since section 201 limits committee authorization to projects having an estimated Federal cost of $10 million or less, it was necessary for them to approve the project with the assumption that replacement of the George Washington Memorial Parkway Bridge would be considered a local responsibility. On this basis the estimated Federal cost was $9,926,000 and the local cost $6,709,000. Had the bridge been considered a Federal responsibility, the Federal cost would have exceeded the monetary level under which the Committees on Public Works can authorize small water resource projects, and delays in this vital project would have resulted.

Again I thank my colleagues for now recommending that in equity we provide that the Federal Government shall bear the cost of replacing the federally owned and operated structure. They have recognized the urgency, the fear of those who live and work along the streambed of even greater disasters if we delay action, and as they have done consistently since 1966, they have acted in our behalf. Mr. Speaker, I urge the Members of this House to support the action of our committee colleagues. And for every resident of northern Virginia I say thank you.

Mr. EDMONDSON. Mr. Speaker, I support S. 2887 and urge its adoption.

This bill is essential to continued development of our major river basin projects, including the great Arkansas River project, which was opened to navigation to Catoosa early this year.

The measure represents an authorization for further investment in America's most important natural resource—water—and is in the best interest of the country.

I urge its overwhelming approval.

Mr. JONES of Alabama. Mr. Speaker, I support S. 2887 and urge its adoption. The basin authorization bill is needed to maintain this Nation's major water resources programs on schedule and assure that we have adequately provided for the safety and comforts of our future generations. The Congress has never failed to meet this responsibility and I am certain that it never will fail now or in the future.

S. 2887 is a comprehensive measure to authorize the Corps of Engineers to carry forward vital programs for the development and improvement of waterways and harbors as an essential element of the Nation's transportation system, for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities and industries, for the conservation and enhancement of fish and wildlife resources, for providing increased opportunities for our citizenry to enjoy healthful outdoor recreation opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

This legislation would continue and strengthen the civil works program of the Corps of Engineers; a program which had its beginning in 1824 when Congress first assigned responsibility to the Corps of Engineers for the development of our rivers and harbors for navigation. In 1936, the program was broadened to encompass a nationwide flood control program. From time to time, the various navigation and flood control acts have been amended to broaden their scope and provide needed related work and improvements. Today, therefore, the civil works program includes virtually all aspects of water and related land resources development. The need for comprehensive development of the Nation's river basins has long been established, dating back to the conservation crusade led by President Theodore Roosevelt, and has had the support of many commissions and other similar bodies in the ensuing years.

Planning efforts for water resources development must consider not only the mushrooming needs of an expanding population and economy for water resources development, but also the more intangible needs of preserving and enhancing the environment in which we live. The legislation we have before us today is an important step forward in that endeavor. I am convinced that the proposed legislation is essential to the continuing economic development of the United States.

The projects that would be continued by this legislation produce many important values in addition to the large monetary benefits that have been evaluated to justify Federal expenditures. The opportunities that the program provides for industrial development along navigable waterways, changes in land uses, relief of unemployment, saving of lives, improvement in health conditions, and the economic and social security of urban communities and farm areas, further enhance its value to the American people. I am convinced that continued and accelerated progress is necessary in the interest of the national economy and of the welfare and well-being of its people.

Mr. Speaker, I would like to take a moment to thank the gentleman from South Carolina (Mr. DORN) for his efforts in bringing this bill through the committee and to the floor. He is an outstanding member of the Committee on Public Works and of this body. I would also like to express my thanks to the gentleman from Ohio (Mr. HARSHA) and California (Mr. DON H. CLAUSEN) for their excellent cooperation.

Mr. BROTZMAN. Mr. Speaker, I am pleased that we can consider S. 2887 before the end of this session of Congress. The authorizations contained in the bill represent a major additional step in securing positive flood control for the Second Congressional District of Colorado and also for the city of Denver.

Under the authorizations contained in S. 2887, the following important matters can be expedited in 1973.

The major construction phase of the Mount Carbon flood control project on Bear Creek near Morrison can begin. The bill anticipates that $17.5 million will be utilized by the end of calendar year 1973. Of that total, $16.2 million is authorized by S. 2887.

The additional $18.9 million authorized for the Chatfield Dam and Reservoir will permit the closure of the dam at the confluence of Plum Creek and the South Platte River southwest of Littleton, Colo. The new authorization brings the total now authorized for the Chatfield project to $78.9 million, or only about $6 million short of the $85 million which the Army Corps of Engineers estimates to be the grand total project cost.

A new authorization of $1.3 million will facilitate major levee and channel improvements in the Boulder Creek flood control project at Boulder.

An additional $160,000 is authorized for the ongoing South Platte River levee and channel improvement project.

These figures, Mr. Speaker, do not represent exact expenditures which will take place by the end of calendar year 1973. The Corps of Engineers would be authorized to make some modifications in the $36.5 million which would be authorized for Colorado flood control projects by the passage of S. 2887. Also, it will still be necessary for Congress to make

the appropriations which fund today's authorizations. However, the monetary authorizations are very important. They demonstrate the ongoing concern of Congress in ending, for all time, the ever-present threat to lives and property in Colorado which is posed by flash floods spilling onto the populous plains from mountain rivers and creeks.

I urge the passage of this bill, Mr. Speaker.

Mr. PICKLE. Mr. Speaker, S. 2887 could have both an immediate and long-range affect on projects throughout the Nation. Specifically, it would benefit two Corps of Engineer projects in my district which are very much in need of funding.

This bill extends the authorization for funding of the San Gabriel reservoirs, which after long years of waiting in the wings, is substantially underway now. We've experienced disastrous floods in the San Gabriel; floods which came one year, paused barely long enough for the farms and businessmen to regroup their heavy losses, and then they came back another year later like the tide. The weather clock is running in our area and we are only a heavy rain away from another disaster. This may sound ironic in light of our drought this year, but as sure as night follows day—floods follow droughts.

Therefore, this additional authorization is very much needed to keep our project on a steady course of progress.

This bill also recognizes the pressures on an existing project—Somerville Reservoir. This is an immensely popular facility—so popular, in fact, that the actual attendance far outdistanced the original visitor estimates. We had so many people coming to Somerville that our basic health systems were overrun.

While this bill does not put the money in the bank, it does give us hope that Somerville can receive funds for additional recreational facilities, which would include long-needed additions to our sanitation system.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill S. 2887, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill S. 2887.

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

There was no objection.

MARINE MAMMAL PROTECTION ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, as amended.

The Clerk read as follows:

H.R. 10420

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

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 "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they contribute effectively to the health and stability of the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis. Further, measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, a secondary objective should be to obtain an optimum sustained yield.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock has declined to a significant degree over a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, and Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means the sustained yield that results in a population of an optimum number of animals, keeping in mind the health of the ecosystem of which they form a constituent element.

(7) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(8) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(9) The term "Secretary" means—

(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(10) The term "sustained yield" means a harvest equaling the net population growth of a species or stock at any selected population level.

(11) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(12) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(13) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal.

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any such mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b)(3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of article to which subsection (c)(1)(B) or (c)(2)B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, on the basis of scientific evidence demonstrating the need for limitations, shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine escosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103.

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed

for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population stock concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000, or imprisoned not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed $2,500 for each violation.

VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e)(1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104 (a) or (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or marine mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3)(A) Upon the assessment of a penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

FEDERAL PREEMPTION; COOPERATION WITH STATES

SEC. 109. (a) Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking.

(b) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangements must be consistent with the purposes and policies of this title.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the

protection and management of marine mammals.

(b) The Secretary is authorized to make grants or provide other financial assistance to any State agency to enable such agency to develop and implement a State program for the protection and management of marine mammals which is consistent with the purposes and policies of this title.

(c) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $1,000,000, one-half of such sums to be available to each Secretary.

REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of $1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of $700,000 for the first fiscal year following the date of enactment of this Act and the sum of $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President, The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable in connection with the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation and management of marine mammals, and suggest appropriate international arrangements for the conservation and management of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3).

The SPEAKER. Is a second demanded?

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

Mr. PRYOR of Arkansas. Mr. Speaker, is the gentleman from Washington opposed to the bill?

The SPEAKER. Is the gentleman from Washington opposed to the bill?

Mr. PELLY. Mr. Speaker, I voted to report the bill to the floor of the House.

The SPEAKER. Is the gentleman from Arkansas opposed to the bill?

Mr. PRYOR of Arkansas. Yes, Mr. Speaker, and I demand a second.

The SPEAKER. The gentleman from Arkansas qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

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

I strongly support the bill H.R. 10420. It is the best and most responsible legislation that our committee could develop for the protection of marine mammals after extended hearings and executive sessions. It represents what the committee believes to be a workable compromise among the various interests concerned with marine mammals, and yet preserves an essential scheme whereby these animals will be protected from exploitation for man. In essence, the bill requires that marine mammals be managed in the future for their benefit.

It has been said that a working definition of a good compromise is one that leaves all parties equally unhappy. I am aware that there are representatives of animal protection groups that object to this bill, and I am also aware that there are representatives of organizations which make use of marine mammals who are also unhappy with the bill in its present form. I would say to them, as the committee has said, that this bill provides that level of protection and responsibility which is most in line, not with the interests of these groups, but with the interests of the animals themselves.

As reported by the committee, H.R. 10420 gives to the Secretaries of Commerce and the Interior responsibility and instructions to develop programs to determine to what extent marine mammals should be permitted to be taken, and then to issue permits to authorize that taking. With the single exception of Eskimos and Alaskan Natives, no U.S. citizen will be permitted to capture, harass, or kill a marine mammal without that permission.

The bill assures to the public the right and the opportunity to participate in the permit granting process, in order to make certain that the discretion which this bill provides to the executive branch will not be abused. Representatives of some animal welfare groups have protested the basic conceptions underlying this proposal, saying in effect that they do not trust the Secretaries of Commerce and Interior to handle this program responsibly, and therefore the only way to deal with marine mammals is to impose a flat, absolute ban across the board—with one very important exception—on all taking of marine mammals.

The exception which they are forced to recognize is that of the Alaska fur seal, thousands of which are taken each fall in the Pribilof Islands, off the coast of Alaska in the Bering Sea. It happens that the management of the fur seals is one of the most impressive examples of the benefits of responsible management in history. This species of animals was almost extinguished by uncontrolled hunting early in the 20th century. I think that it is fair to say that if the countries involved had not developed a treaty to restrict the taking of these animals, there would be none today. But a treaty was developed, providing for the management of the fur seals and their survival today is a direct result. A result, if I may say, of management on the basis of solid information.

I am not saying that the management of this animal population has been without problems, and occasional errors on the part of the managers. Our hearings on this legislation went into considerable detail on this point. I am saying that the answers to this and similar problems lie not in discarding the management of resources, but rather in improving our management techniques, and of making them more responsive to the needs of the animals themselves and to the ecological understanding which we are slowly developing.

The criticism of the protectionists, if I may call them that, turns on the discretion which the Congress vests in the Secretaries. Their criticism can be met quite easily, I think. If we assume, as we must, that these groups are sincere in their declarations of concern for the marine mammals, we provide to them every opportunity to review the discretionary acts of the Secretaries, and to see that they measure up to the very strict standards of the bill. Before issuing any permit for the taking of a marine mammal, the Secretary must first have it proven to his satisfaction that any taking is consistent with the purposes and policies of the act—that is to say, that taking will not be to the disadvantage of the animals concerned. If he cannot make that finding, he cannot issue a permit. It is that simple.

Further, he must announce to the public what actions he proposes to take, and must detail the evidence upon which he proposes to act. He must hold public hearings on his proposed actions; he must publish recommendations of agencies which may be critical of his actions—in all of these he has no discretion whatever.

Once he establishes these limitations, he must thereupon go through another public review process in order to grant permits for the taking of marine mammals. At this point, public hearings are discretionary, although the committee is strongly of the opinion that this discretion should continue to be exercised in the direction of full disclosure and open hearings in controversial cases. If the interested public is of the opinion that his discretion has been abused at any point in the process, it is given the right and opportunity to appeal under the Administrative Procedures Act.

Still further safeguards are built into title II of the bill, which authorizes the establishment of an independent Marine Mammal Commission, charged with responsibility for reviewing the entire program, and for considering and recommending ways in which that program may be improved. The commission is given further powers, which I have never seen in any other legislation enacted by Congress: Recommendations which it makes to Federal agencies must be considered carefully by them, and recommendations which are not followed must be returned to the commission with a detailed explanation of the reasons that they were not followed.

The bill goes even further, and requires the creation of an independent scientific review panel, to which the commission may, and indeed must refer for advice on scientific questions relating to the mammals in question. This committee is given similar powers to make recommendations, in the form of formal recommendations from the committee or in the form of recommendations from any member.

I simply do not believe that any administrator, forced to operate in that

kind of goldfish bowl, can abuse the discretion that the committee has given him. The concern expressed by the protectionists just does not take account of these extensive safeguards.

It is an important element of the package which we have brought to the House today that the burden of proof in every case rests upon those who propose to capture or take a marine mammal. In order to obtain a permit, they must show that the proposed taking is consistent with the act and is not to the disadvantage of the animals concerned. If they cannot show this, they get no permit.

Efforts were made during the course of the committee's consideration of this measure to have the bill include a limited moratorium upon the taking of all marine mammals. While I can say that we are not unsympathetic with the concern embodied in this proposal, it was nonetheless the judgment of the committee that it was basically inconsistent with the mechanisms which this bill would create to develop a scheme of controls, or lack of controls, unrelated to the needs of the animals themselves. It may be that some animals are well enough studied today to begin a permit program before a moratorium period has run—it is clearly the case that with respect to many animals and population stocks, a 2-year period will not be sufficient to develop the kind of information upon which an effective permit program may be based.

As a practical matter, the legislation before the House today will provide a de facto moratorium for many years with respect to many of the animals which the bill covers. This conclusion follows the provisions of the bill requiring adequate information before a permit can be issued, and the essential lack of hard data on almost every one of the animals covered by the bill. Further, as to those animals such as the polar bear and the great whales, all of which are in a depleted or endangered state, the bill will provide a total moratorium on taking for commercial purposes for a considerable period of time—certainly far longer than would be provided by a 2-year moratorium as proposed by some.

Certainly the protectionists cannot say that they were not given an opportunity to present their case. Of 4 days devoted to hearings on this legislation, one was given almost entirely to advocates of the simpler, absolute proposal represented by H.R. 6558 and similar bills—the legislation that they clearly prefer. That day of hearings was distinguished by its lack of solid scientific evidence and factual testimony supporting any sort of absolute ban.

The protectionists could, or at least did, not succeed in successfully attacking the premise upon which H.R. 10420 is based: that under some circumstances it is actually to the advantage of the animal species and stocks to permit some culling of excess members. Animals can suffer from overpopulation, just as they can from overtaking. We can and we do respond to the problem of overtaking through the extensive techniques which I have described above—we also give the managers the tools with which they may deal with the problems confronted by animal stocks which suffer their own population explosions, and which exceed the carrying capacity of their environment. The committee was told by several witnesses of the problems confronting the seals on the British Farne Islands, which are in the process of destroying their environment. I find the idea of a baby seal dying of disease or starvation even more distressing than that of an adult member killed quickly and painlessly. If killing there must be, it should be as humane as possible—the bill before the House permits this to take place, and the bill of the protectionists does not.

I do not claim that man's hands have been spotlessly clean in the past with respect to marine mammals—they have not. Polar bears have been killed by methods which few would accept as sporting, manatees have been poisoned or run down by motorboats, walrus herds have been decimated, and we have played a part in the destruction of herds of the largest animals ever to have lived on the earth—the whales. All of these activities will be affected by this bill, to the extent that they are engaged in by U.S. citizens, or in U.S. waters.

Opponents of any legislation claim that it is essentially meaningless to attempt to deal with these problems on less than a global basis; and it is undeniable that many of these animals are found in areas not within the jurisdiction of the United States, and are hence open to taking by nationals of other countries. It is certainly our hope that the enactment of strong legislation by this country will serve as a strong example to other countries—just as it is our hope that the ocean dumping legislation, which earlier was acted upon by this body, will serve as such an example. More basically, however, it seems to the committee that a start must be made on the question, and that this, at least, is one thing that we can do. And, I might add, should do.

The committee did not rest here. We included strong language in the report to require the Secretaries to cooperate with the Secretary of State to develop more effective and broader treaties for the protection of marine mammals on a worldwide basis. We also incorporated specific dates by which action had to be taken. I think that I can safely assure this body that we will be watching the development of these activities with great interest.

I would not wish to leave the House with the impression that this bill is opposed by the environmental and conservation community. It is true that there are groups which oppose enactment of this bill today; it is also true that few of these have acquired any recognition as responsible and informed experts in these areas.

The bill is supported, on the other hand, by many recognized conservation organizations. A partial listing of those organizations would include the Rachel Carson Trust for the Living Environment, the National Audubon Society, the Wilderness Society, the Wildlife Society, the Society for Animal Protective Legislation, the Izaak Walton League, and the Wildlife Management Institute. I have here a letter in support of the bill signed by Mrs. Christine Stevens, Secretary of the Society for Animal Protective Legislation. Mrs. Stevens, who is well known to many of us as a prime mover in the adoption of the Animal Welfare Act, says:

> The bill represents an important advance in controlling the capture and killing of these remarkable animals.

I ask that the letter in its entirety be included in the RECORD.

Contrary to what the opponents of this legislation may say, it is not true that the principal support for this legislation comes from the exploiters. Instead, it comes from those who have a sincere and long-term interest in the welfare of the animals involved. I think I am safe in assuring this body that without this kind of support it would never have been possible to have developed the strong bill which is here before you today.

I am aware that this bill has been criticized as being a weak bill. In all candor, I must say that those who have criticized it in this way have not fully grasped the nature of the protection which we have provided. While it is not a simple bill, it is a strong bill, related not to an emotional attitude that cannot accept the thought of an animal suffering, but rather to a positive attitude that man must change his relationship to animals, and must take positive steps to see that they do not suffer unreasonably at his hands.

It is not at all a weak bill. It is indeed a strong bill, providing extensive and ample protection for marine mammals. I recommend its approval.

Mr. Speaker, this bill was reported unanimously from the Committee on Merchant Marine and Fisheries recently. The bill was reported after extensive hearings, at which many hundreds of pages of testimony were taken.

The bill represents the careful judgment of the Committee on Merchant Marine and Fisheries, which has worked very hard on this measure as being the best solution to the difficult problem of providing an adequate level of protection for our marine mammals.

I would commend to my colleagues the language of the report of the committee at pages 18 and 19 in order that all of our colleagues may have a clear understanding of precisely what the bill does.

Before a marine mammal may be taken the Secretary must establish general limitations on the taking and must issue a permit which would allow the taking.

It requires that a strong regulatory responsibility will be exercised after appropriate hearings and provide that no marine mammal may be taken except pursuant to a permit. The public is invited and encouraged to participate fully in these proceedings.

The bill permits and requires the development of an extensive agency management program and sets up the basis on which there will be Federal-State cooperative programs for the management of these species.

The bill creates an independent Marine Mammal Commission to be aided by a scientific advisory body charged with the

responsibility for reviewing existing national and international programs.

The bill requires the Secretary of State and the State Department to initiate, prior to a fixed date, a series of international negotiations to protect not only the species of marine mammals, but also to protect their habitat, which is the most important part of the problem. The bill sees to it that the habitat of these species are preserved and protected.

The bill goes still further. It establishes reasonable controls over native taking and it sees to it that the taking by natives is not conducted in an irresponsible, wasteful fashion.

The bill does something else. The bill requires that the taking of these species be done in a humane fashion.

I should like to read again to my colleagues, the great conservation organizations which support the bill now before us:

The Rachel Carson Trust for the Living Environment.

The National Audubon Society.

The Wilderness Society.

The Wildlife Society.

The Wildlife Management Institute.

The Sports Fishing Institute.

The Society for Animal Protective Legislation.

The Izaak Walton League.

The National Wildlife Federation.

The Humane Society of the United States.

The Citizens' Committee on Natural Resources.

Mr. Speaker, the bill was reported unanimously from the Committee on Merchant Marine and Fisheries and unanimously from the Subcommittee on Fisheries and Wildlife Conservation, which handled the bill.

I should like to pay tribute to the members of the committee, particularly my dear friend the ranking minority member, Mr. PELLY, for his invaluable help, and also to the author of the bill, Mr. ANDERSON of California.

I should like to point out that the gentleman from Arkansas (Mr. PRYOR), our good friend and colleague, was also a sponsor of similar legislation which was considered carefully by the committee but which, although found to be very desirable, in many of its particulars did not measure up to the needs of protection of these species as found necessary by the committee.

Mr. Speaker, the bill is an excellent one. It should be passed at this time.

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

Mr. DINGELL. I yield to the gentleman from Iowa, my good friend, to answer a question.

Mr. GROSS. Why did you have to establish another new commission in Government?

Mr. DINGELL. I am glad the gentleman raises that question. The reason is we do not trust the Interior Department and the Commerce Department to do the complete job of administering this program as should be done. We have therefore set up a panel of experts who are supposed to advise them and superintend research.

I would point out to my good friend he will find this is novel, in that we have required three-fourths of the very limited $1 million budget be expended entirely on research and not on the development of bureacracy. We are as apprehensive as my good friend from Iowa about creating bureacracy.

Mr. GROSS. If you were apprehensive, why establish it? I cannot understand, with all the bureacrats we now have, why you should institute a brandnew commission.

Mr. DINGELL. For one thing, the administration happens to like the idea; but so did we. To accomplish our goals we felt a commission with an appropriate scientific advisory body was important.

We also set this up so that the whole thing will be handled in a goldfish bowl, with maximum public information and participation.

Mr. PRYOR of Arkansas. Mr. Speaker, I yield myself such time as I may consume.

My objection to H.R. 10240 is not only one of procedure but also one of substance.

Traditionally, Mr. Speaker, the suspension calendar has been used as a vehicle to consider noncontroversial legislation. Today we find a very comprehensive and, I must say, extremely controversial piece of legislation that we are being asked to vote up or down without the right to offer an amendment and with only 40 minutes of debate and after only a few hours of study of the committee report and of the legislation itself that the full committee reported out on last Thursday.

Mr. Speaker, first of all, I want to say that the committee and its chairmen have labored very long and very diligently on this legislation to protect our ocean mammals. As to the motives of the chairmen, Mr. DINGELL, and Mr. GARMATZ and the intent of the committee itself—there is no reason to question whatsoever what they had in mind and had to do. Their motives were extremely high and well founded. However, it is my feeling, in the final hours of this session and in an attempt to draft some legislation, that the end result of this committee bill would not have gone and will not go far enough.

Today our basic question must be what is to be gained by considering this particular piece of legislation under these circumstances. Secondly, what damage would accrue should we wait until January when we have adequate time to allow this House of Representatives to work its will on this very comprehensive piece of legislation?

As for the substance of the legislation, Mr. Speaker, I would like to point out a very few areas of H.R. 10240 which I feel could be and should be strengthened.

One, the committee bill which we are considering tonight transfers what should be congressional responsibility into the bureaucracy, for example, and more specifically into the Department of Commerce and the Department of the Interior.

Two, it establishes, yes, another commission downtown to study how and when ocean mammals need to be slaughtered. Mr. Speaker, we do not need another study to know that our ocean mammals are so decimated now and so depleted that many are in danger of complete extinction and have been depleted at a very, very rapid rate in the last 10 years.

For example, with regard to seals, there are arguments made that these seals are killed to prevent overcrowding. I think this argument is nonsense. The press releases from the Canadian Department of Fisheries and Forestry which announced the opening of the hunt last month admitted that there had been an overkill in the North Atlantic in recent years. The herd arriving off Labrador was seriously depleted, they said. They were indicating the size of the herd has been reduced in the last 20 years from 5 million to 1.5 million, a depletion of over 80 percent.

Mr. DINGELL. Will the gentleman yield?

Mr. PRYOR of Arkansas. I will be happy to yield in just a moment, I will say.

As to the treaties which must be a very central and crucial issue, Mr. Speaker, in this debate, H.R. 10240 is much too weak as the initiatives for new treaties to protect ocean mammals are not mandated under this legislation.

Mr. Speaker, I could list other objections to the substance of this legislation, but basically I am saying that this legislation falls far too short of what we must do and what we know we must do.

As a people, I think we are doing some very serious soul-searching.

Mr. Speaker, this legislation may well be a reflection of the American conscience. I am hopeful it will be a reflection of this body's conscience and that it will be a conscience dedicated to the preservation and protection of all of our mammals everywhere.

Hopefully, our action will not represent this great body having gone on record as compromising on this question as a result of the severe time limitation, in the final hours of this legislative situation.

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

Mr. PRYOR of Arkansas. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. I think in fairness it requires me to go into these questions of the gentleman who has read the bill and the report with reference to the question of the taking of the immature white young seals to which he alludes——

Mr. PRYOR of Arkansas. I think the legislation refers to any seal under 8 months of age which would be protected, is this correct?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, first of all, I would bring to the attention of my good friend from Arkansas the fact that the seal killing that is being referred to is done by the Canadians. The bill now pending before us would prevent the taking by American citizens of the animals or parts of the same either for processing and selling to which the gentleman alludes. So the question of the type of taking of seals to which the gentleman has alluded is absolutely and irretrievably prevented by this legislation by American citizens.

Mr. PRYOR of Arkansas. I would say that I have not seen any of the films of the methods by which the taking of the baby seals is done, but I would say I would doubt very seriously that those people who are involved in the seal killing are not going to inquire as to whether that seal is 2 months old, 8 months old, 1 year old, or 2 years old.

Mr. DINGELL. Mr. Speaker, If the gentleman will yield further, we cannot control what the Canadians do, but those animals which they take unlawfully cannot be imported into the United States.

I think more reference should be made to the fact that the bill requires that wherever a species or immature mammal is taken, that it must be taken in a humane manner, and if it is very young and is not taken in this manner it cannot be killed. It cannot be imported; it cannot be processed and it cannot be sold within the United States.

Indeed, the Secretary cannot issue a permit until he defines the fashion in which the species is going to be taken insofar as arriving at a determination and definition of what is humane taking.

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

Mr. PRYOR of Arkansas. I would be glad to yield to my friend from Iowa.

Mr. GROSS. I think the bill has some merit, but it seems to me the committee went off the deep end. It not only calls for a brand new Commission in Government, the members of which would be paid at the rate of $138.48 a day, plus all expenses, but it also creates an advisory committee, the nine members of which would be paid at the rate of $138.48 per day, plus expenses.

Mr. DINGELL. I would be glad to address myself to that question.

Mr. GROSS. Also, there is created an Executive Director of the Commission at a grade level of GS–18, the highest pay in the classified service.

Moreover, I think the committee has walked right into the jurisdiction of the House Committee on Post Office and Civil Service, the committee that allocates supergrades.

I do not know why the committee would go into all of this business of another commission in Government and another advisory committee in Government.

Mr. PRYOR of Arkansas. I would say to the gentleman from Iowa that sometimes we do simple things in very complicated ways.

Mr. GROSS. And expensive ways I would say.

Mr. PRYOR of Arkansas. And expensive ways.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from Maine.

Mr. KYROS. I would like to say as a member of the subcommittee that I would first like to commend the subcommittee chairman, the gentleman from Michigan (Mr. DINGELL) whom I think has a feel for marine mammals and all animals in general. I think he has a comprehensive scheme here for taking care of them, but the fact remains that in the preamble of this very bill it says that we simply do not know enough about marine mammals.

We do not know what their value is to us, what their intelligence is to us, or whether they are becoming extinct. I see no reason for anyone to kill harmless seals and sea otters, or to kill walruses. It would seem to me, particularly in this bill, that if the chairman could assure us that we could obtain a public hearing each time a permit was issued, then, in that event it would seem to me that much of the complaints about this legislation to protect the marine mammals could really be an effectively fashioned piece of legislation.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, there is a clear requirement that before any regulations are issued that there will be full public hearings pursuant to the Administrative Procedures Act. There is no requirement that there be a public hearing held for every single permit being taken out, and I do not think that the gentleman from Maine would wish to insist upon a big public hearing in this way on every single permit that is issued, unless the gentleman wants to bring the effect of the legislation to a halt.

Mr. KYROS. Mr. Speaker, I agree with the gentleman in that respect. However, if someone were going to begin to start taking a certain class of sea otters, perhaps we ought to have the right that there should be a public hearing.

Mr. DINGELL. If the gentleman will yield further, we have taken care of the otter problem by requiring that before otters be taken that steps be made to transport them fully throughout their range, so we have covered that situation.

Mr. KYROS. What about walruses?

Mr. DINGELL. If the gentleman will yield still further, as to walruses there is very little actual taking of walruses by American citizens, except the natives, and we are allowing them to continue, but we have tried to control it as carefully as we can by requiring that they be taken humanely, and that the only ones who can take them without a permit are the natives, who have traditionally been taking them, and by humane means.

Mr. KYROS. What about the polar bears?

Mr. DINGELL. Polar bears, it is my judgment, that under the bill that probably the taking of polar bears will be halted in the foreseeable future because of the enactment of this bill.

Mr. KYROS. I had originally hoped that this legislation would provide a 2-year moratorium on the taking of any mammals, and particularly on the importation into this country of any part of marine mammals, because this would indicate to the rest of the nations of the world that the United States stands foursquare in its efforts to make sure that before we touch these natural resources any more that we know precisely what we are doing.

Mr. Speaker, I rise in support of H.R. 10420, the Marine Mammal Protection Act, feeling that while far from being perfect legislation, this bill is the best we can do at this time in extending protection to marine mammals.

While H.R. 10420 constitutes a much-needed and unquestionably well-intended effort to preserve and protect the marine mammal population of the world, that effort should have been strengthened in two vital areas: the extent of the moratorium, and the question of imports.

I believe that a 2-year moratorium should have been contained within the bill, and that the 60-day moratorium provided on the taking of marine mammals is insufficient. We do not know enough about these animal species' levels of intelligence or how useful they may be to man. We do not know how many animals may be taken, or killed, before we do irreparable damage to our ecological system. Further, most, if not all, animal species need the chance to replenish their stocks; we are fast making diminishing species out of virtually all animals, with particularly telling effects upon ocean mammals. Exploitation of our marine mammals must first depend upon an adequate study of the living animals and their ecological relationships; only then can sound management practices ensue.

Second, I believe that H.R. 10420 should have contained an across-the-board ban on importation, possession, or transportation of ocean mammals or their products, except for scientific research as expressed under the terms of the act. Much of the killing for the sake of import is done unnecessarily—there is no indication whatsoever that the products from any of these marine mammals are in any way needed by American citizens. By discouraging the use of luxury furs from animals in danger of becoming extinct, the United States would set an admirable precedent and humane example for the entire world.

Finally, I should like to state that contrary to reports in the newspapers, the bill requires the appropriate Cabinet Secretaries to publish through the Federal Register, notice of all applications for permits, inviting within 30 days, public statement and comment on the advisibility of granting each and every permit requested. H.R. 10420 thus does provide the legislative machinery needed to bring pressure on the agencies authorizing permits, as well as on those individuals for whom the permits are required.

Hopefully, in the not-too-distant future, H.R. 10420 can be strengthened to provide complete protection to all ocean mammals. At this time, however, I feel that only full support can be given this bill to provide the necessary groundwork.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I am going to vote against this bill.

(Mr. KOCH asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KOCH. Mr. Speaker, I would like, with the permission of the Speaker, to read a short editorial that appeared in the New York Times of today. I could use other words and paraphrase the editorial but they would not be as succinct and as well said as the language used in this editorial which I shall now read:

NOT MUCH PROTECTION

The plight of dolphins, sea otters, whales, polar bears and other ocean mammals has caught the public imagination in recent months. Television films which depicted the bludgeoning to death of baby seals in the Gulf of St. Lawrence last spring during the annual "harvest" evoked an outcry in this country as well as Canada.

The House Merchant Marine and Fisheries Committee has now approved a bill sponsored by Representative Dingell of Michigan, a leading conservationist, which would strike directly at the trade in baby harp seal pelts by forbidding importation of the skins or products of sea mammals less than eight months old.

In other significant ways, however, the bill falls short of the promise implied in its title, "Marine Mammal Protection Act of 1971." It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. Its aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availbility of those products which move in interstate commerce."

Wildlife management is a valid approach in some circumstances, but it is not the sensible way to protect marine mammals which are of negligible commercial importance but of immense scientific and humane concern. There is no reason to set up a permit system to govern the killing of polar bears, walruses, sea otters, sea cows, sea lions, and dolphins.

Instead, there should be a moratorium for five or ten years on the killing of these interesting creatures in American waters and on the importation of products made from them until scientists can arrive at a more complete picture of their prospects for survival.

Because there are omissions and ambiguities as well as good features in the Dingell bill, the House would do well not to rush through its passage this week under a "suspension of the rules" procedure which permits no amendments. Since the Senate in any case will take no action before next year, the House has time to debate the bill under regular procedure and consider amendments which would strengthen and improve it.

Mr. Speaker, for those very cogent reasons, I shall vote "no" on this bill. When this bill is defeated I urge the committee to report out a bona fide Marine Mammal Protection Act, and then I will vote "yea."

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 10420, introduced by the gentleman from California (Mr. ANDERSON) and cosponsored by myself, which would provide for protection and conservation of marine mammals, establish an independent Marine Mammal Commission, and for other purposes.

In view of the lateness of the hour, I shall only relate the highlights of the legislation for the benefit of my colleagues and ask that I be permitted to revise and extend my remarks at this point in the RECORD.

I know of no one single legislative area in this session of Congress which has drawn more attention from a great many of my colleagues, and from the general public at large, than measures pertaining to the protection and conservation of marine mammals. Your committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body. Such concepts ranged from a simplistic approach of a complete ban or "moratorium" on the taking of marine mammals, to measures providing for the convening of international treaty meetings or to authorization of large research programs.

Your committee, since the first day of hearings on this legislative area in September 1971, has carefully, studiously, and impartially evaluated and digested the pros and cons of all these approaches, received and considered expert helpful testimony from just about every major environmental and conservation organization, conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs administered by the Departments of Interior and Commerce, fully evaluated the extent of protection and conservation measures on an international scale, and have established an impressive scientific and technical record as to the current and anticipated status of each of the marine mammal species. These efforts have culminated in the measure pending before you now—H.R. 10420, which initially formed the basis for the committee's deliberations and has been expanded considerably as a result of your committee's efforts. Excellent assistance was provided by the administration in assisting this committee in its work during the last 3 months. To the extent that the recommendations of the administration have been consistent with your committee's objectives, these comments and legislative suggestions have been embodied within the conceptual framework of the bill, H.R. 10420.

As a result of these hearings, your committee has concluded that the range of animals to be included in the legislation should include all marine mammals species known to man; that is, whales, seals, walruses, sea otters, polar bears, and sea cows. All of these mammals are found on the high seas, in territorial waters, and on U.S. lands with existing protection and conservation mechanisms varying from jurisdiction to jurisdiction and from species to species. We concluded that existing levels and emphasis on research funding are fragmented and in need of revision and expansion. We concluded that, due to the national and international importance of these mammals moving in interstate and foreign commerce, action by the Federal Government was warranted and necessary. We concluded that the moratorium or complete ban on the taking of marine mammals should be just one of the many protection and conservation devices which should be utilized, and that a properly balanced species management approach would give the regulatory agencies the flexibility to insure the protection of each species in light of specific environmental factors affecting such species. In short, your committee concluded that it was imperative that the proper legislative and regulatory framework be established now—not at a time in the future when many or most of these species have joined the "endangered" or "extinct" list. In this case, the old adage that "an ounce of prevention is worth a pound of cure" is quite applicable, for in the absence of this comprehensive legislative approach and regulatory scheme on an international, national and State level—these species shall go the way others have due to the past inability of man to accept the environmental and historical concept that the living natural resources of this planet are irreplaceable and should be protected and conserved for the benefit of future generations and the delicate balance of our fragile marine and ocean ecosystem.

Consequently, in the legislation pending before you, your committee has provided that it shall be unlawful to take any marine mammal except pursuant to a permit. Prior to the granting of a permit, the Secretary of the Interior and the Secretary of Commerce, within their specific areas of species responsibility, must establish specific limitations on the taking of mammals in that species on the basis of sound scientific evidence, and only after evaluating and establishing the impact which such a proposed level of taking would have on the marine ecosystem, the marine mammal species itself from the standpoint of population dynamics, on other natural resources of the oceans such as fish, and the economic and technological feasibility of actual implementation of such taking level. Violations of the act are punishable by a civil penalty of $10,000 or a criminal penalty of $20,000 and/or 1 year's imprisonment. Vessel forfeiture is also provided. Enforcement is provided by both Federal and State officials. Recognizing the fact that complete and total protection and conservation must be provided worldwide if the U.S. program is to have any impact, the legislation requires the Secretary of State to seek an international convention on the subject of marine mammal protection in addition to other bilateral or multilateral international treaties which are consistent with the purposes and policies of the act. Recognizing the fact that any such regulatory and conservation program must be based on sound scientific and technical data, the legislation authorizes the Secretaries to make research grants for research and/or program administration. Authorization level is $500,000 to the Secretary of Interior and a like amount to the Secretary of Commerce.

An independent Marine Mammal Commission, appointed by the President, will provide an additional research capability and perform a value advisory function to both the Federal agencies and Congress. The required scientific expertise which the Commission needs is provided by a Committee of Scientific Advisors appointed by the Commission Chairman. The Commission is provided a 5-year authorization of $1 million per year with the proviso that at least three-fourths of this annual amount must be spent on research. The Secretary of Interior is authorized $700,000 for the first year's administration of the program and $525,000 thereafter for each of the next 4 fiscal years. The Secretary of Commerce is authorized $1,500,000 for the next 5 fiscal years for administration.

Mr. Speaker, in the case of many of these species, such as the porpoise, there is not a great deal known as to the world population levels, the current level of taking either in conjunction with the utilization of other marine resources or otherwise. Thus, the importance of the research provisions of the legislation cannot be overemphasized. Certainly, where there is a lack of scientific information as to whether or not a current level of taking is harmful to the species and the marine ecosystem, it would be advisable to approach the issuance of permits from a conservative standpoint.

However, this is not to say, and I believe it is not your committee's intention, that the Secretary of the Interior or Commerce should establish arbitrary low or high levels of permissible taking solely from a fear of the unknown expressed on the part of the regulatory agency or the general public. The Secretary, in section 102 of the bill, must base his levels of limitations on sound scientific and technical evidence and consequently has the burden of proof of justifying his decision from all of the evidence presented and available. Then, once the general limitations for each species have been established, the burden of proof shifts to the person applying for a permit to take marine mammals, who must demonstrate that the perimeters of the permit are consistent with the purposes and policies of the act and the established limitations.

Mr. Speaker, this measure now pending before this body is landmark legislation, and I urge its overwhelming passage.

Mr. VANIK. Mr. Speaker, after considerable review of the matter, I will vote against passage of H.R. 10420, the Marine Mammal Protection Act of 1971. The bill has been weakened considerably, and I do not believe it will meet its ostensible purpose.

The bill before the House today is being brought to the floor under parliamentary conditions which prevent amendments designed to improve the legislation.

The bill does not establish enough of a definite moratorium on the taking of ocean mammals to allow many of the depleted species to recover. Further, part of the act will be administered by the Department of Commerce—an agency of the Government which has always been dedicated to the development and exploitation of a resource—never its conservation. Throughout the bill, more emphasis appears to be given to the "harvesting" of animals on a "sustained yield basis" than to the actual proper place of these animals within the environment.

Mr. FISH. Mr. Speaker, the Marine Mammal Protection Act before us certainly is in the right direction, but is simply not comprehensive enough. It has, as the enclosed editorial from the Washington Post of December 5, states, several excellent features "but improvements need to be made if adequate mammal protection is to be provided." A no vote will return this measure for further consideration and strengthen along the lines of the Harris-Pryor bill.

There must be an end to widespread killing of defenseless ocean mammals. Only strong legislation will accomplish this. The exemptions in the measure before the House will not provide the needed protection.

Mr. Speaker, I believe this is one of those areas where Executive discretion and vague standards are not enough.

I think the editorial that I now insert in the RECORD is a sound approach:

AN SOS FOR OCEAN MAMMALS

Last March, Senator Fred Harris and Representative David Pryor offered sensible and strong legislation calling for an end to the widespread killing of defenseless ocean mammals. The idea behind the proposal was sound; large numbers of whales, baby seals, porpoises, sea otters, walruses, sea lions, sea cows, dolphins, polar bears and others were being pursued, harassed and slaughtered, on land and sea, by hunters, commercialists and "sportsmen." Many of these animals have endured so much brutality that their number has declined to the point that they are threatened with extinction. The Harris-Pryor bill received support from such groups as Friends of the Earth, Defenders of Wildlife, the Fund For Animals and the World Federation for the Protection of Animals; in addition, 26 members of the Senate and some 90 members of the House became cosponsors.

The ocean mammals seemed about to receive the kind of protection that in the balance of nature they should receive. But then, following hearings in September, the House Merchant Marine and Fisheries Committee put aside on December 1 the Harris-Pryor bill and reported out a bill—the Marine Mammal Protection Act—sponsored by Representative Glenn Anderson (D-Calif.) and nine cosponsors. The latter has the support of the fur industry, various hunting groups and the Nixon administration. It is strange that the committee did not join those supporting the Harris-Pryor bill, which offered solid protection to ocean mammals; but stranger still is the way the Anderson bill is now scheduled to be brought to the House floor on Monday on what is called the suspense calendar. This procedure, used mostly for non-controversial bills, is an odd choice since the bill is obviously the object of heated controversy. On Monday, the House has one option—approve or disapprove—with no amendments allowed.

Clearly, though, amendments are needed if the bill is to be effective. A main weakness is that the killing of mammals would not be stopped in itself; instead, the Secretaries of Commerce and Interior would be given authority to issue permits to allow the continued taking of the mammals. In other words, the Secretary of Commerce, for example, would be subjected to the usual and ever-persistent pressures of vested interests and lobbies. The past record—if current conditions in the mammal world tell us anything—suggests that the mammal interests have seldom been given high priority. Perhaps a turnabout will occur and the Secretary of Commerce will become less commerce minded; but why risk this? Why not merely offer legal protection for the mammals rather than offer legal permission for federal officials to decide their fate?

The Anderson bill has several excellent features but improvements need to be made if adequate mammal protection is to be provided. Since no amendments can be offered Monday, it will be no large loss if the House votes down the bill and allows it to be deferred for action until the next session begins in January. The House will then have a better chance of considering strengthening amendments, ones that will not only make a strong law but will also strengthen the chance for survival among the mammals. They need help.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 10420.

The importance of this legislation cannot be overemphasized. In light of the existing precarious state of many of the ocean's mammal species, in light of the almost complete lack of scientific information on such species, in light of the apparent fragmentation of existing protection and conservation programs for marine mammals, and in light of the strong need for a concerted national effort to insure complete compatibility of program objectives and conservation measures, failure to enact such legislation as is now pending before this body will result in further degradation of marine mammal species and the role they play in assisting to maintain the delicate balance of our ocean atmosphere.

In attempting to resolve conflicting philosophical approaches between a total "hands off" position and one of species management for the benefit of the species and the entire ecosystem, the hearing record and the committee report amply illustrate the fact that the moratorium technique is just one of many which man must and should use to further the laudable goals of marine mammal protection, conservation, and development. To illustrate this point, I would like to quote the remarks of Dr. Lee Talbot, Council on Environmental Quality, when he testified before the committee. His remarks may be found on page 143 of the committee hearing record—92–10.

Dr. TALBOT. Total protection is a necessary tool of management when the objective of management is as we have described it, the broad maintenance of the balance, the stability of the environment, and the avoidance of the depletion or extinction of species. There are a number of situations where total protection for a time and in some cases perhaps relatively permanently is required, but because environmental conditions are dynamic, it is frequently necessary to subsequently apply some other form of management in order to assure our original objective. We have a number of situations on land where total protection of some species—for example, of the deer—has resulted in what amounts to a population explosion of that species, which has adversely affected its own environment and that of many of the other organisms, plants, and animals, with the ultimate damage to the species we were trying to protect.

What I am saying is that total protection is a very important management technique, but it is not the only management technique.

Mr. PELLY. You want a flexible system of protection, is that it?

Dr. TALBOT. Yes, sir; based on adequate scientific knowledge of the situation and of the principles of management.

The bill H.R. 10420 embodies this species management concept—but built into it is the approach that when it is necessary to do so on the basis of scientific evidence demonstrating that conclusion, a total or partial ban on the taking of a particular marine mammal species is within the expressed and implied authority of the Secretaries.

Mr. Speaker, the philosophical approach in the bill is meritorious. The research provisions are comprehensive, and the authorization levels are conservative, supported by a strong factual basis of need, and will serve to materially as-

sist Federal, State, and local conservation efforts in a well-coordinated program of complementary research, administration, and enforcement. I urge its final passage and subsequent enactment into law.

Mr. FORSYTHE. Mr. Speaker, I rise in support of passage of the bill, H.R. 10420.

The merits of the specific provisions of the bill have been aptly explained, and I shall not belabor the point only to indicate that I concur completely in the remarks of the distinguished chairman of the Subcommittee on Fisheries and Wildlife (Mr. DINGELL) and our ranking minority member of the Committee on Merchant Marine and Fisheries (Mr. PELLY).

The important point which I feel is embodied in this legislation is that now, for the first time in the history of man's utilization of marine mammals, there will be a firm, sound, statutory program which will:

First, recognize that uncontrolled continued exploitation is environmentally unsound;

Second, attempt to insure that the mistakes which this Nation, and others in the world community, made in regard to such species as whales, will not occur again; and

Third, insure that any future utilization of marine mammal species must be controlled on a sound scientific basis supported by a comprehensive marine research program, not only from the standpoint of traditional management concepts of "maximum sustained yield" but also from the standpoint of the impact which a level of taking will have on the particular species involved and its relationship with the marine environment of which the species is an integral and important part.

The success of the international treaties prohibiting the high seas unrestricted taking of fur seals is notable. However, at best, few successes have occurred in regard to other management programs pertaining to the other marine mammal species. The sea cow is almost extinct, some subspecies of whales are on the border of extinction, the polar bear is in danger of becoming depleted, the porpoise or dolphin may be depleted unless we develop more scientific data through a massive research program which will support control and protection measures. From that standpoint, the efforts of the American tuna industry, in direct contrast to the fishing industries of other nations who do not yet share our concern for sound conservation practices, in establishing a joint industry-Government research program and the development and implementation of new fishing techniques and innovative gear to conserve marine mammals accidentally and nonwillfully taken in conjunction with fishing activities is commendable.

To a great extent, the credit for eventual enactment of such legislation should go to the general public of the United States, who through their increased environmental awareness have called on local, State, and national leaders in the executive and legislative branches of Government to enact and implement environmentally oriented programs designed to correct a number of mistakes which man has made in the past in failing to live harmoniously with the natural environment. Enactment of this legislation will correct the mistakes we have made in the past in regard to marine mammals, and insure that our actions in the future are based on sound environmental principles of species management.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 10240 which has been amended in several respects since I first introduced it in August. It represents what I believe to be a strong and significant step in the direction of a more responsible relationship between men and animals. This bill would establish a national program designed to preserve and protect marine mammals such as the whale, walrus, seal, polar bear, sea otter, sea cow, and porpoise.

I know that the bill has been attacked by members of some organizations on the basis that it is too weak. I may say that it has also been attacked by representatives of other groups as being too strong. The commercial fisherman of southern California, some of whom I have in my own district, have indicated that it could create impossible burdens upon them in the carrying out of their traditional activities.

I do not believe that either group is correct in its assessment of this bill or its implications. The protectionists, who claim that the bill is defective because it vests too much discretion in the Secretaries of Interior and Commerce, fail to perceive the very considerable checks and balances built into the bill to prevent abuses of that discretion. It would prove, I believe, impossible for an agency head to disregard the clear mandate which permeates the bill and to grant permits to exploiters with no consideration of the effects of their activities upon either the marine environment or upon the populations of the animals involved.

When the Merchant Marine and Fisheries Committee conducted hearings on legislation to protect marine mammals, there were two basic schools of thought. First, some conservationists contend that the best way to enhance a species of marine mammals is to totally prohibit their killing. Other conservationists feel that a total ban would be disastrous to the specie, and that a scientifically managed program is the only way to assure the perpetuation of marine mammals.

The bill before us today, H.R. 10420, combines these schools of thought by prohibiting the killing of any marine mammal unless it is scientifically proven that such killing will, in fact, benefit the specie of marine mammals.

How does the bill, H.R. 10420, conserve and protect marine mammals?

First, without a permit issued by the Secretary of the Interior, or the Secretary of Commerce, no person under the jurisdiction of the United States may import, sell, harass, hunt, capture or kill a marine mammal. In addition, this bill would specifically prohibit the importation of any marine mammal which is pregnant, less than 8 months old, endangered, or taken in an inhumane manner.

With regard to porpoises, on the basis of scientific evidence, the Secretary of Commerce may prohibit the importation of any fish which were caught in a manner which would be injurious to marine mammals.

Second, in order to meet the desires of those conservationists who feel that the professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular specie, a permit system is authorized.

How would the permit system operate? In order to obtain a permit to import, kill, capture, sell, or hunt a marine mammal, a person must apply to the Secretary of Commerce or Interior for a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views or arguments with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved. In fact, if overpopulation of a specie is the reason for the application, rather than allow the taking, the Secretary is required to consider whether or not it would be more desirable to transfer a number of such mammals to another location.

After considering the application and its effect on existing levels of the stock and the divergent views, and after considering the recommendations of the independent three-member Marine Mammal Commission—established under title II of the bill—the Secretary must determine that such a permit will not endanger the health and stability of the marine ecosystem.

A person who knowingly violates this act may be fined up to $20,000 and may be imprisoned for up to 1 year.

Admitted, Mr. Chairman, we do not have enough scientific knowledge of the marine mammals. Thus, the bill H.R. 10420 establishes an independent, three-member Marine Mammal Commission, appointed by the President from a list submitted by the Chairman of the Council on Environmental Quality. None of the members of the Commission may be "in a position to profit from the taking of marine mammals."

This Commission is required to undertake a study and review of the stocks of marine mammals, of the methods for their management, of research programs, and of the permit system.

They shall recommend such steps as are necessary to protect and manage marine mammals. Any recommendations of the Commission which are not followed must be answered in detail by the Secretary of the Interior or Commerce, depending on the recommendation.

In addition, the bill establishes a nine-member Committee of Scientific Advisers on Marine Mammals. This committee, chosen by the Chairman of the Commission, shall be knowledgeable in marine ecology and marine mammal affairs. Any of their recommendations, not followed

by the Commission, shall be transferred to the appropriate Federal agencies and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

In order to develop knowledge relevant to the preservation of marine mammals and to develop State programs to conserve marine mammals, $20.3 million is authorized under H.R. 10420.

No one can say that the committee has moved irresponsibly on this proposal. We held 4 days of public hearings, and many days of executive sessions, working on and strengthening the language of the bill. I have never been involved in legislation which has been so thoroughly discussed and examined. The subcommittee and full committee both ordered the bill reported unanimously. The bill that we reported is a good one and I urge its adoption.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of my bill, H.R. 10420, the Marine Mammal Protection Act of 1971.

This measure is a strong one that establishes a two-pronged attack on the problem of the depletion of marine mammal populations. It provides the essential Federal protection of these mammals and additionally vastly increases our support of research programs to improve our understanding of these animals and their relationship to the marine and terrestrial ecosystems.

Man's wanton slaughter of these marine mammals has been sometimes purposeful and sometimes inadvertent but its result has been to jeopardize the existence of many species and to threaten the viability of others.

This bill does not provide for a flat ban against the taking of marine mammals—although such a result could be obtained if it is determined necessary to preserve and foster any particular species. The basic philosophy of the bill is to insure that the best policy for preserving the animals is adopted.

The bill has a number of important features. First, it prohibits the taking of marine mammals without a permit. This permit may not be granted without a showing that the proposed taking will not be disadvantageous to the animal population or its future development.

Second, the bill designed the administrative process so that the public has full access to the decisionmaking procedures and an opportunity to participate therein.

Third, the bill establishes for the first time an adequate and extensive program of research on these animals through the creation of an independent Marine Mammal Commission which, with the assistance of a scientific advisory board, will review national and international programs affecting marine mammals to insure that they will further the objectives of protecting these animal populations.

And, finally, the legislation contains a section requiring the Department of State to undertake necessary actions to begin working for international conventions and treaties that would insure other nations begin to take appropriate means to extend the policies adopted in this measure to other nations.

The bill's provisions cover whales, porpoises, dolphins, seals, sea lions, polar bears, walruses, manatees, and sea cows. All these groups need its protection.

This bill is realistic, it will effectively meet the problems of marine mammals and I strongly urge its approval by the House today.

Mr. RYAN. Mr. Speaker, there is a significant need for the Congress to enact legislation to protect ocean mammals. Many species of these mammals face immediate, or longrun, danger of extinction.

Unfortunately, the legislation before us today (H.R. 10420) falls short of living up to its title "The Marine Mammal Protection Act of 1971." As an editorial in today's New York Times pointed out:

> It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. It's aim is to manage these mammals on 'an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce.' "

Although there are some beneficial features in this legislation, I believe that it could be improved considerably. However, since this measure has been brought up under suspension of the rules, Members of the House have been denied the opportunity to offer amendments to strengthen this bill.

Since the Senate will not take action of this legislation before next year, I can see no reason for the House to rush this bill through under this parliamentary maneuver. Rather, we should debate this legislation under normal procedure and consider amendments which would make this legislation live up to the promise of its title.

Therefore, I intend to cast my vote against the Marine Mammal Protection Act of 1971, this afternoon.

On September 22, I testified before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marines and Fisheries, in favor of H.R. 7556; the Ocean Mammal Protection Act of 1971—of which I am a cosponsor, and of which our distinguished colleague from Arkansas (Mr. PRYOR) is the chief sponsor, and House Concurrent Resolution 77—which I introduced on the first day of this Congress. At that time, I detailed the imperative need to protect marine mammals. I am including the text of that testimony at this point in the RECORD:

TESTIMONY OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION OF THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, SEPTEMBER 22, 1971

I appreciate the opportunity to appear before the distinguished subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries to testify with regard to various bills concerning the preservation of ocean mammals.

Many species of ocean mammals face immediate, or long run, danger of extinction. Essential components of the delicate balance of nature, these animals have been hunted down and destroyed throughout the world. Marvels of adaptation to their environment, possessed of highly developed intelligence, often characterized by an acute sense of protectiveness for their fellows, the mammals of the world's oceans are irreplaceable.

Yet, man's arrogant rapaciousness continues. Instead of perceiving this planet as a world we share with our fellow living creatures, we plunder its wealth. Within the last 200 years, nearly 75 species of mammals alone have become extinct. Only lately has an increasingly aroused public begun to rouse itself to our common folly.

These hearings which you are now holding are particularly timely, because it is the sad lot of many species of ocean mammals that they face—in a frighteningly short time, unless strong actions are taken very quickly—being added to the list of creatures no longer to be seen on this earth.

You have before you numerous bills and resolutions which take cognizance of this disaster in the making which faces many of the mamalian species which populate our oceans and seas. There are two in particular which I want to discuss. One of these—House Concurrent Resolution 77—I introduced on the first day of the 92nd Congress. In the 91st Congress, I had introduced this legislation as House Concurrent Resolution 495 (and companion bills). The other is H.R. 7556, the Ocean Mammal Protection Act of 1971, of which I am a co-sponsor, and of which our distinguished colleague from Arkansas, (Mr. Pryor), is the chief sponsor. This bill has been reintroduced in modified form as H.R. 10569, Ocean Mammal Protection Act.

Title I of the Ocean Mammal Protection Act of 1971 provides a statement of findings and declaration of policy. I think this Title particularly apt, because it accurately articulates the situation we face at this very moment and which demands aggressive action on the part of this Committee to avert. Section 101 states the finding that "ocean mammals are being ruthlessly pursued, harassed, and killed, both at sea and on land by hunters of many nations of the world." Further, "many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter."

Thus, it is declared to be the public policy of the United States "to protect all ocean mammals from harassment or slaughter;" and, in addition, to enter into negotiations with foreign governments and through interested international organizations "with a view to obtaining a worldwide ban on the further slaughter of ocean mammals."

Title II of the Ocean Mammal Protection Act of 1971 sets up the prohibitions which will help achieve the end to the slaughter which now occurs. Section 202 (a) bars, first, the taking of ocean mammals by persons or vessels subject to the jurisdiction of the United States; second, the use of any port, harbor, or other place for any purpose connected in any way with such taking; and third, the transportation, importation, offering for sale, or possession of ocean mammals or parts thereof.

Section 203 (a) properly makes exception for the indigenous populations along the ocean coasts—that is, Indians, Aleuts, and Eskimos—to take ocean mammals for their own use but not for sale. Thus, the Ocean Mammal Protection Act in no way seeks to destroy the native cultures which have developed the hunting of ocean mammals and the use of the products obtained from these mammals, as a part of their way of life.

Additional provisions of Title II provide strong penalty provisions, which are, I believe, essential to make this legislation more than just compassionate rhetoric.

Why must this legislation be enacted? First, let me discuss the slaughter which we, along with other nations of the world, have conducted against whales. The whales are among creation's most intelligent creatures. They communicate with each other, using numerous sounds in their language. They demonstrate an intense loyalty to each other, so that a school of whales will beach

itself and thereby commit mass self-destruction in its efforts to come to the aid of a captured or beached brother. Certainly, man's rapaciousness in hunting down these creatures cannot be condoned. We are involved, not in the extermination of a vicious, disease-carrying animal such as the rat, but rather, in the slaughter of a complex, intelligent and harmless animal of the highest order.

What has man succeeded in doing? In December, 1968, the Committee on Rare and Endangered Wildlife Species of the Department of Interior's Bureau of Sport Fisheries and Wildlife compiled a list of "Rare and Endangered Fish and Wildlife of the United States." This compilation listed 6 large whale species of just American waters which are in jeopardy. Of the Gray Whale, 8,000 were estimated to be left in the California herd, as of 1965. The compilation listed "perhaps a few hundreds in the Atlantic" as remaining of the Blue Whale, and less than 1,500 in the Pacific herd. Less than 5,000 Humpback Whales remained in the north Pacific. As for the Atlantic Right Whale, the compilation stated that "possibly only a few hundreds persist." The same dire situation existed for the Pacific Right Whale. As for the Bowhead Whale, there were an estimated 1,000 in the Bering-Chukchi-Beaufort Sea population, with lesser numbers elssewhere.

The fate of the Blue Whale is a tragic object lesson of this pillage which we have been committing upon nature. The Blue Whale is the largest creature ever to inhabit the earth. An adult Blue Whale measures up to 98 feet long and weighs perhaps as much as 160 tons. Even its new-born young are larger than a full-grown elephant and are reputed to consume more than ½ ton of milk daily.

At the beginning of this century, the Blue Whale population was over 100,000. Today, only a few hundred Blue Whales, perhaps as many as 3,000 according to some estimates, populate our entire planet. As Lewis Regenstein has written, in a recent article entitled "The Vanishing Whales: Long Odds Against Survival," which appeared in the August 22 edition of the Washington Post:

"There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself."

James Fisher, Noel Simon, and Jack Vincent have starkly identified the cause of the Blue Whale's demise in "Wildlife in Danger," at page 60:

"The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the Blue Whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 per cent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer a true sanctuary beyond the reach of man's ruthless exploitation."

It may well be late for the Blue Whale. The Asiatic Gray Whale population has apparently disappeared. The largest known colony of nominally protected Southern Right Whales was wiped out in 1962. Threatened with imminent extinction are the Humpback, the Sei, the Finback, the Bowhead, the Sperm, the Gray, and the Right Whales. The frightening pace at which extinction is coming upon these species is indicated just by examining the figures for the estimated average population size of the Fin Whale, published by the International Whaling Commission:

1955–6	110,000
1956–7	101,700
1957–8	89,000
1958–9	88,600
1959–60	65,700
1960–1	59,700
1961–2	45,300
1962–3	40,000
1963–4	32,400

This need not be. Whales do not threaten man. There is no need of self-defense to kill them. They do not endanger our crops, crowd our territory. The commercial products which are derived from them are not unique: whale meat, used for dog and cat food and on mink farms, can easily be replaced by other meats; whale oil can easily be replaced by other products.

In simple terms, then, we are embarked on destruction—pure and simple. This is why the Ocean Mammal Protection Act of 1971 must be enacted into law.

Another creature which would be protected by this legislation is the polar bear. The male polar bear averages about 900 pounds, although specimens twice as heavy have been recorded. It stands about 5 feet at the shoulders and is 7 to 8 feet or more long. The polar bear is found in the Arctic, distributed around the Pole. For much of the year, it lives on the pack ice of the Arctic Ocean. A magnificent animal—and again an animal which in no way threatens man—the polar bear, like the whales, is endangered. The largest and most flourishing white bear population is found in the Canadian Arctic where only 6,000 or 7,000 exist—possibly more than half the world's total. The bear population of Greenland, once high, has severely declined as a result of excessive hunting. Similar over-hunting has reduced the population in the Soviet sector of the bear's range.

The decline of the polar bear is traced in "Wildlife in Danger," by James Fisher, Noel Simon, and Jack Vincent, at pages 71–72:

"The decline of the polar bear dates from the seventeenth century, when the opening up of Arctice waters to shipping led to vigorous hunting. During the next centuries white bears were heavily hunted in Spitsbergen, Novaya Zemlya, islands in the Bering Sea, Baffin Bay, Hudson Bay, and many other places. The decline of the whaling industry in the latter part of the nineteenth century caused the whalers to transfer their attention to sealing, which in turn led to mounting pressure on the polar bear, notably in the Canadian Eastern Arctic, the Greenland Sea, Franz Josef Land, and Spitsbergen. As the fur trade developed, the exploitation of the bear was further stimulated . . .

"For countless years the Arctic seas have provided the polar bear with adequate security; but it is practically defenseless against hunting with precision weapons from powered boats (which are growing very popular in some parts of the animals' range) or from aircraft. Hunting from aircraft has recently become a favorite sport in Alaska, where polar bears are fairly common on the ice that lies north of the Bering Straits. . . . This form of hunting has now been banned over the mainland and territorial waters; but there is at present nothing to prevent the technique from being employed in international waters beyond the three-mile limit.

"Dr. S. M. Uspensky, the Russian authority on the species, believes that in recent decades the range of the polar bear has been gradually reduced, as a result of the onset of milder climatic conditions in the Arctic. . . . A contributory factor has been the increase in the numbers of humans and domestic livestock in the Arctic in recent years, which has resulted in a higher incidence of disease, notably from the Trichinella parasite, which has inevitably affected the bear."

Thus, we see a magnificent creature declining. He does not threaten man. He offers no commercially essential products for man. He is, however, a handsome trophy, and so he is sacrificed to those who mark their accomplishment by the number of heads over their mantle.

Now it is clear that the United States, and the United States' citizens, do not bear the sole blame for the devastation of ocean mammals. Japan and the Soviet Union, in fact, account for most of the world's whaling. Not all hunters of polar bears are Americans. But, even given that it is not within this country's exclusive control to halt the slaughter of whales, polar bears, walruses, and other species, our actions can have an enormously powerful trickle-down effect. For example, while we engage in little whaling, we do account for about one-third of the consumption of whale products. If we close our doors to the importation of ocean mammal products, therefore, we inevitably must decrease the profitability of their destruction, and in turn, we increase the likelihood of cessation of that destruction.

Thus, we must ban the import of all ocean mammal products. The Ocean Mammal Protection Act does this.

Since we do participate directly in the destruction, we must also ban this, as the Ocean Mammal Protection Act does. There must be no loopholes, no exemptions, save the ones provided in the Act for the native populations and limited so that the taking must "be done in accordance with customary traditions and as an adjunct to the native culture." Thus, we cannot allow a loophole for tuna fishermen, in whose nets some 250,000 porpoises die annually.

Third, we must encourage the Secretary of State to negotiate international agreements for the protection of the ocean mammals. Some international activities do exist—the International Whaling Commission, established pursuant to the International Whaling Convention, is one example. Another example of international cooperation was the First International Conference on Polar Bears, held at the University of Alaska in September, 1965. However, international organizations and agreements are thus far too weak. The International Whaling Commission, for example, has no enforcement powers, and in many respects its efforts at preservation have been stymied. Consequently, our government must undertake efforts, through the United Nations, for example, to achieve binding international accords.

In fact, I would recommend working towards a mortatorium on all killing of ocean mammals, not only by means of the Ocean Mammal Protection Act, which only applied to the United States, but worldwide. At the least, this moratorium must run for 15 years, so that our scientists can determine what chances of survival remain for ocean mammals, and what can be done to assure this survival before these magnificent creatures are banished by man, through his arrogance and stupidity, from the face of the earth.

During the moratorium we must work for Title III's prescription: "International agreement or agreements" which "should seek to outlaw all killing of these mammals for any reason."

HOUSE CONCURRENT RESOLUTION 77

I now want to turn to House Concurrent Resolution 77, of which I am the chief sponsor and in which 17 of my colleagues have joined in sponsoring. These 17 are:

Mr. Halpern, Mr. Hanley, Mr. Horton, Mr. Hosmer, Mr. Koch, Mr. Kyros, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Obey, Mr. Rosenthal, Mr. St Germain, Mr. Symington, Mr. Vigorito, Mr. Waldie, Mr. Whitehurst, and Mr. Wolff.

I have delayed discussing House Concurrent Resolution 77 until first discussing the

Ocean Mammal Protection Act because my resolution's aim is very relevant to that expressed in Title IV of the latter Act. Both of which concern the slaughter of Northern fur seals on the Pribilof Islands.

House Concurrent Resolution 77 has two operative provisions. The first of these expresses the sense of the Congress that the Secretary of the Interior shall prescribe and shall implement with all possible speed and urgency regulations for the harvesting of Northern fur seals which insure that the seals are quickly and painlessly killed before skinning. The second clause provides that penalties be prescribed by the Secretary for violation of the regulations which he shall prescribe and implement in accordance with this resolution.

Once again, we have a tragic example of a cruel practice employed to accomplish an unneeded end. The seals are slain solely for their furs, which in turn are employed to satisfy the market for an unneeded luxury. The seals do not threaten man, nor do they threaten his food supplies. No product which they supply is irreplaceable. The reason why they are victims of slaughter is because they fill an acquired desire for seal fur garments—a desire which can be satisfied in other ways.

Unfortunately, international circumstances would appear to bar any immediate cessation of the seal harvest. The premise for the harvest is an international Convention, first agreed to in 1911 by the United States, Great Britain, Japan, and Russia. The aim of this Convention was to end pelagic sealing—that is, seal hunting at sea—which had contributed so greatly to the enormous decrease in Northern fur seals. Should the international agreement which now exists be unilaterally terminated by the United States, it is very likely that at least some of the other parties to the Convention would resume large scale pelagic sealing—an eventuality which would be very detrimental to the Northern fur seal.

In this regard, I want to refer to the Ocean Mammal Protection Act, as modified, which I have previously discussed. Title IV of that Act expresses the sense of the Congress that the Secretary of State should immediately notify the other parties to the North Pacific Fur Seal Convention, signed on February 9, 1957, as the latest successor to the 1911 Convention, that the United States does not intend to extend its life beyond 1976. Further, Title IV expresses the sense of the Congress that the Convention should be permitted to expire in 1976, after its current termination date in 1975.

In light of the past history of the Northern fur seal—that is, the great depradations following upon the pelagic sealing method which used to be employed—I must oppose any termination of the Convention unless we have an international binding agreement that such sealing will not be resumed. While Title IV of the Ocean Mammal Protection Act does express the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the Convention and other interested nations for the purpose of achieving an international ban on all killing of Northern fur seals, I do not believe that we can unilaterally terminate our participation in the Convention prior to the obtaining of such a ban. Thus, I particularly stress the importance of Section 403 of the modified Ocean Mammal Protection Act, which provides for renewal of the Convention if a new treaty cannot be negotiated.

The Ocean Mammal Protecton Act in the interim prior to a new treaty calls for termination of that portion of the harvest—70 per cent of the seals killed—which is allocable to the United States under the Convention. In principle, I am in accord with the step of at least terminating the United States' percentage of the kill. However, I am fearful that this step might be interpreted—purposefully—by one or more of the parties to the Convention as being an abrogation or violation of the Convention, justifying their resumption of pelagic sealing, and I stress the importance of this consideration.

Now I want to return to the thrust of House Concurrent Resolution 77, which is not cessation of the seal harvest or even its decrease, but rather, revision of the practices employed in that harvest.

The Fur Seal Act of 1966 charges the Secretary of the Interior with the management of the fur seals on the Pribilof Islands. His Department's Bureau of Commercial Fisheries supervises the harvest. The kill is largely limited to 3 and 4 year old bachelor males that congregate on the edge of the seal rookeries.

The Department of the Interior claims that this harvest serves conservation ends, stating in a publication entitled "Fur Seals of Alaska's Pribilof Islands," issued by the Department, that:

"The Pribilof rookeries can support only so many seals. The Bureau of Commercial Fisheries maintains the seal herd at its maximum level of productivity. Animals surplus to the needs of the herd are harvested each summer. If Man does not do it, Nature steps in. Some persons, who have the best of intentions, have the impression that Man could simply leave the fur seals alone and Nature would see to it that they lived happily ever after. It is not true. Nature would see to it that the surplus was killed off. And when Nature sets about redressing a population imbalance there is no place for mercy in the natural process. Nature has no compunction over killing pups slowly with parasites or starvation or any other way. People need to recognize this inescapable biological fact in considering what the consequences would be if Man were to abandon his management responsibilities."

This reasoning is very dubious. The same publication states that the Pribilof Islands herd is now estimated at some 1.5 million animals. This number is nowhere near former totals, and clearly disputes the contention that increased numbers would be detrimental to the animals. According to Mr. Seton H. Thompson, United States Fish and Wildlife Service, writing in the 1969 edition of Encyclopedia Americana on the subject of "Seals and Sealings," (Vol. 24, pages 480–83), at the time of the seal herd's discovery in 1786, there were at least 5 million seals. In 1968, there were 3,837,131 animals in the herd. Thus, under the supposedly enlightened conservation concerns of the Department of the Interior, the herd has decreased in the last 22 years by approximately 2 million—even allowing for inclusion in the earlier totals of the Japanese and Russian herds—without any specified diminution in territory available to the animals.

Unfortunately, so long as other nations do not enter into an international accord banning both pelagic sealing and killing of all seals, or at least allowing cessation of the killing of those seals currently allocable to the United States, under the existing Convention, it would seem that the harvest must continue. But, let us be clear. This harvest stems from the world's demand for fur seals, and the even more disasterous consequences which would occur were pelagic sealing resumed. Its merit does not lie in maintenance of the vitality of the Pribilof seals, as the Department of Interior indicates.

The annual harvest commences with the bachelor seals being driven from the shore to the fields beyond. The distance varies from a few hundred yards to over half a mile to sites where the killing takes place. The actual killing is performed by men armed with hard wood clubs 155 cm. long. They are assisted by one or two men who divide off small pods, or groups, of seals, about 10 in number, from the main herd, driving them toward the killers who then club them on the top of the head. Men known as stickers go around the clubbed animals and cut their skins in the mid ventral thoracic region, followed by pushing the knife into the thorax. The heart is then punctured by the knife. After sticking, other groups of men come to skin the seal.

According to the report prepared by Dr. Elizabeth Simpson for the World Federation for the Protection of Animals and published in 1967, about 13.6 per cent of the animals showed evidence of the animal having received two or more blows with the club, which is supposed to kill them instantaneously with one blow. Dr. Simpson also noted that the length of the drives of the seals to the slaughter grounds is in some locations too long, resulting in "unnecessary distress on the part of some of the seals."

Clearly, then, the so-called merciless seal harvest is not quite as beneficial as it has at times been portrayed. I do want to be frank, however, and acknowledge that Dr. Simpson did conclude that the present clubbing technique is probably the best, in comparison with the use of the captive bolt pistol, electrical stunning, and carbon dioxide stunning prior to sticking. She so concluded on the basis of the premise that "any method involving more handling of the animals would . . . be a step in the wrong direction."

Another study of the Pribilof Islands harvest reached similar conclusions. This study was made by the Task Force to Study Alternate Methods of Harvesting Fur Seals, and was issued in 1968.

We are, it appears, left with a difficult conclusion. Clubbing has been supported by studies. However, there are some directions towards which we should be pushing. First, we should be seeking international accord on totally banning seal killing. Second, we should be impressing upon the Secretary of the Interior the importance of developing more humane methods of killing so long as the harvest continues. To this end, I think it particularly appropriate that House Concurrent Resolution 77 be enacted into law.

I would like, before closing, to make reference to a very real concern which has been voiced. This is the economic situation of the individuals involved in the Pribilof Islands harvest. The total population of the Pribilof Islands is approximately 600 people. Their only income producing industry is the seal hunt. However, I want to stress that this industry is not the result of indigenous cultural patterns: the Russians, who originally owned the Pribilofs, brought Aleutian people from the Aleutian chain of islands to the Pribilofs, where they were kept in bondage as slaves for the purpose of conducing the slaughter. Secondly, I want to stress that I believe it entirely appropriate that should more humane methods of harvest be instituted, the people presently employed be trained to carry out these methods. Should the harvest be terminated, I believe federal assistance to develop new industry, to assist in moving the natives, should they wish to leave, and to retrain them, would be entirely in order.

Finally, I believe similar assistance should be provided the employees of the Fouke Fur Company, in Greenville, South Carolina, which is the only American company engaged in processing and preparing the seal pelts.

Mr. BADILLO. Mr. Speaker, the need for Congress to enact strong legislation to protect ocean mammals has been well documented. But bringing before the House H.R. 10420 is, unfortunately, the illusion of the kind of action that is needed, not the reality. This legislation, which I oppose, is not nearly strong

enough to provide the protection that is needed. It is, as the New York Times pointed out in an editorial:

A wildlife management bill (whose) aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce."

I think it was a mistake to bring this legislation up under suspension of the rules, thus denying Members the opportunity to offer strengthening amendments. In view of this, those of us who have been fighting for real protection for ocean mammals have been presented with no alternative but to reject H.R. 10420.

The real failings of this bill are its failure to establish a definite moratorium on the taking of ocean mammals so that many of the species which have been depleted may recover, and the granting of administrative power under the bill to the Department of Commerce—which traditionally has been more devoted to exploitation than to conservation.

It is my sincere hope that in the second session we will be able to enact a bill based on the protection and conservation of ocean mammals, and not on the "harvesting on a sustained yield basis" concept.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10420, as amended.

TELLER VOTE WITH CLERKS

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. DINGELL, PRYOR of Arkansas, PELLY, and DOWNING.

The Committee divided, and the tellers reported that there were—ayes 199, noes 150, not voting 82, as follows:

[Roll No. 436]

[Recorded Teller Vote]

AYES—199

Abernethy	Clark	Fountain
Adams	Clausen, Don H.	Fraser
Anderson, Calif.	Clawson, Del	Frelinghuysen
Andrews, N. Dak.	Cleveland	Fuqua
Annunzio	Colmer	Gallagher
Arends	Corman	Garmatz
Aspin	Crane	Gonzalez
Barrett	Daniel, Va.	Goodling
Begich	Daniels, N.J.	Gray
Bergland	Danielson	Green, Oreg.
Betts	de la Garza	Green, Pa.
Bevill	Delaney	Griffin
Blackburn	Dennis	Griffiths
Boggs	Dent	Grover
Bow	Devine	Hagan
Bray	Dickinson	Haley
Brinkley	Dingell	Hammer-schmidt
Brooks	Donohue	Hanley
Brown, Ohio	Dow	Hanna
Broyhill, N.C.	Downing	Hansen, Idaho
Broyhill, Va.	Dulski	Harvey
Burke, Mass.	Dwyer	Henderson
Byrne, Pa.	Edwards, Calif.	Holifield
Byrnes, Wis.	Eilberg	Horton
Cabell	Esch	Hosmer
Caffery	Eshleman	Hungate
Camp	Fisher	Hutchinson
Carney	Flood	Jarman
Casey, Tex.	Foley	Johnson, Calif.
Cederberg	Ford, Gerald R.	Johnson, Pa.
Chamberlain	Ford, William D.	Jonas
Clancy	Forsythe	Jones, Ala.
		Karth
Kazen	Morse	Sikes
Keating	Mosher	Sisk
Keith	Moss	Smith, Iowa
Kyl	Murphy, Ill.	Smith, N.Y.
Kyros	Murphy, N.Y.	Snyder
Latta	Nedzi	Stanton, J. William
Leggett	Nelsen	Steed
Lennon	Nix	Steele
Lent	Obey	Steiger, Ariz.
Link	O'Neill	Stratton
Long, La.	Patten	Stubblefield
Long, Md.	Pelly	Taylor
McClory	Perkins	Teague, Calif.
McCollister	Pirnie	Thone
McCulloch	Podell	Ullman
McDonald, Mich.	Poff	Van Deerlin
McFall	Price, Ill.	Waggonner
Macdonald, Mass.	Price, Tex.	Waldie
Madden	Quie	Wampler
Mahon	Randall	White
Mailliard	Rarick	Whitehurst
Martin	Roberts	Whitten
Mathis, Ga.	Robinson, Va.	Widnall
Matsunaga	Roe	Williams
Meeds	Rogers	Winn
Melcher	Roncalio	Wyatt
Mills, Md.	Roybal	Wydler
Mink	Ruppe	Wylie
Minshall	St Germain	Wyman
Mollohan	Sandman	Yatron
Monagan	Satterfield	Young, Fla.
Moorhead	Saylor	Young, Tex.
Morgan	Scherle	Zablocki
	Schneebeli	Zion
	Schwengel	

NOES—150

Abourezk	Flynt	O'Hara
Abzug	Frenzel	O'Konski
Addabbo	Frey	Passman
Alexander	Gaydos	Pettis
Anderson, Ill.	Gettys	Peyser
Anderson, Tenn.	Giaimo	Pike
Archer	Gibbons	Preyer, N.C.
Ashbrook	Goldwater	Pryor, Ark.
Ashley	Grasso	Railsback
Aspinall	Gross	Rangel
Badillo	Gude	Rees
Baker	Hall	Reid, N.Y.
Bell	Halpern	Robison, N.Y.
Bennett	Hamilton	Rooney, N.Y.
Biaggi	Hansen, Wash.	Rooney, Pa.
Biester	Harrington	Rosenthal
Bingham	Hastings	Roush
Boland	Hays	Rousselot
Brademas	Hechler, W. Va.	Runnels
Brasco	Heckler, Mass.	Ruth
Brotzman	Heinz	Ryan
Brown, Mich.	Helstoski	Scheuer
Buchanan	Hicks, Mass.	Schmitz
Burke, Fla.	Hicks, Wash.	Scott
Burlison, Mo.	Hillis	Sebelius
Byron	Hogan	Seiberling
Carey, N.Y.	Hull	Shoup
Carter	Ichord	Shriver
Chappell	Jacobs	Skubitz
Collier	Jones, N.C.	Slack
Collins, Tex.	Jones, Tenn.	Stanton, James V.
Conable	Kastenmeier	Steiger, Wis.
Conte	Kee	Stephens
Conyers	Koch	Stuckey
Cotter	Landgrebe	Symington
Coughlin	Lloyd	Talcott
Culver	Lujan	Terry
Davis, Ga.	McCormack	Thompson, Ga.
Davis, S.C.	McDade	Thompson, N.J.
Davis, Wis.	McEwen	Thomson, Wis.
Dellenback	McKay	Tiernan
Denholm	Mayne	Udall
Dorn	Mazzoli	Vander Jagt
Drinan	Michel	Vanik
Duncan	Mikva	Veysey
Edmondson	Miller, Ohio	Vigorito
Edwards, Ala.	Minish	Whalen
Fascell	Mitchell	Wolff
Fish	Myers	Yates
Flowers	Natcher	
	Nichols	

NOT VOTING—82

Abbitt	Curlin	Gubser
Andrews, Ala.	Dellums	Harsha
Baring	Derwinski	Hathaway
Belcher	Diggs	Hawkins
Blanton	Dowdy	Hébert
Blatnik	du Pont	Howard
Bolling	Eckhardt	Hunt
Broomfield	Edwards, La.	Kemp
Burleson, Tex.	Erlenborn	King
Burton	Evans, Colo.	Kluczynski
Celler	Evins, Tenn.	Kuykendall
Chisholm	Findley	Landrum
Clay	Fulton, Tenn.	McCloskey
Collins, Ill.	Galifianakis	McClure
McKevitt	Powell	Springer
McKinney	Pucinski	Staggers
McMillan	Purcell	Stokes
Mann	Quillen	Sullivan
Mathias, Calif.	Reuss	Teague, Tex.
Metcalfe	Rhodes	Ware
Miller, Calif.	Riegle	Whalley
Mills, Ark.	Rodino	Wiggins
Mizell	Rostenkowski	Wilson, Bob
Montgomery	Roy	Wilson, Charles H.
Patman	Sarbanes	Wright
Pepper	Shipley	Zwach
Pickle	Smith, Calif.	
Poage	Spence	

Messrs. PASSMAN and BOLAND changed their votes from "aye" to "no."

So (two-thirds not having voted in favor thereof) the motion was rejected.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the bill just passed.

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

There was no objection.

RECREATIONAL DEVELOPMENT AT FISH AND WILDLIFE AREAS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass 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 recreation development at fish and wildlife areas administered by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 10384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress amended, That section 2 of the Act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–1), is further amended to read as follows:

"SEC. 2. The Secretary is authorized to acquire areas of land which are suitable for—

(1) fish and wildlife-oriented recreational development, or

(2) the protection of natural resources,

and are adjacent to the said conservation areas; except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps. Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 10384 is to increase public recreational opportunities on lands adjacent to areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes.

Mr. Speaker, the Committee on Merchant Marine and Fisheries in 1962 re-

ported legislation that resulted in the enactment of what is commonly known as the Refuge Recreation Act. This act authorizes the Secretary of the Interior to administer, for public recreation, the areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas under his administration.

However, the act further requires him to administer such areas in such a fashion that the recreational uses are incidental or secondary and not inconsistent with the primary objective for which each area is established.

The 1962 act also authorizes the Secretary of the Interior to acquire lands for recreational development adjacent to the aforementioned areas under his jurisdiction administered for conservation purposes. The need for H.R. 10384 arises from the fact that the 1962 act limited acquisitions for recreational purposes only to those areas adjacent to conservation areas in existence in 1962. Furthermore, the act provided that such adjacent lands should be acquired only when needed to avoid adverse effects upon fish and wildlife populations and management operations of such conservation units. Also, the 1962 act placed another unrealistic restriction on acquisitions; it, in effect, limited acquisitions to not more than 100 acres adjacent to each of about 20 refuges in existence in 1962, and to not more than 3 acres adjacent to each of 20 fish hatcheries in existence in 1962.

Mr. Speaker, briefly explained, H.R. 10384 would merely rewrite section 2 of the Refuge Recreation Act to remove these unrealistic restrictions. There would be no limitation on the number and size of areas authorized to be acquired; there would be no requirement that the conservation unit need to be in existence in 1962; nor would there be any requirement that acquisitions would be limited only to those areas needed to avoid adverse effect on fish and wildlife values within a conservation unit.

Mr. Speaker, the Department of the Interior has identified 44,000 acres of land that are desirable for inclusion under this program over the next 5 years. For example, there are about 5,000 acres of gulf shoreline adjacent to the San Bernard Refuge in Texas that would provide wildlife-oriented recreation use which cannot be provided now because of inadequate access and restrictive ownership. There are almost 400 acres adjacent to the Desert Game Range in Nevada that are needed to preserve public use of a subheadquarters area. There are about 600 acres adjacent to the Sand Lake National Wildlife Refuge in South Dakota which are vitally needed to overcome an undue harassment problem on geese in that area caused by intensive goose-hunting activity during the peak of the hunting season.

Mr. Speaker, in all a total of 21 projects have been identified by the Department of the Interior for carrying out over the next 5-year period.

Mr. Speaker, with increasing public demand for more recreational opportunities such as sightseeing, picnicking, camping, swimming, fishing and hunting, boating, and observation of wildlife in its native habitat, I think it is imperative that this legislation be passed promptly so that we can proceed to acquire these areas as soon as possible before they are diverted to other uses.

Mr. Speaker, H.R. 10384 was introduced by the distinguished chairman of our Committee on Merchant Marine and Fisheries, Mr. GARMATZ and myself, as a result of an executive communication from the Department of the Interior. It was unanimously reported by our Committee on Merchant Marine and Fisheries, and I would like to urge its prompt passage.

Mr. HALL. Will the gentleman yield?

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

Mr. HALL. Do I understand that this involves not only enclaves in the refuges but also it may allow for the expansion of marine protection areas and wildlife and conservation areas and fish hatcheries, and so forth, by the Department of the Interior?

Mr. DINGELL. The gentleman is correct but only for the purposes set out in the 1962 act. It certainly is not to expand the refuges broadly and generally but simply to enable the refuges which are acquired by Government funds principally to be expanded for recreational uses by appropriated funds where we are receiving visitors in the fields of water recreation, swimming, picnicking, and things of that kind.

Mr. HALL. Does the gentleman propose the use of water conservation funds as recommended by BOR, that would be appropriated funds?

Mr. DINGELL. That is correct. That would be possible under this bill.

Mr. HALL. Let me ask the gentleman further if this changes the Federal land acquisition laws or involves land condemnations?

Mr. DINGELL. I would have to say that only to the degree as indicated in my earlier remarks.

Mr. HALL. Now, Mr. Speaker, if the gentleman will yield further, the gentleman spoke rather vehemently on the last bill which was sunk like a waterlogged log in an Ozark cistern, that he distrusted the Department of the Interior. Does this act not repose this responsibility and trust in the Department of the Interior? As I read it, the Secretary of the Department of the Interior is referred to repeatedly as the party who will prescribe the rules for this operation.

Mr. DINGELL. Subject to the approval of the Appropriations Committee. The Interior Department does have the power to administer this bill, but if the gentleman will permit I would like to observe that this only applies to the acquisition of a limited amount of areas for the protection of endangered species and for the purposes of better management of the refuges, and recreational purposes.

Mr. HALL. The gentleman has repeatedly said, Mr. Speaker——

Mr. DINGELL. Mr. Speaker, may we have the regular order. I would like to give the gentleman a fair answer, and I will. This would authorize the Secretary of the Department of the Interior to acquire certain small areas adjacent to the refuges for purposes of handling visitor traffic and things of this kind.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does not my distinguished friend who is a great conservationist and has had unlimited experience in Government, think we ought to have an executive director at a GS–18 level and an advisory council and commission in order to accomplish this?

Mr. DINGELL. If the gentleman wants to suggest that to the committee, the committee would certainly be willing to take it under consideration.

Mr. HALL. Far be it from me to ever suggest it, but I am amazed at the inconsistency.

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

Mr. Speaker, I rise in support of H.R. 10384, which would correct some deficiencies noted in the prior administration of existing law by releasing certain restrictions of acquisition of recreational development lands at fish and wildlife areas administered by the Secretary of Interior.

The gentleman from Michigan (Mr. DINGELL) has aptly described the provisions of the legislation and the reasons for its enactment. I wholeheartedly concur in his remarks. The legislation is an administration bill which was unanimously reported out by your committee. I urge its passage.

Basically, the bill would amend section 2 of the 1962 Refuge Recreation Act (76 Stat. 653), as amended (16 U.S.C. 460k–460k–4). Section 2 of that act authorizes the Secretary to acquire limited areas of land for recreational development adjacent to areas of the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by him.

The act, and its legislative history, requires that such land acquisition must be adjacent to a conservation area in existence in 1962, and that such areas must be limited in size—as indicated in the legislative history—1962 United States Code, Congressional and Administrative News, pages 2723—to very small areas adjacent to only 20 refuges and 20 fish hatcheries.

Since 1962, the Department of the Interior has gained a great deal of experience in the administration of this program and has found that a great number of areas can provide compatible wildlife-oriented recreational opportunities without interfering with the basic management program on the adjacent conservation areas acquired pursuant to the 1962 Refuge Recreation Act. Consequently, limitations on the number and size of the areas which could be acquired for such purposes is unrealistic, and tends to unduly restrict the administration of the basic act in accordance with the principles therein. Upon enactment of this legislation, it is my understanding that the Department of the Interior has identified approximately 21 projects amounting to 44,000 acres on which acquisition could be scheduled for fiscal years 1973 to 1977. The estimated initial cost for land acquisition of these 21 projects is approximately $17 million. The funds for

such acquisition, as indicated from Department of the Interior, would come from existing and future financial resources and moneys placed within the land and water conservation fund. This bill simply would relieve the existing limitation which the Department must live under in regard to area size of the lands to be acquired. Your committee amended the bill to provide specific authority for the Secretary to acquire lands which are suitable for fish and wildlife-oriented recreational development and for protection of natural resources. This latter category would enable the acquisition of lands adjacent to conservation areas for the purposes of establishing a buffer zone of protection. Such acquisition could be in the form of outright purchase of lands in fee simple or in other proprietary interests such as restrictive easements, and so forth.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10384, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior."

A motion to reconsider was laid on the table.

SAFER TOYS

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

Mr. ADDABBO. Mr. Speaker, as the holiday season approaches, millions of Americans will be purchasing toys for their children. It is unfortunate that many consumers will be unconcerned with the potential danger of some of those toys which appear on the pre-Christmas market.

The Food and Drug Administration's Bureau of Product Safety has been making an all out effort to remove unsafe toys from that market, either by Government order or by voluntary compliance by manufacturers. Government's role in the control of unsafe toys is an important one, but we must understand that Government cannot be completely successful in this effort without the cooperation of the consumer. This is an area in which consumer education and consumer participation together with Government inspection and control can provide meaningful protection and reform.

A recent editorial in the Long Island Press, entitled "Safer Toys: A Big Job" states the case clearly and to the point. I call the attention of my colleagues to this editorial from the November 16, 1971, edition of the Long Island Press:

SAFER TOYS: A BIG JOB

The Food and Drug Administration dragged its feet on toy safety last year—banning a few dangerous gadgets just five days before Christmas, after most shopping had been done. But it is doing much better this year, thanks to increased funding.

With a $6 million budget and more than 200 inspectors, the FDA's Bureau of Product Safety has already removed 187 suspect toys from the market and by so doing convinced the toymakers to voluntarily design many others to increase safety.

This is more like it, but the fact that 5,000 new toys are dumped on the Christmas market every year means that the BPS has made just a bare-bones beginning.

It also means that government, no matter how hard it tries, cannot do the entire job of protecting children from unsafe toys. Parents must choose toys more carefully, particularly such big sellers as stuffed animals and dolls, darts, noisemakers, toy guns and rattles. Together, government, safety-conscious parents and manufacturers can remove most of the danger from toy shelves.

EXEMPTION FOR NEWSPAPERS OPPOSED

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

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the fact that three major daily newspapers in Chicago are demanding equal treatment, along with all of the other segments of labor and industry in the United States, under the extension of the Economic Stabilization Act.

The Economic Stabilization Act expires on April 30, 1972, and bills passed by both the Senate and House Banking and Currency Committees would extend the provisions of this act to April 30, 1973. However, the Senate bill includes an exemption for newspapers and news media, while the House bill does not include such an amendment.

With reference to the proposed exemption, the Chicago Tribune commented editorially on December 3: "A Favor We Don't Want." Furthermore, in a telegram addressed to me, the publisher of the Chicago Sun-Times and the Chicago Daily News, Marshall Field, opposed the exemptions. And editors of various weekly and suburban newspapers in the Chicago area have contacted me to express their opposition to the Senate amendment providing this exemption.

The House is expected to take action on the Economic Stabilization Act extension very shortly, and I urge the Members of this body to maintain the position of the House Banking Committee and vote down any exemptions for newspapers and news media. The editorial and telegram follow:

[From the Chicago Tribune, Dec. 3, 1971]

A FAVOR WE DON'T WANT

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that THE TRIBUNE, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

THE TRIBUNE has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is illbecoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, THE TRIBUNE will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

[Telegram]

CHICAGO, ILL.,
December 2, 1971.

HON. FRANK ANNUNZIO,
House Office Building,
Washington, D.C.:

Hope you can help eliminate Cranston amendment exemptions for newspapers when wage-price legislation reaches House. I believe no one should be exempt if we are to win war on inflation. Have also wired Rep. Mills. Many thanks. Regards

MARSHALL FIELD,
Publisher Chicago Sun Times and Chicago Daily News.

HONORARIA PAID CAMPUS SPEAKERS

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

Mr. ICHORD. Mr. Speaker, last year the House Committee on Internal Security, which I chair, conducted a voluntary survey into honoraria paid campus speakers to ascertain whether honoraria might be a substantial source of revenue for the "revolutionary movement."

I believed at the time and I believe now, Mr. Speaker, that every taxpayer and every citizen who pays tuition at a college or university has a perfect right to know how and to whom his tax money and tuition fees are being spent.

If my tuition fees and taxes are furnishing large incomes for people like

David Dellinger, Rennie Davis, and Abbie Hoffman, I think I have a right to know that.

Our 47-page report was, as I said, of a limited nature, but apparently quite on the mark. However, we might have done well to probe the subject actively rather than conduct a voluntary survey.

I find a most interesting Associated Press article in the Washington Star of November 4, 1971, concerning this matter of honoraria paid to speakers espousing extremist views.

The AP story notes that the Rev. James E. Groppi, a Roman Catholic priest from Milwaukee, Wis., who embraces a wide range of radical causes, had a rather staggering increase in his income from 1966 to last year.

According to the Internal Revenue Service, as quoted in the AP story, Father Groppi's income went up from $2,198 in 1966 to an adjusted total of $14,747 in 1967. It more than doubled from the 1967 figure the following year to $30,550; however, he suffered something of a setback in 1969, earning only $20,087.

But 1970, according to the story, was a year of most dramatic significance to Father Groppi. He dragged in $211,111 that year. That is not a bad income for anyone—especially a gentleman of the cloth.

And, according to the AP:

> The source of most of the income was identified as fees for speaking engagements.

The amount of $211,111 could do much good if applied to the work of the church this man represents. But it is my understanding the gentleman has refused these funds to his diocese and, instead, insisted that they must be used to finance the "movement" of radical leftists who support his extracurricular endeavors.

But it is also gratifying to note, in another AP story in the Star on November 25, 1971, that the future of honoraria income for the Father Groppis and David Dellingers of this world does not look bright.

This second story quotes Robert Walker, whose American Program Bureau in Boston books more than half the speakers on American college campuses, as saying:

> The radical speakers are off now. They had their run. Abbie Hoffman and Jerry Rubin are still getting dates but they are not in demand like last year.

Mr. Walker further notes that recently Black Panther leader Bobby Seale drew in a speaking engagement at Stanford University only 200 persons in a hall seating 500. That must have outraged Seale, who has a remarkably foul temper and tongue.

The news articles follow:

[From the Evening Star, Nov. 4, 1971]

HECTIC, TAXING DAYS

The Rev. James E. Groppi paid $1,247 extra in income taxes and penalties in 1967 after the Internal Revenue Service told him that he had understated his income by $7,531, an assistant Wisconsin attorney general says.

Charles Black disclosed the action this week after subpoenaing the Roman Catholic priest's records. The state is gathering data for a civil suit against Groppi, not dealing with taxes. The suit involves a take-over of the state Assembly chambers in 1969 by Groppi and demonstrators who were protesting welfare budget reduction. The state wants reimbursement for alleged damage to the chambers.

Groppi said he paid the additional taxes without challenging the IRS, remarking "Those were very hectic days then, and I wasn't keeping very good records."

Tax returns presented at a court commissioner hearing in Milwaukee showed Groppi's income increased from $2,198 in 1966 to an adjusted total $14,747 in 1967, $30,550 in 1968, $20,087 in 1969 and $211,111 in 1970. The source of most of the income was identified as fees for speaking engagements.

CAMPUS BOOKINGS FOR RADICALS DECLINE

(By Terry Ryan)

NEW YORK.—Abbie Hoffman is down, Buffalo Bob is up and Ralph Nader reigns as superstar this year on the college lecture circuit.

"The radical speakers are off now. They had their run," said Robert Walker, whose American Program Bureau in Boston books more than half the people who speak on American college campuses. "Abbie Hoffman and Jerry Rubin are still getting dates, but they are not in demand like last year."

Politics—radical or straight—usually won't fill an auditorium. Black Panther Bobby Seale and former Tennessee Sen. Albert Gore recently spoke at Stanford University in California. Seale drew 200 people in an auditorium that seats 500; Gore drew 200 in a 400-seat hall.

ISSUES ALONE DON'T DRAW

An issue alone won't draw too well. Georgia Tech has had programs on birth control and abortions without name speakers. They drew 100 to 150 people." said Program Director David K. Neff. "A name speaker will draw 800 to 1,000 people anytime."

A name speaker with an issue is the best bet to pack the house. Nader on consumerism, Dick Gregory on racism and Dr. Benjamin Spock on the war have filled campus auditoriums from Maine to Oregon.

The American Program Bureau reports a long list of dates for pro-abortion speaker William R. Baird Jr. The University of Pittsburgh is using $5,000 from its $25,000 annual speaker budget this month for a four-day session on prison reform with authorities who normally travel the lecture circuit.

LONGER STAYS POPULAR

"I think there is a trend away from having a guy come in and do his one-hour bit and leave," said Dennis Concilla, Pittsburgh's program commissioner. "It is rather unproductive. We are looking for something more from our speakers."

Black poetess Nikki Giovanni is one of the hotter properties on the college circuit. Her fee went from $750 last year to $2,000 this fall, said Richard Fulton, head of the New York agency that handles her. Charles G. Hurst Jr., president of Malcolm X College in Chicago, is strong on campuses throughout the country, especially with black student groups.

"A couple of years ago, the South would have been reluctant to book a black personality," said Fulton. "Now the barriers are down. Across the board, on all speakers, things have loosened up."

$4,000 FOR APPEARANCE

The fees garnered by campus speakers range from a few hundred to a few thousand dollars. Nader, Gregory and Georgia State Rep. Julian Bond, the top attractions on campus, get up to $4,000 an appearance, said Walker, whose agency handles all of them, but they will often scale down fees or appear for free.

The nostalgia kick has hit the colleges. Pinky Lee, zany children's television star of the 1950s, draws well with a lecture on the art of slapstick. Buster Crabbe is doing well with a package that includes his early Tarzan and Flash Gordon movies.

"We could not get Howdy Doody, so we had Buffalo Bob Smith. He was tremendous," said John Fahey, director of student union activities at the University of Hartford in Connecticut. "The students really get into it. They enjoy seeing someone who was important to them when they were children."

Smith was the puppet's sidekick on the popular children's television show in the 1950s.

RECORD SALES IN TWO MAJOR RETAIL CHAIN STORES

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

Mr. BLACKBURN. Mr. Speaker, it is going to be a merry Christmas, at least according to the heads of two major retail chain stores. The chairmen of Sears, Roebuck & Co. and J. C. Penney Co. told President Nixon that Christmas sales this year should be the best in history. Record sales during the month of November were reported by both chains, as well as S. S. Kresge Co., Montgomery Ward & Co., and F. W. Woolworth Co. The Sears and Penney executives indicated these sales gains were attributable for the most part to sale of appliances and other "big ticket" items, which in their opinion indicates consumer confidence in the economy is strengthening.

Other indications of rising consumer confidence have recently appeared. During the month of October consumer installment credit increased $924 million, seasonally adjusted. While this was somewhat below the record $999 million increase during September, it remains a larger increase than any since October 1968.

This increasing confidence in the economy by consumers is shared in the business community. A recent survey by the Department of Commerce and Securities and Exchange Commission indicates the business community plans strong increases in outlays for new plant and equipment during the first half of 1972. Outlays have been projected at a rate approximately 9 percent above outlays during the first half of 1971. According to Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, this increase in capital expenditures will "have a major expansionary impact on the economy." Such spending for plant and equipment generally has a powerfully beneficial effect on the economy because it stimulates both borrowing for construction and demand for material and manpower. This causes strong secondary activity throughout the rest of the economy.

It is obvious that the increasing confidence of both consumers and the business community will be further strengthened if, as expected, the President's tax package is enacted in the near future.

CANADA, THE CARIBBEAN, AND LATIN AMERICA: TIME TO REMOVE THE IMPORT SURCHARGE

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

Mr. FASCELL. Mr. Speaker, 3 weeks ago we entered phase II of President Nixon's new economic program. The beginning of phase II presented a splendid opportunity to restore mutual confidence and goodwill in the hemisphere by ending the unjust imposition of the 10-percent surcharge on imports from Canada, the Caribbean, and Latin America. President Nixon did not avail himself of this opportunity—apparently choosing instead to continue to use our neighbors as pawns in an attempt to pressure those responsible for our international economic problems into taking corrective actions.

These are harsh words but when it is realized that our Latin American and Caribbean friends buy much more from us than we do from them, it is difficult to reach any other conclusion.

The case for removing the surcharge on Canadian products is different but no less compelling. We do have a deficit in our trade with Canada but a trade balance in Canada's favor is essential to that nation's ability to finance the return on our massive investments in Canada. Even if ending the surcharge was not justified on economic grounds alone, it makes sense on political grounds. Canada is not just a neighbor. It is our closest friend and ally. No amount of short-term economic advantage can possibly be worth undermining the goodwill basic to our close friendship.

Mr. Speaker, I have supported the President's overall economic program. I hope its goals will be achieved but I continue to believe that the international parts of that program which punish the innocent along with the guilty are sheer folly.

Tomorrow the leaders of both the other largest nations of our hemisphere will be in Washington at the same time. What better opportunity could the President have to demonstrate the U.S. continued interest in the welfare of our friends and neighbors? I urge the President to use this unique occasion to announce an end to the surcharge on hemisphere imports.

Mr. Speaker, since I last spoke on November 4 of the damage being done to our neighbors by this arbitrary surcharge several letters and articles have come to my attention which I would like to include at this point in the RECORD:

[From the Miami (Fla.) Herald, Nov. 16, 1971]

SURCHARGE IS UNFAIR TO LATINS

The president of Mexico, Luis Echeverria, has articulated the attitudes of the developing world with perhaps the greatest clarity for a chief of state.

"There will be no peace in the world until there has been a basic readjustment of the economic relations among nations," he said at the United Nations last month.

"The menace of increasing inequality between the rich countries and the poor is as serious today as the threat of atomic war . . .

"No country, or group of countries, powerful as they may be, may take upon themselves the exclusive guidance of world affairs and even less the guardianship of other nations."

The speech ranged across all of Mexico's foreign policies, but the strongest language dealt in unmistakable terms with the United States and its economic policies, particularly the 10 percent import surcharge.

President Echeverria's comments, as well as those of many other leaders of developing countries, now have been formalized in the U.N. with a proposal to the General Assembly that industrialized countries recognize that there can be no political security until there is economic stability.

Brazil made the proposal and 21 Latin American nations endorsed it. Asian and African countries are expected to follow with similar resolutions.

The effect is a kind of peaceful rebellion against the economic power wielded by the United States, Japan, or the European Common Market and the Soviet Union.

In the Western hemisphere, of course, the principal target of such protest is the United States. Unhappily, the United States feels besieged with problems at home and it ability to respond is limited. Thus the problem will persist and probably worsen before meaningful solutions emerge.

Some relief is possible in the short run, however, if the United States would lift the surcharge against Latin nations. U.S. Rep. Dante B. Fascell, chairman of the House subcommittee on Inter-American Affairs, already has proposed that action in Congress.

He has called on the President to end what he calls "the unjust treatment of our neighbors." He bases this on the fact that the United States had a $917 million favorable trade balance with Latin America in 1970. He suggests it is unfair to punish Latin America for problems brought on by Europe and Japan.

The administration, we are told, is looking for ways to keep its promises for better Latin trade relationships. They are urgently needed. Meanwhile, it seems to us that Mr. Fascell's suggestion offers an opportunity for a meaningful demonstration of good faith.

CHAMBER OF COMMERCE
OF THE AMERICAS,
November 19, 1971.

Hon. DANTE B. FASCELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. FASCELL: The enclosed statement of position was approved by our Board of Directors on September 18, 1971 while in regular session at Port-au-Prince, Haiti. Transmittal of the statement was withheld pending revelation of later phases of President Nixon's economic plans. We had hoped the special significance of the relationship between the United States and these countries would be recognized in those plans.

We are most concerned, as I know you must be, over the serious consequences of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries—which our statement explains.

For these reasons, we hope the comments we make will allow you to verify the severe effect of this extra duty on the economy of those countries. With all due respect, we ask you to give our statement your utmost consideration.

Allow me to take this opportunity to thank you for your excellent help, while in my recent visit to Washington, D.C. in the company of our mutual friend, Frank P. Gatteri.

Respectfully yours,

JOHN O. MILLER, President.

RESOLUTION

Be it resolved by the Board of Directors of the Chamber of Commerce of the Americas that the Government of the United States of America is hereby respectfully urged to remove the 10 percent surcharge applied to all imports from the Caribbean and Latin American Countries now in effect, which is causing irreparable damage to the economy of those countries.

The Board takes this action because:

1. For years the Government of the United States has encouraged all Caribbean and Latin American nations to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

2. More than ⅓ of all Caribbean and Latin American exports, $5.2 billion in 1970, were to the United States. Almost $1 billion worth of this total will be affected by the surcharge.

3. According to the U. S. Department of Commerce, the U. S. sold $917 million more in goods to Latin America and the Caribbean than the U. S. bought from them in 1970.

4. The facts are clear. Trade with almost all of the United States' neighbors to the South is helping, not hurting the U. S. balance of payments.

5. The United States, for years, have urged export expansion and pledged to open markets more to Latin and Caribbean products by enactment of a system of general tariff preferences for the developing nations. Yet, just at the time when many Hemisphere nations are beginning to expand their exports of manufactured products so that they can earn money with which to repay the U. S. developments loans, the U. S. has levied an extra 10 percent duty, and this after agreeing to reduce import duties.

6. It certainly is not a good foreign policy to erect trade barriers between the U. S. and their closest friends and allies with whom for so long the U. S. has had a policy of open frontiers and close military and economic cooperation.

7. The direct effects on the economy of those countries and in business in general are serious and threatens National emergency in some of them.

8. The solution to this unjust treatment can be achieved by immediately exempting all Carribbean and Latin American products from the 10 percent import surcharge.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Secretary of State, the Secretary of Commerce, the Speaker of the House of Representatives and the Senate, as well as to the Secretary General of the Organization of American States and all other appropriate persons and organizations.

CHAMBER OF COMMERCE OF
THE AMERICAS
Curacao, Neth. Antilles,
November 29, 1971.

Hon. DANTE B. FASCELL,
Rayburn Office Building,
Washington, D.C.

HONORABLE MEMBER OF CONGRESS: Our Board of Directors, while in regular session at Port-au-Prince, Haiti, September 18, 1971, agreed to request of the U.S. Government the removal of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries now in effect.

We are most concerned, as we know you must be, over the serious consequences of this 10 percent surcharge applied to all imports from the above mentioned areas which is causing irreparable damage to the economy of those countries.

For these reasons, we urge that you verify the severe effect this extra duty will have on

these countries which, for years, the Government of the United States of America has led to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

With all due respect, we ask your utmost consideration in repealing the 10 percent surcharge which will create a barrier between the United States and their closest friends and allies which for many years have enjoyed a policy of open frontiers.

Respectfully yours,

LIONEL CAPRILES,
Director from the Netherlands Antilles.

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH of Massachusetts. Mr. Speaker, the December 3 issue of Life magazine features a magnificently done photo report entitled, "Crisis at Sea: The Threat of No More Fish."

The report is so excellent, so directly to the point of this very real crisis, that I have directed a letter of appreciation to Life's publisher, Mr. Garry Valk.

As I have told him, the article constitutes a distinct public service in that it focuses attention to the fact that the world, simply, is running out of fish.

This article tells the story so well, and so much to the point, that I commend it to the attention of all of my colleagues. It goes directly to the heart of the cause of an exploding world population's loss of a major source of badly needed protein—as well as to the heart of the plight of "the men of Gloucester and New Bedford and other east coast ports where the unemployment rates are among the highest in the country," of "the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country," and of "owners who see their means of livelihood rotting away uselessly beside a wharf."

As a Member of Congress whose constituency includes the badly threatened fishing industry of New Bedford, Cape Cod, and the islands, I have long been gravely concerned with the fact that, as the Life story warns, the world's fish "are being plundered by overfishing so great that some stocks may be on an irreversible voyage to extinction."

It was this very concern that caused me to request my assignment to the House Committee on Merchant Marine and Fisheries. It is this same awareness that has impelled my emphasis on the importance of the Law of the Sea Conference, to be held in Geneva in 1973.

For, as the Life article puts it, quite properly, this vital international Conference may well be man's last chance to reverse the threat of no more fish.

A preparatory committee for the 1973 Conference met twice in 1971. Last summer's session was the most productive to date. Several position papers were placed on the table in support of concepts such as coastal states' rights, strict coastal zones, and jurisdiction over the seabed, particularly as it relates to oil and hard minerals.

The developing nations are seeking strict coastal zones extending to 200 miles. The developed maritime powers prefer to recognize coastal states' rights in which the territorial seas would be extended to 12 miles. The United States position is not to favor an exclusive coastal state zone but, rather, a coastal zone in which the abutting nations are the jurisdictional body controlling the exploitation of the resources in that zone.

Obviously, the United States is attempting to find an acceptable middle ground between these points of polarization.

Obviously, too, this is not a simple matter.

Perhaps even greater concern to me as a Member of the Congress, however, is the proper representation at the Conference of our commercial fishing industry and in particular its views on fisheries conservation. This year, our commercial fishing industry will commemorate 100 years of fisheries conservation. From its point of view, there is little to celebrate. If drastic action is not taken to assure this proper representation and consequent conservation at the 1973 United Nations Law of the Sea Conference, there will be no bicentennial. Long before that time course there will be no more American fishing industry. And so, Mr. Speaker, our fishing industry's adequate participation in any future planning sessions and the Conference itself is imperative.

I would like to call my colleagues attention to an article which appeared in the December 3, 1971, issue of Life magazine. I wholeheartedly concur in its conclusion and, especially, invite your attention in its conclusion relating to our posture on the Law of the Sea Conference in 1973.

It is very apparent that this Conference is our last chance to preserve for posterity the rich resources of the world's oceans.

The full text of this Life article and its cutlines follows:

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The world is on its way to running out of fish. The endless riches of the sea that were supposed to mean salvation for the world's multiplying population turn out to be far from endless. They are being plundered by over-fishing so great that some stocks may be on an irreversible voyage to extinction.

For most of the earth's history, fish have had more than an even break. They could shelter in places fishermen could not go, or evade crude tackle with relative ease. But in the past two decades such automated marvels of electronic fish catchery as the American tuna seiner *Captain Vincent Gann* have radically altered the balance. Adopted by small nations as well as large, the new technology has led in the space of 20 years to a worldwide doubling of the quantity of fish caught. Today the haddock is gone from Georges Bank off the coast of New England and the yellowfin flounder from Alaskan waters, just as the herring was hunted out of the Baltic.

There is no good reason for any fish to become extinct. Actually, the world could safely catch twice as many fish as it does now, provided some simple rules of conservation were followed. But seaboard nations, including the U.S., are so tangled in tradition, in 18th-century concepts of "freedom of the seas" and in three-mile territorial limits that they have not been able to agree on sensible laws of fishery. In 1973 they will get another chance It may be the last one.

The American "super seiner" *Captain Vincent Gann* is a year-old $2.5 million air-conditioned example of all that's new and deadly efficient in fishing. The *Gann* has captured as much as 250 tons of tuna in one set of her giant net. She stays at sea until her tanks are loaded with 1,100 tons of frozen tuna, and at the rate she's been catching fish she will pay off her total cost in only six more years—if the tuna don't run out first.

The old method of fishing for tuna with bamboo poles and barbless hooks allowed many to escape. The modern seine net, when all goes well, captures every fish in the school. But seining for tuna was never practical until synthetics came along after World War II to provide fibers strong enough to hold the fish. Then a Yugoslav immigrant to the U.S. invented a hydraulic power block to hoist the acres of net back aboard, and the "super seiners" were born. Though the U.S. was first to build them, the rest of the world is catching up. The international fleet already must chase from Peru to west Africa and back to the mid-Pacific to find fish.

The U.S. may lead in tuna fishing for the moment, but in most other kinds of fishing we rank as an underdeveloped country. Behemoths like the *Boevaya Slava* (below), a 575-foot Soviet factory ship, have outclassed our efforts and have brought the Russians within striking distance of the Japanese as the world's leading food-fishing nation. Fitted with all the processing and freezing equipment of a big onshore plant, the great ship is like a moving island, going wherever she is needed, taking in fish from her fleet of two dozen smaller catcher boats. She also offers the men from the smaller vessels an opportunity for a kind of floating shore leave, with medical care, movies, a library and showers.

Having built their fishing fleet from scratch in the last 20 years, the Soviets have been able to borrow or buy the best of the new technology. They have also surpassed other countries in another way: the officers of their vessels must pass through a university-level technical training program that makes them the best-educated fishermen in the world.

The *Blue Surf* is typical of what's left of the Gloucester fleet. Rusting, flaking, shivering with the vibrations of her 25-year-old diesel, she still dares the North Atlantic even in midwinter when good sense would dictate that she ought to be tied to the wharf. She is one of 96 vessels left in a fleet that once numbered nearly 400. For the past year the *Blue Surf* has fished for cheap nickel-a-pound ocean perch, not because that's what her crew wants to do—some weeks they have earned less than $60 apiece—but because there isn't anything else. The haddock, cod and flounder she was built to catch have been swept from the New England banks by foreign vessels that will now move on to different seas. For the small New England vessels with limited range, there's no place left to go.

Just to the south of the rocky undersea canyons where the *Blue Surf* seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucester and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

There are 865 species of trees native to the continental United States, including a few imports that have become naturalized to this country, according to the American Forestry Association.

CLOSING A LOOPHOLE IN OUR DRUG CONTROL LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced a bill which would close a serious gap in the Controlled Substances Act enacted last year. A brief description of an incident that took place earlier this year in Rochester, N.Y., will demonstrate the need for this legislation.

A surgical supply company, registered under the Controlled Substances Act to distribute drugs, sold its warehouse to the city of Rochester for an urban renewal project. When it removed its inventory from the warehouse, the company left behind large quantities of amphetamines, barbiturates, and assorted drug paraphernalia which were out of date and had lost their commercial value. Shortly thereafter, these drugs and supplies found their way into the illegal drug scene in Rochester.

Thanks largely to the efforts of Mr. George W. Finegan, a volunteer with the middle earth youth project, personal contact was made with drug users to alert them that these drugs were chemically unstable and highly dangerous. As a result, 30,000 doses of destro amphetamine and more than a case of lethal procaine were recovered and destroyed.

Mr. Finegan filed a complaint against the supply company with the U.S. attorney for the Western District of New York. The U.S. attorney, however, determined that no violation of Federal law had occurred. In fact, there was apparently no ground even for the revocation of the company's Federal registration under which it was authorized to distribute controlled substances.

The bill I have introduced today would correct this deficiency in the law in two ways. First, it would empower the Attorney General to revoke or suspend a Federal registration where a registrant "has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance," or where he "failed to provide a standard of control consistent with the public health and safety." The Attorney General is directed to apply such standards when determining whether to register an applicant to manufacture or distribute controlled substances. Surely these applicants should be held to the same standards after they have received their registration and are dealing in dangerous drugs.

Second, my bill provides for criminal penalties where, as in the case cited above, registrants simply abandon controlled substances rather than taking responsibility for their destruction or end destination.

Mr. Speaker, the primary purpose of our registration system is to insure that dangerous drugs move only in authorized channels. The incident that occurred in my congressional district clearly demonstrates that our present laws do not provide adequate safeguards. I believe the legislation I have introduced will significantly enhance our chances to fight and win the battle against drug abuse. An identical measure has been introduced in the Senate by Senator THOMAS EAGLETON and I hope that each of my colleagues in the House will join us in this effort.

At this point, Mr. Speaker, I would like to include for the RECORD a letter I received from Mr. George Finegan and the letter to Mr. Finegan from the U.S. attorney.

MIDDLE EARTH YOUTH PROJECT,
Rochester, N.Y., December 1, 1971.

HON. FRANK HORTON,
Cannon House Office Building,
Washington, D.C.

DEAR MR. HORTON: Under existing Federal law, abandonment of, or gross negligence in the handling of a dangerous drug, such as amphetimine is not a crime.

For the past 6 months, I have been on the street, as a youth worker in Rochester and in my judgment, Amphetimine is a greater public health and public safety problem than is heroin.

A speed freak, (amphetimine user) will kill. I've seen enough chemically induced paranoia as a result of amphetimine to be outraged by the drug industrys wanton disregard of their public responsibility.

Early this summer, while recovering from a heart attack. I began spending my time with teen agers, most of them white, middle class and all of them drug oriented.

Two of them, who were runaways found a warehouse which was scheduled for demolition under urban renewal and which contained an estimated 500,000 units of amphetimine and barbituates as well as needles, syringes and worst of all, a case of procaine which if injected could be lethal.

The owner of the drugs had abandoned them because they were out of date and had lost their commercial value.

I was able to intervene and recover some 30,000 units, a case of procaine which we turned over to Mr. John Sullivan of the U.S. Attorneys office. He was most cooperative and

interested to the point of spending his own free time to learn of our project and what we were attempting to do.

His research into this matter elicited the fact that abandonment is not now a violation of federal law. While the particular case that I cited is relatively rare, it does point up a deficiency in the law and we are most grateful for your interest in the matter.

The bill which you propose to sponsor in the house would be a small but I think significant step in the drug control effort.

Respectfully,

GEORGE W. FINEGAN.

U.S. ATTORNEY,
Rochester, N.Y., October 20, 1971.

Re: Complaint Against Local Drug Wholesale Supply Company

MR. GEORGE FINEGAN,
Middle Earth Youth Project,
Rochester, N.Y.

DEAR MR. FINEGAN: This letter is in regard to your complaint against the Monroe Surgical Supply Company. I have, in the vault at the United States Attorney's Office, Rochester, New York, the material that you caused to be turned over. That material being various needles, syringes, vials of narcotic drugs and sundry pills.

Under the facts alleged in this complaint, there appears to be no violation of a federal criminal statute. Aside from the evidentary problems that would be inherent in the direct proof of this case in relationship to Monroe Surgical Supply Company's original ownership and abandonment of these articles, there is no statute under which this office can proceed. The mere fact of abandonment of control substance narcotics does not give rise to a criminal violation. This opinion is based on my research and consideration of the statutes and on the advice of the regional office of the Bureau of Narcotics and Dangerous Drugs in Buffalo and New York City. An investigation of this matter has been conducted by the Bureau of Narcotics and Dangerous Drugs.

In this type of situation, there is a possibility that a wholesale drug supplier in abandoning this type of material may violate State registration and record keeping requirements and in that manner, their application for a renewal of license might be denied for failure to comply with State requirements.

In this instance case, Monroe Surgical Supply Company has now voluntarily withdrawn from the narcotic drug wholesale supply business.

I wish to thank you for your continued cooperation and concern in drug related matters with this office.

Very truly yours,

H. KENNETH SCHROEDER, Jr.,
U.S. Attorney.

By: JOHN T. SULLIVAN, Jr.,
Assistant U.S. Attorney.

PROVIDING FOR THE SAFEKEEPING OF THE HOLY CROWN OF ST. STEPHEN

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am today reintroducing my resolution providing for the safekeeping of the Holy Crown of St. Stephen until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary.

This resolution was originally introduced on July 30 of this year when I was joined in cosponsorship by 25 colleagues. Similarly, Senator ROBERT DOLE introduced Senate Concurrent Resolution 48 on October 29 and was joined by six colleagues in the other body.

Joining me in the reintroduction of this resolution today are:

Mr. COLLIER of Illinois.
Mrs. GRASSO of Connecticut.
Mr. HOSMER of California.
Mr. HUNT of New Jersey.
Mr. KUYKENDALL of Tennessee.
Mr. MINSHALL of Ohio.
Mr. PRICE of Texas.
Mr. RARICK of Louisiana.
Mr. SCHMITZ of California.
Mr. THOMSON of Wisconsin.

Mr. Speaker, I am pleased by the support of my colleagues for this resolution. I believe it indicates that many Members of this body are gravely concerned with the fate of the Hungarian Holy Crown and with the American role in its preservation.

Mr. Speaker, I have written to President Nixon expressing this shared concern, particularly in light of recent news stories that the Holy Crown may have been used as the negotiating tool to secure the resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. I have asked the President to clarify the intent of these negotiations since I recently received a letter from Cardinal Mindszenty expressing his gratitude for our efforts to safeguard the Holy Crown.

Mr. Speaker, I include these documents in the RECORD at this point:

DECEMBER 3, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Once again, news reports indicate that the United States is negotiating with the Hungarian Government for the return of the Hungarian Holy Crown of St. Stephen, which was entrusted for safekeeping to the United States in 1945.

I am enclosing for your further information the translation of an article which appeared in the October 21, 1971 issue of the *Salzburger Nachrichten*, entitled "Secret Exchange of Mindszenty for St. Stephen's Crown?", as well as a copy of The Scott Report which appeared in the November 11, 1971 edition of *The Wanderer* newspaper. These articles allege that negotiations for the return of the Crown are under way, and even go so far as to indicate that the Crown has been promised in exchange for the safe resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. Despite these allegations, the enclosed copy of a letter which I received from Joseph Cardinal Mindszenty indicates that the Cardinal himself wishes the Holy Crown to be retained in the United States at this time.

To date, thirty-nine members of the House and seven Senators have co-sponsored my resolution providing for the safekeeping of the Holy Crown until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary. This support is, I believe, indicative that many members of the Federal legislature are gravely concerned with the fate of this symbol of constitutional government and of the American role in its preservation.

I have called on Chairman Thomas E. Morgan of the House Committee on Foreign Affairs to initiate hearings on this important resolution. Prior to any public hearings, I would appreciate having your comments about these reports of alleged negotiations concerning the return of the Crown.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

VIENNA, *November 20, 1971.*

Representative Mr. LAWRENCE J. HOGAN,
U.S. House of Representatives, Washington, D.C. U.S.A.

SIR: It is with the deepest sense of gratitude that I received the information about a resolution action for the preservation of the Holy Crown of St. Stephen, for trying to prevent its being delivered into the hands of our worst enemies.

I express my feelings of hope in the success of your endeavors for this noble cause.

With the expression of my thanks,

I am sincerely yours

JOSEPH CARDINAL MINDSZENTY,
Primate of Hungary,
Archbishop of Esztergom.

SECRET EXCHANGE OF MINDSZENTY FOR ST. STEPHEN'S CROWN?

München [Munich] October 20, 1971 (DPA). According to information received by the CSU organ "Bayernkurier", secret negotiations between the American and Hungarian Governments are underway concerning the crown of Saint Stephen, which is on deposit at Fort Knox in the United States.

As the Bavarian Party organ writes in its latest issue, "the return of the crown of the founder of the Hungarian Kingdom was one of the conditions which the Hungarian Government had made for the granting of safe conduct for Josef Cardinal Mindszenty during his recent resettlement to Rome. Allegedly, the negotiations concerning the departure of the Cardinal who had enjoyed asylum in the USA Embassy in Budapest since 1956, resulted in Pope Paul VI's "strict order" for the Cardinal to come to the Vatican, while the Budapest Government had given its approval of the exchange of St. Stephen's crown for Mindszenty's departure".

[From the Wanderer, Nov. 11, 1971]

WILL REDS GET ST. STEPHEN'S CROWN?

(By Paul Scott)

WASHINGTON.—Secret diplomatic maneuvering is now underway for the State Department to turn over the Holy Crown of St. Stephen's to the Communist Government of Hungary.

The historic crown, the oldest Christian symbol of freedom and authority in Europe, was entrusted to the U.S. Government in 1945 to keep it out of the hands of attacking Russian armies and until Hungary is a free nation again.

The return of the Holy Crown and its jewels is being engineered by Dr. Henry Kissinger, the President's chief foreign-policy adviser, and is an integral part of President Nixon's new policy of accommodating Moscow and Peking to obtain a lowering of East-West tensions.

Under the Kissinger plan, the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims settlement agreement can be worked out before then.

The return of the Holy Crown is to serve as a public gesture to Moscow and the other Soviet-bloc nations that the U.S. Goverment fully recognizes Communist control over Hungary and the other captive nations of Eastern Europe.

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians and American Hungarians who believe that government power is inherent in the Holy Crown itself. To many Hungarians, the Holy Crown represents that Hungary always would be a Christian nation.

Discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan. The arrange-

ments are expected to be completed soon unless Congress bars the move.

Twenty-five lawmakers led by Representative Lawrence Hogan (R., Md.), a leading Catholic layman and former FBI agent, have introduced a concurrent resolution in Congress designed to block the return. Their resolution expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections.

The House legislators, who are from politically strategic States ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public hearings before the House Foreign Affairs Committee. The Hogan group's objective is to expose the Kissinger plan before it can be consummated and rally public and Congressional support against the return.

Their argument against the return is that it would be taken by persons behind the Iron Curtain as a breaking of a sacred trust and a sign that the United States has given up hope that Hungary and the other captive nations will ever be free. As one member of the Hogan group put it:

"The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public hearings by declining to answer the committee's request for the Nixon Administration's position on the resolution.

THE NEW POLICY

The significance of the present U.S.-Hungarian talks to return the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized during and since World War II.

Although never announced by the President, this new doctrine of writing off the captive nations of Europe and Asia was secretly made known to Soviet and Chinese leaders several months ago and shortly after the decision was made.

Administration insiders say the new Nixon policy had a lot to do with those invitations from Moscow and Peking for President Nixon to visit those countries next year. Another sign of the policy is the red-carpet treatment that the White House accorded President Tito when the Communist boss of Yugoslavia visited Washington last week.

It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

MINDSZENTY EXILED

The pressured exile of aging Cardinal Mindszenty recently from his self-imposed asylum in the U.S. Embassy in Budapest was part of the new Nixon policy toward the Communists. As a symbol of a free Hungary, the Communist government there wanted Cardinal Mindszenty removed from the country. The Nixon Administration agreed and put pressure on Rome to force Mindszenty to leave.

Significantly, one of the charges leveled against Cardinal Mindszenty, when he was jailed after the Communists took over Hungary, was that he had urged the United States to protect the Holy Crown or turn it over to Rome for safekeeping. Cardinal Mindszenty was freed from jail by the Hungarian Freedom Fighters during the October, 1956, uprising. He was forced to seek asylum in the U.S. Embassy when Soviet troops crushed the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to keep the Holy Crown out of the hands of the Communists. One of his long-time supporters here, former Speaker John McCormack, is telling members of Congress that "the return of the Crown to the present Hungarian government must be stopped."

FRENCH HEROIN PROCESSING AND TRAFFICKING MUST BE TERMINATED

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, the illicit traffic in heroin continues to increase at an alarming rate with a corresponding increase in human suffering as a result.

Today, Mr. RANGEL and I are introducing a bill designed to communicate to France the intense desire of the United States that French heroin processing and trafficking be terminated. The legislation we are introducing would raise the surcharge on French products from the present 10 percent to 25 percent. In order to make it more attractive to French authorities and to encourage them to show good faith, we are giving the President the discretionary authority to reduce or remove such a surcharge when it is proven to his satisfaction that the French Government is realistically demonstrating an ability to stop the illicit flow of drugs from their country into ours.

France must make more than the token effort it has been making to put the drug producers and drug smugglers out of business. The political pressure from Paris has already resulted in the ouster of John Cusack, the most active American drug fighter in France and European desk chief of the Bureau of Narcotics and Dangerous Drugs. A top-level French official has been indicted and now refuses to come to the United States and stand trial on narcotics charges. An officer at the French consulate in New York, implicated in an international dope smuggling ring, has refused to appear before a Federal grand jury. A former French ambassador has publicly admitted knowledge of diplomatic complicity in heroin traffic. Yet the French Government wants the American people to naively believe they are doing their best.

It is our hope that economic leverage will work where protocol has failed. The lives of too many of our young people are at stake for the United States to knuckle under to French political power. Through this legislation being proposed today, we hope to show France that the United States means business.

We are joined in this effort by 11 of our colleagues: Mr. BARING, Mr. BRASCO, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DIGGS, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. SCHWENGEL, and Mr. STOKES.

DISTURBING DEVELOPMENTS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, the events of the past few days on the Indian subcontinent promise deep trouble, not only for East Pakistan but for all concerned. No matter how swiftly military operations may develop, it is hard to envisage any victor in the conflict now underway.

The role of India in this conflict is most disheartening. Admittedly India has been under heavy and increasing pressure because of the millions of refugees from East Pakistan which she has been caring for. Admittedly also, it would have been difficult prior to the outbreak of war, to argue about the urgent need for Pakistan to develop a political accommodation which would have relieved that pressure.

However in seeking a military solution for her problems India has released a whirlwind. It has made a political accommodation impossible and may well affect her own future adversely. Furthermore, India's unilateral action in recognizing the independence of a so-called People's Republic of Bangla Desh makes India the architect of a policy which, if successful, could have far-reaching consequences.

A People's Republic of Bangla Desh, described by Mrs. Gandhi as following "the basic principles of democracy and socialism," is certainly not what the people of East Pakistan were voting for just a year ago when they so overwhelmingly supported Sheikh Mujibir Rahman. This new socialist People's Republic smacks strongly of Soviet influence on India. This is not unnatural perhaps in view of the treaty signed last August between the U.S.S.R. and India, but at the same time India's decision is a disturbing indication of what may lie ahead on the subcontinent.

CONGRATULATIONS TO THE ECONOMIC DEVELOPMENT ADMINISTRATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I noted with interest an announcement which was made recently by the Economic Development Administration that the agency's investment in economic planning and development on Indian reservations had passed the $100 million mark.

The achievement of this milestone is noteworthy for two reasons. The first is that it indicates the fulfillment of the promise made by President Nixon to expand the Federal Government's role in helping the Indians.

The second, of equal importance, is the effect this financial support has had in encouraging the Indians to view their reservations in a new light—one that reflects the opportunity for new jobs and better family incomes.

The Economic Development Administration is the U.S. Commerce Department agency that helps communities develop their resources to enable them to reach their full economic potential. EDA has designated more than 100 Indian reservations around the country as eligi-

ble for this support and has received enthusiastic responses from tribal members to its offer of assistance.

The many projects which have received grant and loan support range from the installation of basic sewer and water services to land preparation and the construction of buildings for use by industry.

They represent the true meaning of a partnership between the Federal Government and a local community—in this case the Indian reservation.

EDA offers financial help to the tribes in the form of planning grants to prepare an overall economic development program. It supports technical studies on the feasibility of certain industries operating on reservations and follows up this preliminary work with grants and loans to install the utilities and prepare the land for industry to use. Business loans are made to the tribes or to businessmen to start the work going.

The success of the program can be measured in the number of jobs created and the Indians employed.

One example is the Fairchild semiconductor plant on the Navaho reservation at Shiprick, N. Mex., which EDA assisted in establishing. Indians were trained for the work and there are now more than 800 employed at the production center.

Another project, and of far-reaching potential for the Nation as a whole, involves sea-farming by the Lummi Tribe of Washington. The program was established with the aid of $2 million in public works and technical assistance funds from EDA. The tribe expects the production of oysters and fish to employ 600 persons by the end of the fifth year. And Lummis believe the project will develop into a $4 million annual industry.

There are many other projects which are equally noteworthy—tourist centers, training schools, industrial parks, lumber mills, cattle raising cooperatives—to name a few.

Much work is still to be done, but these EDA programs have already been a key element in assisting the American Indian build a better life based upon economic growth from the Indian's own initiative and labors.

EDA's support to the Indians passed the $100 million mark on September 30, 1971, when it approved a $460,000 grant for an industrial park on the Swinomish Reservation in the State of Washington.

It is my understanding the EDA has set a goal of approving grants and loans totaling $26 million for the Indian programs in fiscal 1972. I am pleased that this program continues to reflect the increasing desires and abilities of the American Indian to obtain a full share of economic growth.

I have some designated EDA Indian reservation areas in my congressional district and they are working on programs and economic development proposals that I am hopeful will lead to job opportunities, business opportunities, and an overall economic, social, and cultural enhancement of our Indian community.

I am pleased with the progress and commend Mr. Podesta and his very able staff for their very beneficial efforts on behalf of our American Indians.

ATTACK ON THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I think it is somewhat fitting that the Office of Economic Opportunity has chosen a date so close to the infamous attack on Pearl Harbor to begin their own attack on the South Carolina Commission for Farm Workers. Mr. Speaker, this morning the OEO has undertaken the task of stripping away funds for this State commission. I submit that, like the lynch laws of the early West, they would like to give the South Carolina Commission for Farm Workers a fair trial and then hang them. I further submit that, like that infamous attack on Pearl Harbor, the OEO has operated under the cloak of secrecy, and has now struck with little warning. Even to this hour, the OEO has yet to officially notify me of their actions, despite my concern. Despite the fact that radio and television accounts of my concern have run throughout the First District—the OEO has not heard. Despite headline after headline that have appeared in newspapers around the First District—the OEO has not seen. Despite my speeches in this Chamber previously—the OEO does not respond.

The hearings are officially underway and I would like at this point to comment on the morning session. I went to these hearings with an open mind and the thought that we might really get a semblance of justice. I felt that, with the hearings out in the open, the OEO would have to keep the proceedings "above board." Mr. Speaker, this is far from the case. We have underway—in the name of "defunding hearing"—a regular kangaroo court with an in-house judge. The South Carolina Commission for Farm Workers has been pitted against the bureaucratic army—armed with a peashooter. The OEO is not allowing things like truth and objectivity to stand in their way of a conviction. I really half-expect to hear someone on the panel to yell—"Off with their heads" before the day is over.

I would give the South Carolina Commission for Farm Workers about as much chance of standing this onslaught as a crippled chicken in a field full of foxes.

Even though the South Carolina Commission for Farm Workers has truth on their side, they are in the process of being devoured. I would like, for the record, to submit the reasons the OEO has brought about this action—followed by the 11-page reply of the South Carolina Commission for Farm Workers. This, I feel, states the case for and against much better than all of the rhetoric that could be advanced in this hearing:

STATEMENT OF SPECIFIC REASONS FOR TERMINATING GRANT CG–0774 TO THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

This statement sets forth the reasons for terminating the Office of Economic Opportunity ("OEO") grant CG–0774 to the South Carolina Commission for Farm Workers ("SCCFW") and identifies the facts relied on as justifying termination and the OEO requirements which it is contended SCCFW has violated.

A. DEFICIENCIES IN PROGRAM OPERATIONS

(1) The work program in the grantee's CAP Form 7 provides for a program of Adult Basic Education (ABE) which includes both General Education Development (GED) preparation and pre-vocational job orientation to be conducted at each of the Commission's four target county multi-purpose centers which would be set up to train some 200 potential trainees. The centers are the Charleston Center, the Williamsburg County Center, the Dorchester Center, and the Sumter Center. However, the grantee has not conducted any Adult Basic Education classes and there is no indication of any formally structured ABE classes having been conducted during this program year F.

An evaluation of SCCFW conducted during the period August 2–6, 1971, concluded that there were no ABE activities from April 1, 1971, the beginning of the program year F, to August 2, 1971. The reviewing team headed by Mr. Jose Garcia of the Migrant Division, determined that the ABE program was at a virtual standstill, that is, there were no classes of any type for farm workers in the SCCFW organization.

During the period September 21–24, 1971, a follow-up visit was made by a Migrant Division fact-finding team, at which time all of the area offices were visited. Again, there was no indication, as observed by the fact-finding team and through talks with SCCFW people, that any ABE classes were being conducted or had been conducted during the program year F as required by the grant terms and conditions. There was, however, some follow-up activity on ABE participants from the previous program year E which ended on March 31, 1971. But this follow-up activity to previous participants ended on July 1, 1971.

As further substantiation that no ABE classes have been conducted, it should be noted that there is a special condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which allows for some $60,000 to be used, with prior OEO approval, to assist in the grantee's training program. This special condition specifically provides for contracting of services to perform the necessary training in the program. Since there has been no request for the use of this fund to contract services, it is further evidenced that no ABE activities were being conducted.

(2) The work program calls for migrant day care services designed to meet the basic needs of migrant infants while their parents are working. A child care program was started in April 1971, but ended on August 6, 1971, and has not resumed as yet. At the time of the September 21 through 24 visit, it was noted that the year-round day care program supported by Title III–B funds had not been started up again after a recess in August.

(3) The work program outlines an Economic Development program to organize the rural poor in target counties into cooperative endeavors such as: buying clubs, sea food processing and marketing, credit unions, handicraft marketing, farm purchasing and marketing, and child care services. However the only economic development project attempted has been that of the buying clubs.

(4) The work program of the CAP Form 7 provides for a Job Follow-up program. However, it is reported by the Migrant Division's reviewing team of September 21–24, 1971, that all Job Follow-up activity ceased on or about July 1, 1971.

(5) The grant to SCCFW included special conditions entitled "Special Reporting Re-

quirements" which the grantee was required to comply with. For our purposes here, the more pertinent special conditions required the following: (a) Special Condition No. 5 required that the grantee submit a plan and implementation schedule for the restructuring of the Board to reflect the multi-county nature of the agency (SCCFW) and the need to provide representation for target area populations not then covered; the plan was to have been submitted by July 1, 1971, and (b) Special Condition No. 6 which in conjunction with the restructuring of the Board, required the grantee, by the same date, July 1, 1971, to submit a plan and implementation schedule for the relocation of centers, outreach staff, agency support resources, etc., to better reflect the seasonal and migrant worker target area population of South Carolina; also, this special condition required the grantee to develop working relationships with other agencies serving the poor. However, (a) the grantee did not submit the plans required by these special conditions within the allotted time, (b) the grantee requested and gained an extension of time from OEO to August 12, 1971, for the submission of the plans, (c) OEO, on June 29, 1971, requested the grantee to set up a Special Committee to negotiate with it in order to seek compliance with the special conditions on behalf of the grantee, (d) the grantee established the Special Committee on July 8, 1971, and it met on July 20, 1971, to resolve the questions raised by the Migrant Division for compliance with the special conditions, (e) the plans were submitted by the Special Committee to the Migrant Division and were considered adequate to meet the grant special reporting requirements; and the Migrant Division, in a letter to the grantee dated September 8, 1971, indicated an acceptance of the recommendations made by the Special Committee to meet the OEO special conditions.

Notwithstanding the above, the grantee (SCCFW) met on September 9, 1971, and the board, by motion, unanimously voted to dissolve the Special Committee and to replace it with an Executive Committee for purposes of negotiating on the special conditions with the Migrant Division. They also moved to repudiate and reject the work accomplished by the Special Committee, thereby resulting in the grantee's non-compliance with the special conditions of the grant.

Although the grantee failed to be in compliance with the conditions outlined in the "Special Reporting Requirements", the Executive Committee of the grantee forwarded to OEO on September 16, 1971 its own responses to the above requirements. These responses have been reviewed and have been judged inadequate and inappropriate for the following reasons:

(a) The restructuring of the grantee's board calls for the election of grantee staff members from the several program centers "to serve in a non-voting advisory capacity to the Governing Board." Such a provision further weakens the role of the grantee's Executive Director as the principal advisor to the board.

(b) A provision is made for at least one-third (⅓) of the board to be made up of migrants and seasonal farm workers and/or their elected representatives even though the grantee was informed of the current Migrant Division requirement that at least fifty-one percent (51%) of Title III–B grantee board members be so designated.

(c) The grantee persists in allowing the presence of only one-third (⅓) of its board members to constitute a quorum although advised by OEO that the percentage must be raised to fifty percent (50%), in accordance with OEO Instruction 6005–1.

(d) The Executive Committee argues that the persistent failure of the grantee to comply with the terms of the "Special Reporting Requirements" is proper grounds for a further delay in the relocation of program centers. OEO does not recognize non-compliance as an adequate justification for the continued failure to properly relocate program centers.

(e) The Executive Committee further suggests the establishment of satellite centers as an acceptable modification of the OEO relocation requirement. Such an expansion of the existing network of centers rather than the relocation of existing centers is both unnecessarily costly and programmatically unacceptable.

The foregoing items (1) through (5) constitute grounds for termination under clauses (1) and (3) of General Condition 9 of the grant.

B. DEFICIENCIES IN ADMINISTRATION

(1) A financial report entitled "South Carolina Commission for Farm Workers, Inc., Report of Financial Systems and Management Technical Assistance Needs," dated September 28, 1971, was made by an independent certified public accountant (CPA), Joseph A. Chesanek. The CPA states that "a review of the Commission's financial and accounting systems and procedures revealed that the systems and procedures in use are inadequate with regard to meeting OEO's minimal requirements." The condition of the accounting system violates CAP Guide Vol. II, Part 1.13. and fails to meet the standards set forth in section 243 of the Economic Opportunity Act of 1964, as amended.

Among the other financial and management deficiencies noted are (a) that the time and attendance records are lacking in administrative or fiscal controls, which are required by CAP Guide DI, II, Part 1.2.a. and OEO Instruction 6900–01, Part Vo.2, and (b) that the procedures for the approval of travel vouchers lack the necessary accurate accountability, which is prescribed by OEO Instruction 6910–1, and (c) that no accurate record is maintained as to the location and disposition of non-expendable property, as is required by OEO Instruction 7001–01. Additional deficiencies are noted in the attached excerpts from the CPA's report on SCCFW called "Report of Financial Systems and Management Technical Assistance Needs."

(2) The Special Condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which provides for some $60,000 of earmarked funds to supplement the Pre-vocational and Skills Services and/or Training Fund requires that special and separate accounting procedures be set up for this fund. The special requirement has not been implemented.

(3) The current senior staff person is described as the grantee's "Acting Administrator", a position not authorized or funded by the terms of the present grant.

C. GRANTEE BOARD OF DIRECTORS

(1) Article 2, Section 3 of the grantee's by-laws, which were last revised July 11, 1968, requires that two persons from each advisory council serve on the grantee board. However, this requirement of the by-laws has not been met since there are only three persons from the advisory councils. (See clause 4 of General Condition 9 of the grant and the attached excerpts from the Summary Report by the consultant, Mayfield K. Webb, from the Educational Systems Corporation).

(2) Article 2, Section 5 of the by-laws provides for a maximum of two consecutive terms of two years each for board members.

A memo sent to all board members on July 2, 1968 containing proposed changes to the by-laws of the SCCFW, including the change limiting the term of office of board members to two (2) years which was subsequently adopted on July 11, 1968, identified the following persons whose terms should end on December 31, 1969:

1. Thomas Duffy.
2. Marybelle Howe.
3. John T. Enwright.
4. James Adamson.
5. Virgil Dimery.
6. Leon Walker.

In addition, the terms of the following members were noted as scheduled to end December 31, 1970:

1. Willis Goodwin.
2. Lynn Rhodemeyer.
3. McKinley Washington.
4. James Martin.
5. Henry Grant.
6. Saul McBride.
7. D. L. Culver.
8. Irvin Drayton.

No evidence has been presented to show that the above persons ended their terms as indicated and that they were elected or selected to new terms. Their presence as board members therefore appears to be in violation of this provision of the agency's by-laws (see clause 4 of General Condition 9).

(3) Article 2, Section 6 of the by-laws provides that three consecutive absences from board meetings constitute voluntary resignation from the board. (See the Summary Report by Mayfield K. Webb.)

Persons whose presence as board members appears to be in violation of this section are:

1. Thomas Duffy.
2. Raymond Stoddard.
3. Henry Grant (PR).
4. Robert Hurst.
5. Paul Mathias.
6. Suzanne Pendarvis.
7. Harold Simmons.
8. Gray Temple.
9. John Enwright.
10. Herbert Fielding.

(4) Article 2, Section 3 of the by-laws provides that all sections of the state are to be represented on the board. Since the grantee has failed to meet this requirement, it is in violation of its own by-laws and clause 4 of General Condition 9 of the grant.

(5) The minutes of the Board of Directors meeting show that since as early as June 29, 1971, the Board has been unable to effectively address itself to the important question requiring its attention regarding the programmatic needs of the program.

The minutes show that a large part of the time has been spent in discussion of things other than programmatic concerns of the agency to the exclusion of much of the important business pending for the Board's attention. As a result the Board has not provided adequate leadership in setting policy, meeting conditions of the grant and supervising the program. The conditions have isolated the program from the community influence and control which the Board of Directors was intended to represent, and significantly impaired the grantee's capacity to enlist community support.

The situation so seriously impeded the carrying out of the grant work program that the OEO Migrant Division found it necessary to request, and did request on June 29, 1971 that a Special Committee be appointed to act for the board in the grantee's dealing with the Migrant Division. On September 9, 1971, in Kingstree, South Carolina, the meeting of the board was summarily adjourned by the Chairman after a board member allegedly engaged in denouncing fellow board members for racial prejudice and other name calling. In addition, at least one board member was reportedly manhandled at the meeting by a staff member. The events of September 9, 1971, were described in a Charleston, South Carolina newspaper by a reporter who was present at the meeting.

The foregoing items (1) through (5) all involve changes which significantly impair the representative character of the Board, which are grounds for termination under clause 4 of General Condition 9.

The facts described above require termination of the grant. On numerous occasions during the past several months the Migrant Division has expressed its concern to the grantee regarding the serious deficiencies in the program. Several meetings were held in Charleston and in Washington at which problems with the grantee's program board and administration were discussed and possible solutions were offered. All efforts to reach a mutually acceptable solution have either been resisted or rejected outright by the grantee.

As a result, Title III–B program operations in South Carolina are at a standstill. OEO funds are being expended to support a staff without measurable benefits accruing to the Title III–B target population. As a result of vacancies in key leadership positions, the present staff of the program has shown neither the professional qualifications to operate a Title III–B program nor the fiscal competence to maintain proper control of six hundred thousand dollars of Federal funds. In addition, grant funds have been expended in violation of the special conditions of the grant. Under these circumstances OEO can no longer permit Federal grant funds to be expended by the grantee.

SOUTH CAROLINA COMMISSION FOR FARM WORKERS—MIGRANT DIVISION

The South Carolina Commission for Farm Workers, Inc. (SCCFW) offers the following information in response to the allegations made by the Migrant Division of OEO against the SCCFW concerning OEO Grant CG–0774, Program Year "F".

The SCCFW has continued to serve the migrants and seasonal farm workers despite the problems created by the Migrant Division of OEO. Namely, the problems are:

1. Grant was not approved until May 26, 1971.

2. Funds were not received until July 7, 1971, which is over three months after the beginning of Program Year "F" and after the major migrant season in South Carolina.

3. A letter from the Migrant Division dated June 29, 1971 restricted III–B funds to current operational costs.

4. On September 15, 1971, the Migrant Division revoked the Commission's Letter of Credit.

5. A continuous threat of defunding by Migrant representatives and through the news media.

6. A letter dated October 28, 1971 informs the Commission of the Letter of Credit revocation over six weeks after the action.

7. The same letter informs the SCCFW that its funds are not frozen and that monies are available on a month-to-month basis for program operations. This is the first correspondence received by the Commission stating that we had operational funds. At this time the Commission proceeded to put its educational center program into full operation.

These and other hardships placed on the SCCFW by the Migrant Division have hampered our efforts to serve the migrants and seasonal farm workers as well as impair our support program efforts (six additional programs funded for $656,000), but the following activities indicate what the ability of the SCCFW is in spite of the lack of cooperation and support of the Migrant Division of OEO. With their support and cooperation, the SCCFW can continue an expanded, more complete program to serve the migrant and seasonal farm worker families.

A.(1) All centers were advised in late June by representatives of the Migrant Division and ESC not to implement the ABE program, planned for FY/F and delayed by the lack of funds. The centers were told that a survey would be conducted, pursuant to the reorganization of SCCFW. When the issue was not resolved by mid-September, the centers opened classes on a voluntary basis. When funding was received in November, additional stipended classes were begun on November 29. The classes are as follows:

(a) Adult Basic Education:

(Center, class, enrollment, and counties served)

Dorchester: Typing; 5 (Stipend), 12 (Non-Stipend); Dorchester.

GED; 19 (Stipend), 11 (Non-Stipend); Dorchester, Berkeley, N. Charleston.

Handicrafts; 30 (Non-Stipend); Dorchester, N. Charleston.

Pre-vocational training; 28; Dorchester, Berkeley, N. Charleston.

Sumter: ABE; 12 (Stipend), 9 (Non-Stipend); Sumter, Clarendon, Lee.

GED; 14 (Stipend), 10 (Non-Stipend); Sumter, Clarendon, Lee.

Handicrafts (Economic Dev.); 6 (Stipend), 5 (Non-Stipend); Sumter, Clarendon, Lee.

Pre-vocational training; 29; Sumter, Clarendon, Lee.

Williamsburg: GED; 15 (stipend); Williamsburg, Georgetown, Florence.

ABE; 9 (Stipend); Williamsburg, Georgetown, Florence.

Handicrafts; (3 sites); 32 (Non-stipend); Williamsburg, Georgetown, Florence.

Pre-vocational training; 24; Williamsburg, Georgetown, Florence.

Yonges Island: GED-vocation training with CEP; 32 (Stipend); Charleston.

ABE; 11 (Stipend); Charleston.

Handicrafts; 8 (Non-stipend); Charleston.

Pre-vocational training; 31; Charleston.

Total 240 Trainees.

From July 16 to August 6, 1971, all center staffs were ordered by OEO to conduct a survey of seasonal and migrant farm workers, industry and support agencies in 26 counties of South Carolina.

Mr. Garcia was misinformed or neglected to check his information carefully. In August there is no Adult Education program due to the farm season. Normally, our Adult Education starts in September, but due to the lack of funds and the threat of termination, it was not feasible to implement a fall program, although limited voluntary education programs were conducted.

Our program does not call for a year-round educational program. Classes are in progress on a stipended basis to carry out the education component of the grant. We have been unable to carry out the program due to the fund limitations imposed by the Migrant Division.

In reference to the fact-finding team of September 21–24, we have received no information that this team even visited our Sumter and Williamsburg Centers.

PREVOCATIONAL AND SKILLS SERVICES AND/OR TRAINING FUND

Because the Migrant Division informed SCCFW that no new programs were to be implemented, SCCFW was unable to use these funds previously. A contract has been drawn up between SCCFW and the Manpower Development Training Center (MDTA) in Charleston and will be submitted to OEO within ten days. This contract provides that MDTA will provide 36 weeks of full-time training in construction trades for 20 seasonal farm workers from Dorchester County. SCCFW will recruit the trainees and provide the stipends. CEP will provide two weeks of assessment and pre-vocational training, as well as full-term transportation. MDTA will provide the skills training in carpentry, masonry, floor-covering, roofing and electricity. SCCFW and CEP will work together to provide job placements upon completion of the course. Plans are being developed with the Technical Education Center in Sumter for a skill training contract in construction skills.

(2) Day Care:

Although no migrant funds have been obtained, year-round day care centers have been organized by SCCFW staff, VISTA volunteers and community members and are operating or ready to open in all areas served by the Commission:

(a) Charleston County:

1. Yonges Island Day Care Center—65 children of seasonal farm workers.

The center was built through community efforts with technical assistance in construction and organization from SCCFW. Funds are provided by the Episcopal Church ($10,000), volunteer contributions and fund-raising projects. Food reimbursement is provided by USDA.

CHILD CARE SERVICES

Plans are being made for seasonal farm workers in Dorchester and Charleston Counties to form a cooperative to provide furnishings and materials for day care centers. This is an adjunct of the handicraft program operating in the centers.

BUYING CLUBS

1. Sumter County—High Hill Buying Club—38 members, and Spring Grove Buying Club—44 members.

2. Williamsburg County—Bloomingvale Buying Club—50 members; Lanes Buying Club—30 members; and Nesmith Buying Club—32 members.

3. Handicraft Co-ops:

As a direct outgrowth of the III–B center operations, members of handicraft classes at the Centers are organizing co-ops to market their products which include quilts, sweaters, hats, rugs, shawls and ties.

(a) Dorchester Center—10 members.

(b) Sumter Center—35 members.

(c) Williamsburg Center—42 members (have already marketed some products).

(d) Yonges Island Center—30 members.

4. Job Follow-up:

Contrary to the Migrant Division's allegations, Job Development has been actively pursued by the Center staffs in the time period since July 1, 1971.

(a) Dorchester Center:

1. 135 youths placed in NYC jobs at 16 day camps operated by SCCFW as part of summer feeding and educational program.

2. 5 seasonal farm workers placed on full-time permanent jobs.

3. 38 businesses contacted for job openings.

(b) Sumter Center:

1. 7 seasonal farm workers placed on full-time permanent jobs.

2. 72 businesses contacted for job openings.

The Center staff is paid by CEP and New Careers. The day care is located at the SCCFW Yonges Island Center until its building is completed.

2. Technical assistance and support services are provided by SCCFW for the Parker's Ferry Day Care Center and the River Road Child Development Center.

(b) Dorchester County: Dorchester County Day Care Center, Ridgeville—78 children of seasonal farm workers.

The center was organized by SCCFW and community members and receives USDA food reimbursements. Staff members are volunteers and WIN trainees. The building was provided by Dorchester County Council. Other funds are received through contributions and fund-raising events. The SCCFW staff helped to write and to submit a proposal for funding to OEO.

(c) Sumter County: The High Hill Day Care Center—30 children of seasonal farm workers.

The center has been approved for USDA food reimbursement and operates solely through volunteer efforts and contributions.

(d) Williamsburg County: Three day care centers—85 children of seasonal farm workers.

Organized by SCCFW staff, VISTA volunteers and the community, the centers receive USDA food reimbursements. Volunteer efforts, contributions and a small grant from the United Methodist Church assist operations. A fourth day care center is planned for the SCCFW I. H. Bonner Center in Kingstree.

(e) Day care services were provided to 184 children of migrant workers at six sites in three counties. This was operated in conjunction with the public schools, who use Title I money.

All the Day Care Centers provide a full-day program of nutritional, health, and educational services.

(3) In addition to organizing and sponsoring a number of buying clubs, SCCFW is directly involved in organizing and providing assistance to several other areas of economic development, as follows:

AGRICULTURAL CO-OPS

1. John's Island Vegetable and Farm Co-op.

2. Sea Islands Vegetable Co-op—330 members.

(c) Williamsburg Center:

1. 13 seasonal farm workers placed on full-time permanent jobs.

2. 10 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 61 businesses contacted for job openings.

(d) Yonges Island Center:

1. 5 seasonal farm workers placed on full-time permanent jobs.

2. 13 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 41 businesses contacted for job openings.

(5) During Program Year "F", the SCCFW has served 410 migrant families representing 876 individuals with emergency aid which included food, medical and travel assistance in cooperation with the North Carolina Council of Churches.

Twenty-two self-help houses are now under construction. Fifty-seven persons are benefiting from these homes being built in Sumter, Charleston and Williamsburg Counties. As of September, SCCFW has processed twenty-seven home loans for contract built houses in Charleston County with eight contracts built in Williamsburg County, one in Dorchester County and three in Berkeley County.

In the pre-construction period, classes are held in construction techniques, tool use and safety, decorating, home management, family economics, maintenance, carpentry, masonry, plumbing, etc. Classes are held for the women in making curtains and drapes, care of the new home, advice and guidance in taxes, insurance and debt paying, furniture refinishing and repair.

VISTAs work in the area of housing by assisting housing groups and individuals in the completion of work agreement forms, income tax forms, sewing instructions and other home management areas.

The SCCFW is applying to HUD for a Home Ownership Counseling Service for low-income families, and the Commission is sponsoring a self-help housing project for Midlands Community Action Agency in three counties located in target area III.

There are 17 VISTA Volunteers assigned to the SCCFW (six were assigned in November, 1971). VISTAs work primarily in the support programs of the Commission, but they attempt to coordinate their efforts with the programs of III–B. They work in Talent Search and the Emergency School Assistance Program as recruiters, tutors, counselors, fund raising for various youth activities, to help in defraying the application costs for students entering college and providing transportation to youth related activities. Also, they work in organizing youth groups, sponsoring youth programs as drama groups, Black history classes, arts and crafts activities and recreational activities.

The SCCFW is a member of the Coastal Plains Coordinating Council, which is working with the S.C. Planning and Grants Division to develop and support local groups in Planning District #5 and #10 (the southwestern part of the state) for economic development, health and sanitation and housing endeavors. Through Talent Search we are working with Wilberforce University and a silk screening factory in Akron, Ohio to establish a similar plant in Charleston County which will be youth owned and operated.

The Commission works with the Sea Island Vegetable Co-operative in attempting to set up a local farm produce market as a means of getting better prices and contracts for farm produce. The Commission was instrumental in getting a small grant of $7,500 to support this co-op in its initial stages. The SCCFW works with the planning group of Rural Missions in the development of a Comprehensive Rural Health Program for the five major islands of Charleston County. This center will be in the heart of the migrant work area and will serve migrants as well as seasonal farm workers. Health programs are also conducted in Dorchester and Williamsburg Counties.

Three members of the Governing Board of the SCCFW serve on the State Committee to Study the Problems Confronting Migrant Laborers—LaNue Floyd, Marybelle Howe and McKinley Washington.

The Board on September 22, 1971 adopted plans which answer the Special Conditions of the grant. These plans are the will of the Board and are in agreement with the program as approved by OEO on May 26, 1971. These plans would have been sent in on July 1, 1971 if the Migrant Division had not insisted on rewriting the program in such a manner that seemed unfeasible, inoperable and completely removed from the people for whom it was intended to serve. This interference from the Migrant Division against the wishes of the majority of the Board must stand as the major reason for the difficulties of the SCCFW. The Special Committee of the Board was not representative of the elected seasonal farm worker Board contingent and did not have the support of the communities served by the four centers nor the staff of these centers. In fact, the various community groups were not allowed any say in determining the Migrant Division plan. A meeting was held with the Center Directors by Robert Lunz and Ray Robinson in which staff was told that the Migrant Division plan would be implemented or the grant would be terminated.

The September 9th Board meeting was the first opportunity that seasonal farm workers had had to express their wishes and opinions to the whole Board, and the action of the Board on this date represents the desires of the people; the Board has always attempted to run programs which are responsive to the needs of the people rather than the dictates of those who are not familiar with the problems of migrants and seasonal farm workers in South Carolina.

The compliance suggestions mailed from the Migrant Division were adopted by the full Board on September 22, 1971.

(a) The election of staff members in an advisory role to the Board was a staff suggestion in order to increase communication efforts and coordination for a multi-county program. We feel that it would strengthen the program and the role of the Executive Director, as well as give the Board members a greater opportunity to become more familiar with the on-going workings of each center and other components. We are not wedded to this idea and if the Migrant Division sees this as undesirable, it can be dropped.

(b) The plan submitted to the Migrant Division does not provide for one-third seasonal farm workers, but rather, that 51% of the Board members will be elected. OEO instruction COO 5–1 does not make this a requirement of governing boards.

(c) The SCCFW has used one third (⅓) of its Board members as a quorum since this is a part of the by-laws and approved by Noel Klores. If we must have fifty percent (50%) of the membership for a quorum, we will do so.

(d) The Board opinion is that the SCCFW non-compliance is the direct fault of the Migrant Division, not of the grantee. The SCCFW has attempted for nine months to gain compliance with the Migrant Division as to the terms of the grant as approved and according to the wishes of the seasonal farm worker community.

(e) The Executive Committee does not suggest satellite centers as a modification of the grant. Satellite centers are provided for in the general body of the approved grant.

B.(1) The SCCFW has a regular C.P.A. who audits all of the Commission's books and grants. He has submitted with each annual audit a statement that the SCCFW has an adequate accounting system with adequate internal controls. Plans are for the SCCFW to set up its books in accordance with OEO Guidance 6806–1 in the next program year. The present system has been used for several years and it was found adequate by Peat, Marwick, Mitchell and Company.

(a) The time and attendance sheets are checked periodically each week and are approved each week by the component head and verified by the bookkeeper. The vast majority of our staff spends most of the time in the field and are not considered office workers. Three support programs use Neighborhood Youth Corps members, College Co-op students and other volunteers for the newspaper, crafts and other youth activities . . . There are always a number of people in the office working on a voluntary basis or in some special capacity. I do not believe any of the employees in question in Mr. Chesanek's report were III–B employees.

(b) Travel vouchers are properly approved by the various component heads or the Director and certified by the bookkeeper.

(c) The records during the present year are in compliance with OEO CAP Grant Financial Policy and Procedures Guides, Volume V, Property and Supply Management.

(2) The instructions for complying with the Pre-vocational and Skills Services and/or Training Fund special conditions are unclear, and the SCCFW has asked for clarification from at least two Migrant Division representatives with no results, Also, if the conditions require a separate bank account, this would be impossible to date since the SCCFW has not had the necessary $60,000 to open an account.

(3) The Migrant Division has apparently accepted the "Acting Administrator" title for the senior staff position as we have received correspondence addressed from the Migrant Division using that title.

C.(1) The by-laws of the Commission, Article 2, Section 3, require three elected members from each of the four Advisory Councils, not two as you state. There are at present three members on the SCCFW Governing Board from each of the four Advisory Councils. Each Advisory Council is at present in the process of electing two additional seasonal farm workers to the Board.

(2) The SCCFW by-laws were revised on July 11, 1968 (copy of minutes enclosed). The Board members cited in Section C, paragraph 3 were elected until December 31, 1969, with eligibility for an additional two-year term. They were re-elected to serve until December, 1971. Board members whose terms expired December 31, 1970, were re-elected to serve until December 31, 1972.

The by-laws were revised by Peat, Marwick, Mitchell and Company in 1970 as part of the Peat, Marwick, Mitchell MIP. These by-laws were approved with the PMM MIP by Noel Klores on February 16, 1970. (Copy of letter enclosed.)

Our records show that Father Duffy, Raymond Stoddard and Suzanne Pendarvis have never missed three consecutive meetings. The SCCFW does accept valid excuses for not attending Board meetings. From June through August there were on the average three Board meetings per month, which made it impossible for many members of the Board to attend. Normally, the Board does not meet in August.

(4) All sections of the state are represented on the Board. The great concentration of members are from Areas I and II since this is the area in which most of the III–B efforts are concentrated, as most of the migrants and seasonal farm workers are located in the Coastal Plains region of the state. (Enclosed are Board list and areas of representation.)

(5) The confusion, lack of support for the Board by the Migrant Division, conflicting statements from Migrant Division representatives to staff, Board members and the press, and the unavailability of Miss Graves during this period created the dissension within the Board. The SCCFW analyst from the Migrant Division took it upon himself to change the program as approved to an entirely different program and he also took it upon himself to attempt selection of the employees of the SCCFW. He waged personal vendettas against several SCCFW employees. The past programs and efforts of the SCCFW Board prove the effectiveness of the Board if they are supported rather than dictated to and coerced by Federal officials.

The SCCFW Board includes many of the areas' most industrious and selfless members of the communities the SCCFW serves. Their ability, concern for migrants and seasonal farm workers and the efforts that they expend on behalf of the poor is exemplary. They have proved their worth.

The Migrant Division seems to be unaware of the community and the people who are served by the SCCFW if they are of the opinion that the community is not involved in SCCFW efforts and that they do not support those efforts of the Commission.

The Board and all of the component programs of the SCCFW strive to involve the community and continue to do so despite the efforts of OEO officials who work against the community representatives and the involvement of the Commission with the larger community. Examples of the Commission's community efforts are a $326,000 summer feeding program for 20,000 youths in a ten-county area with 32 agency and community groups participating. In many areas we were successful in setting up the actual youth programs for the feeding program. 453 high school graduates were placed in 35 colleges in September, 1971, with a total of $750,642 in financial aid through our HEW Talent Search Program. Working with community groups in seeking funds for economic development, health, day care, etc., Board members, staff, VISTAs have been directly involved in program development for over $250,000 (already funded) which will serve migrants and seasonal farm workers, as well as the rural poor.

The implementation of the grant was impeded by several factors prior to June 29, 1971, none of which were due to the Board. Namely, the factors were conflicting information from the Migrant Division, threats from the Migrant Division, lack of cooperation from the Migrant Division, grant approval was not received until June 4, 1971, and no funds were in Charleston until July, 1971. Prior to June 29, 1971, two special committees had been named to go to Washington to meet with Ruth Graves. These arrangements could not be concluded due to the Migrant Division. The Board named another special committee in July at the request of Miss Graves. The composition of this committee was made up entirely of different Board members than the previous Committees. Several Board members were pointedly overlooked. There is a general opinion that the Committee was selected by the Migrant Division.

The Kingstree meeting was not adjourned—the Chairman just walked out because of the objections by the people to Washington's taking over the SCCFW through its appointed special committee. There were several hundred seasonal farm workers and other community people in attendance to voice their objections to the Washington takeover and its statewide plan, which they considered unfeasible. The fact many seasonal farm workers came to support the SCCFW program is indicative of the grass root support held by the Board, and the participants should have been welcomed and encouraged rather than dismissed as a mob.

The vacancies in the SCCFW have seriously affected the efforts of the Commission, but we have overcome most of these deficiencies by getting the existing staff to take on the extra work. These vacancies were not filled due to the lack of funds, the uncertainty of the SCCFW, as created by the Migrant Division, and the freeze placed on our operations by the Migrant Division in June.

Mr. Speaker, it appears to me as though an agency has dropped the ball in this instance. It looks as though administration policies of the OEO are sufficiently suffering. It also takes on the unsavory flavor of a vendetta.

If this defunding attempt survives, a cruel blow will have been dealt to the progress being made on the migrant level. The migrant worker, who has worked long and hard and has asked very little, will have once again been treated shabbily.

The South Carolina Commission for Farm Workers—who had set sail on the sea of hope, with hard times behind them, and progress dead ahead—will have been scuttled by a scurrilous, bureaucratic attack. When the time for the pat on the back was at hand—the OEO chose to fill its palm with a knife. One can only hope faith will survive.

ADL—SUPERPRESSURE GROUP—GESTAPO OF THE ESTABLISHMENT

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

(Mr. RARICK asked and was given permission to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, much has been said lately about snooping, confidential files, and dossiers—violations of the individual's right to privacy and intimidation of civil rights and free expression.

Most of the attacks against such activity have been leveled at public bodies such as the FBI, House and Senate Internal Security Committees, the military and police files. In the last Congress we even enacted H.R. 15073, now Public Law 91–508, which was amended to include the Consumer Credit Protection Act to curtail and regulate such activity by private concerns dealing in credit and employment.

But the world's largest spy network, the ADL—the Antidefamation League—is either too powerful to be curbed or too well imbedded to be mentioned or to come under public scrutiny.

What is the ADL? It is a private investigative organization engaged in spying and preparing secret dossiers and reports which it uses to suppress free speech and discussion and to influence public thought and sentiment of an unsuspecting citizenry.

I, too, believe that anti-Semitism is amoral and un-American. I also feel that anti-Christianism and anti-Americanism are as amoral and un-American.

The late Senator Jack B. Tenney of the California Un-American Activities Committee, in his book, "Zion's Fifth Column," of Standard Publications, Tujunga, Calif.—1953—came to the following conclusions with regard to the Antidefamation League:

Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.

It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.

It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.

It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be.*

It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.

It is un-American to apply *"book-stifling"* and *"quarantine treatments"* to writers and speakers with the attendant coerced "cooperation" of newspapers and other media of communication indicated in such process.

The CIA and FBI are tinker toys compared to the ADL.

So that our colleagues may have a better understanding of this monstrous gestapo of the establishment, the ADL, its activities and the use of its intelligence dossiers as a private super pressure group, I ask that selected portions of Senator Tenney's book be read into the RECORD at this point.

ZION'S FIFTH COLUMN

INTRODUCTION

Zionism may be said to be as un-American as Communism or Fascism.

In its political racism it patterns Nazism.

In the United States Zionism threatens not only the American people as a whole, but

American Jewry in particular. *"Jewish communities"* are being organized wherever Jewish populations can support them. Here the Zionist doctrines of the *"oneness of the Jewish Nation"* and the separateness of Jewish culture and historical heritage are being emphasized. Some of the *"authority"* of the ancient ghetto is being revived by *"official Jews"* for *"disciplinary"* purposes and American Jews are being isolated from the normal flow of American life.

A network of Zionist espionage and propaganda organizations operate within the United States and throughout the world, spying on Jews as well as Gentiles, and propagandizing both. American Jewry is exploited continuously, contributing tens of millions of dollars annually for the support of multitudinous agencies whose budgets rival governmental bureaus.

Criticism of organized Jewry is always countered by the cry of *"anti-Semitism"*—and it makes no difference that the critic happens to be a person of the Jewish faith.

The appearance of this work will be greeted with the same cry. The admitted fact that Zionism is strictly political and economic will not, in the least, deter the *Anti-Defamation League* from countering with name-calling based on religious and racial implications.

Zionism, like Communism, is an international menace. While Zionism does not propose to destroy the government by force and violence, it professes no loyalty or allegiance to the United States. Its loyalties are in Israel and it considers the Jews of the world subjects of the Jewish State.

The general public knows little or nothing of organized Jewry, its purposes and operations. Jewish groups, such as the *American Council for Judaism,* who oppose the un-American activities of the Zionists and their agencies, receive scant publicity through the ordinary channels of communication. American Jews, such as Rabbi Elmer Berger, have little opportunity to inform either the public in general or American Jewry in particular concerning the stand of patriotic American Jews on the subject of Zionism and its operations.

It is hoped that this work will supply needed information on the subject.

The section, "Notes on Zionism," is intended as background material. Much of this section is historical in nature and not essential reading for an understanding of various contemporary Jewish organizations and their operations. It does, however, offer some explanation as to why these organizations have come into existence and why they operate as they do.

This book would have to be written whether the organizations involved were composed of Swedes, Irish or English, just as books had to be written about the Italians in Fascist Italy, the Germans in Nazi Germany, and the Russians in the Soviet Union. In the case of Italians, the Germans, and the Russians there is no spirit of hatred against the Italian, the German or the Russian as individuals, their race, religion or ethnic origin. And there is none in this treatise on so-called Jewish organizations. It is the things that men do that merit condemnation. All of the German people cannot be charged with the crimes of Hitler; all of the Italian people are not responsible for Mussolini, and the Russian people as a whole are not answerable for Stalin.

By the same token all Jews are not to be blamed for the fanaticism of Zionism, nor held responsible for the policies and un-American activities of its agencies. As a matter of fact the Jew is directly a victim of the Jewish bureaucracy. Morris S. Lazaron, writing in Council News, April, 1952 (official publication of the American Council for Judaism) states:

"The individual Jew has no personal right to make decisions, according to nationalist thinking; but all right and wrong, good and bad, derive from whether what is said or done tends to promote the welfare of the Jewish people and the State of Israel. Such ideas are unpleasantly familiar. They bring to mind Italian Fascism, German Nazism, and Kremlin Communism."

It is to be hoped that the organizations dealt with in this work will attempt to answer on the basis of the issues involved, if indeed, they have answers. They must know by now that the thread-bare charge of "anti-Semitism" is not quite as effective as it once was. It will not now even suffice for a smoke-screen.

The American people are beginning to ask questions and they are beginning to demand answers. They are not to be satisfied with name-calling.

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

The *Anti-Defamation League of B'Nai B'Rith* is referred to in many quarters as *"the Jewish Gestapo."* While it is obvious that its activities are concerned with spying and snooping;—ferreting out "anti-semitism",—it is unfair to label it "Jewish."

Very few American Jews know much about the actual operations of the *Anti-Defamation League.* Its leaders, both on the national and local levels, maintain a double policy in public relations. The picture presented to *B'Nai B'Rith* membership is different from the picture held up to the general public.

It is quite obvious to anyone with knowledge of the facts that the ADL is the creature of the ambitious clique that controls it. There is a report that certain executives in some of the *B'Nai B'Rith* Lodges are presently making an attempt to disassociate their organizations from the ADL, and that the ADL bureaucracy is threatening to leave the *National Community Relations Advisory Council* rather than consent to a reduction of its area of operation. (Since the foregoing was written, both the *Anti-Defamation League* and the *American Jewish Committee* have withdrawn from the *National Community Relations Advisory Council.*)

While the ADL bureaucracy emphasizes its Jewish character for defensive purposes it does not speak for American Jews. The political nature of its work is not revealed to the average Jewish contributor, and its activities in this field are carefully concealed from American Jewry and the general public under either ethnic or religious cloaks.

Therefore the *Anti-Defamation League* may be properly termed a *"private Gestapo."*

The word "Jew" is used loosely by Jews and Gentiles alike. There are those who attach a religious connotation to the term. Most dictionaries define "Jew" as a member of the Hebraic division of the Semitic race; a Hebrew; an Israelite. The word comes from Judah, meaning the son of Jacob and originally was used to indicate a member of the tribe, or the Kingdom of Judah. It is also used to indicate the adherents of the religion of Judaism.

It is apparent that most Gentiles use the term in its ethnic, rather than in its religious sense, as, indeed, do many Jews. Communists are, of course, atheists and oppose Judaism as they oppose Christianity and other religions. When a Communist refers to himself as a "Jew" it is clear that he is referring to his Hebraic origin rather than the faith of Judaism.

Anti-Semitism

The term "Jew", then, as popularly used has no relationship to religious faith, and the term "anti-Semitism" carries no connotation of religious hatred or persecution.

The word "Semite" originally meant one of the people believed to be descended from Shem, the son of Noah. Today the term includes the Arabs, the Akkadians of ancient Babylonia; the Assyrians; the Canaanites (including the Amorites, Moabites, Edomites, Ammonites, and Phoenicians); the various Aramaean tribes (including Hebrews); and a considerable portion of the population of Ethiopia. An "anti-Semite", therefore, is one who is opposed to the Semites.

Before the French Revolution anti-Semitism had its basis in religious hatred against European Jewry. Because the Jews were restricted to unpopular trades, such as usury, the sentiment also had an economic undercurrent. Since the dawn of the Eighteenth Century, however, anti-Semitism cannot be said to have its roots in other religion or economics as such.

Prior to 1930 the term "anti-Semite" was almost unknown to the average American. Not one in 10,000 would have been able to define it. In school, on the job—the American Jew was a fellow whom you liked or disliked in the same way you liked or disliked Pat or Tony. Like every other person you grew up with, the Jews were just Americans. They had their faults, their prejudices and their virtues. Like Pat and Tony they were sometimes obnoxious, petty and disagreeable, but more often, like Pat and Tony, they were pleasant, kind and friendly.

The average American Jew is much the same today as he always was. Left to himself he integrates into the American pattern. Unlike Pat and Tony, however, the American Jew has the memory of centuries of persecution and discrimination of his race in his thinking. Unlike Pat and Tony he is indoctrinated with a racial superiority complex and a sense of international brotherhood with Jews everywhere. The horrible treatment of the Jews in Germany under Hitler is fresh in his mind. But he would be content to be simply an American if the clever men of his race would let him.

His fear and his complexes are exploited by the bureaucracies that control and direct the net-work of organizations set up in his name and ostensibly for his protection. The laws of America are not sufficient, he is told. There must be a multitude of committees and councils—a vast interlocking series of organizations that will work for his interest alone.

The *Anti-Defamation League* is one of the most aggressive of these Jewish agencies. Through its exploitation methods in its appeals for funds many American Jews have become obsessed with the idea that all non-Jews are either consciously and actively anti-Semitic or passively and potentially anti-Semitic. The scare-propaganda of the ADL has created a persecution complex in the collective Jewish mind. Confidential material mailed to American Jews by organizations appealing for funds is marked *"to be destroyed after reading"*—thus creating an atmosphere of terrifying secrecy and pending doom; the futility of appealing to the ordinary governmental agencies, and effectually cutting the Jew off from his American fellows.

This technique tends to build the ADL into the *"only"* champion of the Jew; the *"only"* power that stands guard between the Jews and the "Fascist" Gentile anti-Semites. On the other hand the ADL and other Jewish organizations picture the Jews as the paragons of all virtue while the Gentiles are cast in the role of persecutors and villains;—the sum total of all that is evil, vicious and mean.

"It is currently estimated," declares a spokesman for the *Joint Jewish Appeal,* "that 25%—or more than 20 million Americans—have an already rooted prejudice against their fellow citizens. Fourteen independent polls, conducted by impartial research organizations—reveal that, out of every four adults questioned, at least one has been infected with anti-Semitism . . .

one is opposed to anti-Semitism . . . while a third . . . and a fourth are, as yet, undecided."

Thus 75 percent of the adult population, according to this statement, is either actively or potentially anti-Semitic. The one in four or 25 percent opposed to anti-Semitism,—and this group must necessarily include the American Jewish population—indicates that nearly every adult Gentile American—including American Negroes are activley or passively anti-Semitic. Whether the Jewish organizations behind the *Jewish Appeal* intended to convey this impression is probably irrelevant, but the conclusion is inescapable.

If the statistics quoted are true, the ADL and its sponsoring *B'Nai B'Rith* Lodges should engage in some soul-searching. Either the universal anti-Semitism indicated is deserved or the ADL and similar organizations are doing a thoroughly miserable job in public relations.

It is obvious to any student of the problem that the latter is the case.

Jewish exploitation of Jews

Under date of July 7, 1952, A. E. Kraus and Paul L. Rolston, on the letterhead of the *United Jewish Welfare Fund*, addressed a mimeographed letter to Jewish insurance underwriters.

Paul L. Rolston is the Chairman, and Arthur E. Kraus associate Chairman of the Insurance Division of the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council*.

The letter follows:

"Dear Fellow-Underwriter:

"May I apologize for our failure to contact you personally relative to your contribution to the *United Jewish Welfare Fund?* I know you will understand because we, like you, have a living to make.

"Although the worthiness and the need of this cause need no amplifying, let me give you one example—the attached is a true and shocking story. It touches everyone of us, whether we are in Life, Casualty or any other type of insurance business. The anti-Semites who publish the dangerous filth described herein are well-financed. They have no trouble raising funds. But the source of funds to combat them—your *United Jewish Welfare Fund*—finds it much harder to get support.

"We are critically behind schedule in meeting this year's minimum quota, not only to combat anti-semitism, but to support such other agencies as: taking care of the Jewish needs of men and women in uniform; supporting over 30 of our local agencies; saving lives of Jews in Israel, Europe and the Moslem World.

"Will you do your part? At this writing your contribution has not been received. I join with your colleagues in the Insurance Division in urging that you read the attached folder, then *promptly* make your gift to the *United Jewish Welfare Fund*—and make it generous enough to enable us to conquer the hate that threatens us all.

"Your pledge card is enclosed. Sign it for the maximum amount, keeping in mind that you may pay your contribution in monthly or quarterly installments. Please take care of this matter today so that we may all go back to the business of selling insurance."

Enclosed with the letter is an expensive—and alarming—five-page folder. In red and white ominous lettering against a black background over a mass of wriggling arrow-pointed white lines is a red curling, snake-like figure. The overall effect is designed to be frightening. The recipient of the folder is led to believe that the drawing is the work of some sinister, blood-thirsty anti-Semite rather than the propaganda "art-work" of the *United Jewish Welfare Fund*.

Reproduced throughout the folder are the title pages of a number of booklets dealing with Jewish questions. *Not a single title page reproduced indicates violence against the Jews*. The overall effect of the folder, however, conveys the terrifying idea that all Jews are in deadly peril.

The second page of the folder warns: *"Make No Mistake: on every side there is DANGER to our homes and families."* The word *"danger"* is in inch-high, blood-red quivering letters.

Under the name of Leslie G. Cramer, Chairman of the *United Jewish Welfare Fund*, is a further warning and appeal for "generous" contributions. "Read this evidence of an organized and terrible threat to America," declares Mr. Cramer, "and to the cherished freedoms enjoyed by yourself and those you love."

Stamped across the center page of the folder is the admonition: "Confidential. Please destroy after reading."

On another page, in black and red lettering, is the following: "Today—and every day—the vicious peddlers of *anti-Semitism* are active and . . . only you . . . can stop them!" The word "anti-Semitism" is underscored with a blood-read smear

The last page of the folder informs the reader: "These Agencies work day and night for you—for all America—to quell the hatemongers."

Following are listed the *American-Jewish Committee*, the *Anti-Defamation League of B'Nai B'Rith*, the *American-Jewish Congress*, the *Jewish Labor Committee*, and the *Jewish War Veterans*.

The psychological reaction to this sort of propaganda is obvious. The average uninformed American Jew is immediately confronted with visions of pogroms and mob violence;—terrorized by the thought that the ordinary protections of government will be denied him;—that only the Jewish agencies stand between him and doom!

It is this technique of exploitation of the American Jew that is creating anti-Semitism in America.

The troublemakers

Benjamin R. Epstein is the National Director of the *Anti-Defamation League of B'Nai B'Rith*. Arnold Forster is general counsel. The policies of the organization are made by these men.

It is apparent from even a cursory study of the ADL and its methods that Epstein and Forster, together with a handful of professional Jews, constitute a self-perpetuating dictatorial bureaucracy, more powerful than the sponsoring *B'Nai B'Rith* Lodges.

The vast spy network is allegedly under the direction of Arnold Forster.

Forster and Epstein have recently published a new book on anti-Semitism, *"The Troublemakers"* (Doubleday & Company, Inc., Garden City, N.Y., $3.50). Skimming rapidly through the pages an impartial reader comes to the conclusion that the authors must have had themselves in mind when they came up with the title for the book. It would appear that the contributors to Mr. Forster's 1951 budget of allegedly one million, eight hundred thousand ($1,800,000.00) dollars had a right to expect a little more for their money than they receive in *"The Troublemakers."* If the authors intend to scare American Jewry into greater contributions and larger annual budgets for Mr. Forster, the book is understandable. If the authors had any intention whatever to ameliorate racial intolerance and anti-Semitism in the United States, then their effort must be marked zero-minus—and the book is incomprehensible.

The *Anti-Defamation League of B'Nai B'Rrith* maintains regional offices in New York; Chicago; Columbus, Ohio; Miami, Florida; Boston, Mass.; Portland, Oregon; San Francisco; Atlanta, Georgia; Los Angeles; Denver, Colo.; Washington, D.C.; Seattle, Washington; Milwaukee, Wis.; Indianapolis, Indiana; Kansas City, Mo.; and Houston, Texas.

Arnold Forster, in addition to acting as general counsel for the organization, is also designated as National Civil Rights Director. In 1947 the Civil Rights Committee of the ADL consisted of the following: Jacob Grumet, Chairman, New York; Hon. David A. Rose, Vice-Chairman, Boston, Mass.; Leo Abrams, Chicago, Ill.; Alan Altheimer, Chicago, Ill.; Joseph Cohen, Kansas City, Kan.; Hon. Martin M. Frank, Bronx, N.Y.; Lester Gutterman, New York City; John Horwitz, Oklahoma City, Okla.; Frank Kaplan, Pittsburgh, Pa.; Samuel Kramer, New York; Charles W. Morris, Louisville, Ky.; Bernard Nath, Chicago, Ill.; Louis A. Novins, New York City; A. N. Pritzker, Chicago, Ill.; and Benjamin Samuels of Chicago, Ill.

In addition to Forster and Epstein the National Commission of the organization (1947) included: Hon. Meier Steinbrink, Chairman; Harold Lachman and Max J. Schneider, Vice-Chairmen; Richard E. Gutstadt, Executive Vice-Chairman; Barney Balaban, Phillip W. Haberman, Hon. Herbert H. Lehman, honorary Vice-Chairman; A. C. Horn, honorary Treasurer; and Jacob Alson, Treasurer. J. Harold Saks is designated "Community Service Director," while Frank N. Trager is National Program Director. I. B. Benjamin of Los Angeles was a member of the National Commission in 1947.

Founder of the ADL

Sigmund Livingston is credited with founding the *Anti-Defamation League*. For better than thirty years he acted as national chairman. An Illinois lawyer, he appears to have approached some of the problems of anti-Semitism constructively, attacking the myths and libels against the Jewish people with facts and reason.

The *Anti-Defamation League* was incorporated into the *B'Nai B'Rith shortly* after its founding.

Sigmund Livingston attacked anti-Semitism almost wholly from the religious point of view. Although this basis for anti-Semitism became negligible after the French Revolution, Mr. Livingston succeeded in dissipating many of the fragmentary myths that tended to persist. In his approach to and disposal of other facets of the problem, however, he lost much of his objectivity and judicial appraisement. Avowedly a partisan, as far as the subject matter was concerned, he became almost fanatically so when dealing with factual questions. The organization he founded is living proof of this statement.

His approach to the *"Protocols of the Elders of Zion"* as a literary forgery does not, in any sense, dispose of the context of the document. Although Henry Ford apologized to Jewry for the publication of the *"Protocols"* in *The Dearborn Independent* in a letter addressed to Louis Marshall of the *American Jewish Committee* in 1927, the apology did not wipe out his statement published in *The New York World* of February 17, 1921. In this article Mr. Ford was quoted as saying:

"The only statement I care to make about the Protocols is that they fit in with what is going on. They are sixteen years old and they have fitted the world situation up to this time. They fit it now."

Sigmund Livingston disposes of the *main question*—the context of the *"Protocols"*—with the following:

"Others may base their antagonism upon their belief in the absurd charge that the Jews are part of an international conspiracy, as outlined in the infamous 'Protocols.' This chrage has been the 'leader' of all the merchandise of hate offered by the anti-Semitic propagandists. The folly of this charge must be apparent to anyone who seri-

ously investigates. The 'Protocols,' the foundation for this anti-Semitic charge, as has already been shown, are a fraudulent invention. Even a superficial view of world Jewry should convince anyone that there is no truth at all in this charge. The Jews have no recognized organization or world affairs. They have not even a chief rabbi. They have no bishops, no archbishops, no pope, or any other office of comparable dignity or power. Jewry is divided as much as Christendom, if not more. The Orthodox and the Reformed faiths are as far apart as are the Catholic and Protestant division of Christianity. Even on the question of nationalism they have no real unity, for there are Zionists, non-Zionists and anti-Zionists. Furthermore, the numerical strength of the Jews compared to the population of either Europe, America or the world is inconsequential. The story of a Jewish 'world conspiracy' to overthrow existing governments is one of the greatest hoaxes ever perpetuated."

The fallacy of Mr. Livingston's reasoning in this statement is quite apparent. In the first place he *assumes* that one form of anti-Semitism is the result of an imagined "Jewish international conspiracy";—that all Jews are allegedly involved and, therefore, hated. This premise is simply not true. There is no general hatred of the Russian people because Stalin and his Politburo contemplate the conquest of the world. Conspiracies are never made by an entire people; they are always made by a few leaders.

This argument does not dispose of the context of the *"Protocols."*

Nor does the statement that the *"Protocols"* are a "fraudulent invention", together with the proffered proof, cancel out their contents.

The averment that "the Jews have no recognized organization or world affairs" was not a true statement when Mr. Livingston wrote it unless the use of the world "recognized" was deliberate. It is not true today.

The assumed premise that anti-Semitism is founded in *religious feeling* is the basis of a major portion of Mr. Livingston's reasoning and this premise, as we have seen, is false. Therefore the fact that the Jews do not have a chief rabbi, bishops, archbishops or a pope, proves nothing.

The final disposition of "the question of nationalism" is particularly injudicious and borders on argumentative trickery. Again Mr. Livingston lays down the false premise that a "Jewish conspiracy" involves *all* Jews, and then quite logically "explodes" the fallacy he, himself, has created.

No person in possession of the ordinary faculties of reasoning would condemn an entire people, either as an ethnic group or as a religious sect, for the actions or utterances of some of its members. It is obvious that a plan by a few Irishmen for the subjugation of the world is not a conspiracy by all the Irish people,—even though the conspirators might base their plans on Irish psychological, ethnic and religious reactions. The guilt of the handful of conspirators is not disproved by arguing that no "Irish conspiracy" could possibly have existed because the Irish are divided by religious faiths and are numerically weak "compared to the population of either Europe, America or the world."

The real question involved in any document is the truth or falsity of the contents. Whether the author was John Doe or someone else, is of little moment in the final analysis. It isn't like a facsimile of Jonh Doe's signature on a check,—where it is the signature that counts. It is merely a question of fact or fiction.

The real issue involved in the "Protocols" is unanswered by Mr. Livingston. The real question is whether or not a hand full of Jews have an organized world system; whether or not a self-appointed Jewish bureaucracy, using word Jewry as its pawn, seeks world domination.

The B'Nai B'Rith

The *B'Nai B'Rith* is the oldest and largest Jewish membership organization in the United States. It was founded in New York in 1843. In 1939 it had 85,000 members in 520 lodges in the United States and Canada, besides 40,000 women and girls in 300 auxiliaries. Today (though statistics are lacking) it is reported that *B'Nai B'Rith* membership in the United States exceeds 300,000. In 1882 it organized internationally. By 1930 there were *B'Nai B'Rith* lodges in forty countries. During the early thirties the lodges in Germany, Austria, Danzig, Czechoslovakia, Brazil, Rumania, Poland, Turkey and Algeria were liquidated or otherwise forced into inactivity by governmental action. There are lodges now in more than twenty foreign countries.

The *B'Nai B'Rith* sponsors the *Hillel Foundation* at many American Universities; the *Aleph Zadik Aleph*, junior *B'Nai B'Rith* for non-college youth; a *Vocational Guidance Bureau* to further the occupational redistribution of Jews, and the *Anti-Defamation League*.

In 1859 American Jews established the *Board of Delegates of American Israelites*, a protective agency against discrimination. This organization was succeeded by the *Board of Delegates of Civil and Religious Rights* in 1878. The *B'Nai B'Rith* interested itself in this organization and aided it in its objectives and undertakings.

In 1906 the *American Jewish Committee* came into existence. This group is said to reflect the more conservative point of view of American Jewry.

The *American Jewish Congress* was launched in 1922. It became the spokesman of the Zionist organizations and purports to express the viewpoint of middle class metropolitan American Jews. It is alleged to be the proponent of "a more democratic American-Jewish life"—whatever is meant by this pharse. It is an affiliate of the *World Jewish Congress*.

The *Jewish Labor Committee* was born in 1924. It was designed to represent organized American Jewish labor.

In 1938 the foregoing organizations united with the *B'Nai B'Rith* to form a *General Jewish Council*. The chief purpose of the Council was to create and uniformity of policy and action among the several affiliated organizations. The *American Jewish Conference* was a 1943 development for the same purpose. The *National Community Relations Advisory Council* serves the same objective.

The *National Jewish Welfare Board* was founded in 1917 and is authorized by the United States government to serve the religious, welfare and moral needs of Jews in the U.S. armed forces and Veterans administration hospitals. In 1951 it created new local armed services committees; recruited 75 Jewish chaplains; served 135,000 men in the U.S. and overseas; and helped in the reorganization of the United Service organizations (U.S.O.) taking responsibility for 25 clubs. The membership in 1951 included 331 Jewish community centers and Young Men's Hebrew associations with 502,000 members and 40 national affiliated organizations.

Jacob R. Marcus, Encyclopaedia Britannica expert on the subject, declares American Jewry "is highly organized." He estimated (1947) that the Jews of the United States spend at least one hundred million ($100,000,000) dollars a year to maintain their various agencies. "If every branch of every lodge were to be included," says Mr. Marcus, "there would be at least 25,000 individual clubs, societies, groups and synagogues in the United States."

"I have an abiding faith," declared Sigmund Livingston, "that religious prejudice and mass hatred will be vanquished, in time, by reason and truth."

It is the considered opinion of most students of the subject that religious prejudice *has* disappeared as a basis for mass hatreds. Here and there isolated individuals and groups of individuals indicate an unreasoning hatred for the persons of other faiths, and the Jews are not excluded from this category. Anti-Semitism does still exist and it is apparently increasing and expanding but it is not based upon dislike of Judaism. It appears to be confined to Zionists and to have its roots in opposition to Jewish organizational and political activities. It does not appear to extend to the Jewish people as individuals but is directed at the bureaucracy that controls and directs the amazing network of Jewish organizations.

Arnold Forster and Benjamin R. Epstein of the *Anti-Defamation League of B'Nai B'Rith* answer Livingston's fervent prayers with *"The Troublemakers"*, nearly forty years later.

Under the white searching light of reason and truth the fog of bigotry, intolerance and hatred melt away.

Under the direction of Epstein and Forster anti-Semitism appears to be on the upgrade.

As a matter of fact anti-Semitism is the ADL's stock-in-trade. Should it wither and die the ADL brass would be out of business,—and Epstein and Forster, *et al.* would be out of jobs.

Livingston's purpose appears to have been constructive; building good will and friendly relations between Jew and Gentile; the puncturing of anti-Jewish myths and libels;—the application of reason and truth to the dark places of ignorance and prejudice. Although he could not escape his own prejudices concerning Gentiles, he did what he could to enlighten them as to their prejudices against the Jews. While the organization was a psychological mistake in the field of race relations it appears to have been sincere.

The ADL's present policy is far afield from Livingston's laudable objectives. It now hurls anti-Semitism in political campaigns and links candidates, marked for destruction, with the boogy-men it dramatizes in its publications.

Whatever Mr. Livington's plans were for the *Anti-Defamation League of B'Nai B'Rith* the fact remains that it has become the world's most powerful gestapo; the brain center of a vast spy network and the intelligence unit of a myriad of Jewish organizations. Ostensibly this intelligence center only concerns itself with "anti-Semitism". The thousands of nerve-fibres connecting the center with Gentile activities throughout the world appear to be stimulated only by the catch-phrases of anti-Semitism.

But there are those who say that the organization serves other and more sinister purposes.

Certainly its activities are not curbing anti-Semitism.

Inside the Anti-Defamation League

Beyond the double doors of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* is a single door. On it is lettered: "Fact Finding, Legal and Investigative Divisions."

Shall we enter?

"We are unwilling to guess about anti-Semitism," an ADL spokesman tells us. "These offices have long maintained a close watch on the activities of Democracy's bigoted enemies."

In spite of the double-talk involved in the use of the term "Democracy" we understand what the spokesman is saying.

Our glance follows banks of filing cabinets and, for a moment we believe we are in the Record Department of the *Federal Bureau of Investigation* in Washington, D.C. Clerks are busy at the cabinets, sorting and filing papers.

Our ADL spokesman is very frank and in-

formative about the entire operation, although we find that we must occasionally interpret his propaganda double-talk in order to understand clearly. We are curious to examine some of the papers and cards contained in the banks of cabinets, but we are not afforded the opportunity. We are told that "carefully and painstakingly documented evidence" is piling up in these files.

"What does it tend to prove?" we inquire innocently.

"It proves that the amazing parallel between the Nazi climb to power in Germany and the present-day tactics of the enemies of human rights within our own borders can no longer be denied!" declares our guide.

His vehemence and emotionalism mark his sincerity. He apparently is a victim of his own propaganda. We know that he is talking about himself.

What is done with all the information on anti-Semitism contained in the ADL's banks of filing cabinets?

We are shown a roomful of girls pounding away at typewriters. Automatic teletype tickers beat a machine-gun racket. Linotype machines pour out molded lines of metal words and phrases. We learn that the printing presses are disgorging tons of newsprint while hundreds of thousands of propaganda books roll through automatic binderies. Clerks and more clerks; busy telephone switchboard. Motion picture sets spring into action at the command of the brain center; Mitchell cameras swing into focus. Miles of film developing in laboratories. Newscasters and commentators at radio microphones; radio towers flashing the ADL's propaganda to the four quarters of the globe . . .

All this to off-set anti-Semitism, we are told.

"Ceaselessly tirelessly," boasts our guide, "through one of the largest mass education and public relations programs ever attempted by private groups, the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* are engaged in an all-out determination . . ."

His voice is lost in the roar of the presses, the clatter of typewriters, linotype-machines and the automatic teletype tickers.

The Press

We enter a door marked "Press Division, Feature Services." A man is at a desk dictating to his secretary. He pays no attention to our presence.

"Release number 61," he dictates. "The following constitutes additional background material on . . . "

"What do the newspapers do with the material you feed them?" we ask.

"Information supplied to the newspapers reaches the public in the form of editorials," is the answer.

We pass on through a door marked: "Press Division, Pulp Section." We discover a large work table in the center of the room around which are several copy readers busily at work. The table is piled high with magazines, among which we see copies of *"Famous Western Stories", "Ideal Love"* and *"Crack Detective Stories."*

We are not sure whether the copy readers are searching the pages of the magazines for tell-tale indications of anti-Semitism or cataloguing the articles and stories planted by the ADL. We are informed, however, that the *"Pulp Magazine Section"* is charged with the responsibility of utilizing the pages of the pulps; planting stories and articles glamorizing the Jews. Our guide does not elaborate on how the job is done; whether or not the ADL articles and stories are ever returned with polite rejection slips.

"Pulp magazines," he declares with a note of finalty, "—with their enormous circulation carry true stores of American-Jewish heroism in peace as well as in war."

What other handful of private individuals in the world's history has had such power at its fingertips? What private group of individuals can maintain *Fact-finding Divisions, Legal Divisions, Investigative Divisions, Press Divisions?* What other private organization can say with assurance that its propaganda reaches the public in the form of newspaper editorials; that it can utilize the pages of the pulp magazines?

We are in another room.

"This is the 'Comic Book Section'," we are told.

"Does the ADL plant propaganda in children's comic books?" we ask.

"Comic books," our guide replies, ignoring the form of the question," carry strips denouncing native fascists and their use of inter-group tension as a weapon against Democracy."

The phraseology is reminiscent of the *Daily People's World* and the *Daily Worker. "Native fascists," "inter-group tension," "Democracy"*—brain-blinding slogans from the dialectical lexicon of Marx and Lenin.

We enter a studio through a door lettered "Press Division, Cartoon Section." Men are working at drawing boards. Cartoons by Carl Rose and Eric Godall are prominently displayed on the walls.

"Cartoons are very useful," explains our guide, "Some are prepared by the nation's most popular artists and decorate the newspapers of the land—pointing the fingers of ridicule and scorn at bigotry and the purveyors of radical hatred."

Passing on down the corridor we come to a door marked "Press Division, Books," Our ADL spokesman tells us that the Book Section is charged with "exposing the fascist trick of using anti-Semitism in its 'divide and conquer' campaign." We are told that efforts of the Book Section are reaching America's bookshelves in ever-increasing numbers.

"The fact is," declares our guide, "that, today, a great percentage of all material prepared by the Press Division is done so at the request of publications previously serviced."

We observe some of the titles of the volumes that fill the book cases. *"They Got the Blame," "Out of the Many—One," "We Who Are America," "These Are our Neighbors," "Living Together in Today's World," "Brothertown," "United We Grow," "Strong as The People", "This is Our Town", "These Are Our Friends", "Early American Life", "This is Our Heritage", "One God",* and *"Under Cover."*

We are hurried along to the *"Research Division"* and into the *American Jewish Committee* library. We are told that we are in "an arsenal of information"; that the library contains over twenty-one thousand volumes, and "more than two million additional items dealing with Jewish problems and anti-Semitism in America."

"And what is done with all this information?" we ask.

"A special division channels this authenticated material to that group of men and women whose opinions are certain to have a deciding effect on America's future. . . ."

Mass organizations

We are now before a door on which is lettered "Veterans Division."

"It is of vital importance," our guide is explaining, "that the American veteran—he who has already risked his life in the struggle against fascism—has come face to face with it and knows it for what it is—should be forewarned of the same danger at home . . . so that he will not have to risk his life again. The fight is being carried on in the *American Legion*, the *Veterans of Foreign Wars* and other large Veteran's organization."

No segment of American life seems to have been overlooked by the enterprising ADL and the *American Jewish Committee.*

We are now in the "Labor Relations Division."

"This Division," our guide is saying, "works closely with both the C.I.O. and the A.F. of L. on a local as well as national scale, determined to prevent the promoters of intergroup tension from spreading their poison through these ranks."

We are beginning to understand something of the magnitude of the ADL's operations. We are beginning to appreciate its vast spy-network sprawling across the nation and throughout the world. Our imagination is staggered by its apparent control of the avenues of communications. We pause to remember that we are dealing with a *private* organization, financed by contributions wrung from American Jews;—American Jews cut off from the healthy intercourse of American life by the alarm-trumpets of fear and suspicion.

We remember the provocative phrases of our ADL spokesman: *"native fascists", "bigots", "racial hatred", "anti-Semites,"* etc., and we suddenly recall that He who loved all mankind said: *"These things I command you, that ye love one another."* (John XV, 17). We ponder the psychological reaction of one who is branded *"a native fascist"* and a *"bigot"*; whether or not such a person is hardened in his bigotry or suddenly transformed into the quintessence of brotherly love. Robert Herrick paraphrased Ausonius (*ut ameris, ama*) when he declared that *"love begets love."* It would appear that the ADL is more motivated by Econchard Lebrun-Pindare's harsh admonition *"let us be brothers—or I'll cut your throat"*, than the gentle command to *"love one another."*

Book stifling

Our hurried visit to the "Book" section of the "Press Division" gave us little opportunity to examine the full scope of the work of this department. We were shown the propaganda product and told that such volumes as "Under Cover," "They Got the Blame", etc., were reaching America's bookshelves in ever-increasing numbers.

Nothing was said concerning "book burning"—that hysterical pastime of Herr Hitler and Comrade Stalin.

The ADL does not go in for book-burning as yet. Obviously, such bonfires contemplate a degree of force only found in lawlessness or in the hands of a dictator. Pending such direct and conclusive action—or perhaps we should say in lieu of such action—the ADL indulges in what it calls "book stifling". Applied to books displeasing to ADL bureaucracy the "stifling" method appears to be quite as effective as applying the torch;—perhaps more so, as it catches the books at the source, cutting off the channels of publicity and destroying retail markets.

"The Conquest of a Continent" by Madison Grant is a book in point—and it is undoubtedly illustrative of many others that experienced the "stifling" method of the ADL. "The book was driven from the market," writes Mr. Franklin Hichborn. "Sales were not only restricted, they were stopped."

How was it done?

The following is a letter signed by Richard E. Gutstadt, Director-Secretary of the ADL, on the League's stationary, dated December 13, 1933 at Chicago:

"To the Publishers of Anglo-Jewish Periodicals:

"Gentlemen:

"Scribners & Sons have just published a book by Madison Grant entitled 'The Conquest of a Continent.' It is extremely antagonistic to Jewish interests. Emphasized throughout is the 'Nordic superiority' theory, and the utter negation of any 'melting pot' philosophy with regard to America.

"Scribners, in a sales circular concerning the book, points to Herr Hitler as the man who has demonstrated the value of 'racial purity' in Germany. The author insists that American development depends upon the elimination of unassimilable alien masses in

our midst. This book is considered by some as even more destructive than Hitler's 'Mein Kampf'. Mr. Grant also avers that 'national problems are in the end racial problems.'

"We are interested in stifling the sale of this book. We believe that this can best be accomplished by refusing to be stampeded into giving it publicity. Every review or public criticism of a book of this character brings it to the attention of many who would otherwise know nothing of it. This results in added sales. The less discussion there is concerning it, the more sales resistance will be created.

"We, therefore appeal to you to refrain from comment on this book, which will undoubtedly be brought to your attention sooner or later. It is our conviction that a general compliance with this request will sound warning to other publishing houses against engaging in this type of venture."

Mr. Franklin Hichborn, mentioned above, has written a very interesting analysis of this case. In reference to the "Nordic superiority theory" he says:

"There is a tendency among all peoples to regard themselves as superior. The American Indians were quite sure they were that. The Jews enjoy for themselves the same modest opinion. Mr. Samuel Untermeyer, outstanding among his people, was quite sure of it, and so expressed himself the very year that Madison Grant's *'Conquest of a Continent'* was suppressed. Mr. Untermeyer proclaimed in speech and print that the Jews are the 'Aristocrats of the World'. (See Mr. Untermeyer's radio address published in the *New York Times* for August 7, 1933.)"

Commenting on the ADL's charge that Madison Grant's book was the "utter negation of any 'melting pot' philosophy with regard to America," Mr. Hichborn quotes from a foreword written by Dr. Paul Hutchinson to Rabbi Elmer Berger's book *"A Partisan History of Judaism"*. Dr. Hutchinson, Editor of the *Christian Century*, after showing that American people expect their melting pot to melt, comments:

"In the light of this historic development—plain enough whether or not one regards it as justified or wise—I find it tragic to see so many of our Jewish citizens electing for an attempted separate existence within our American society. While they insist that the idea of a divided allegiance is as repugnant to them as to any of their neighbors, they nevertheless denounce the principle of cultural amalgamation. They proclaim that the focus of their emotional and spiritual longing is elsewhere, and they show themselves ready in the discharge of their duties as American citizens to subordinate all other considerations to the interests of a foreign nation. The very word 'assimilation' has become a reproach on their lips. *They insist that the melting pot must not be allowed to melt.*" (Emphasis on the concluding sentence supplied by Mr. Hichborn.)

We are not here concerned with the merits or demerits of books. We are presently interested in *how* the ADL operates.

Foreign language groups

"The Foreign Language Division" of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* concerns itself with translating ADL propaganda into foreign languages and planting articles in the foreign language press.

"In addition," explains our ADL spokesman and guide, "this division keeps a constant check on foreign language papers, representing some sixteen different languages. This check makes possible an accurate evaluation of trends of thought taken by this special group of America's citizens."

Radio

In the "Radio Division" we are told that "there is no single road to the American mind," and "that every road must be utilized". Consequently the *American Jewish Committee* and the *Anti-Defamation League* makes extensive use of radio. In 1946 an average of 216 individual radio stations broadcast ADL material daily. The average is alleged to have doubled since 1946.

"We reach all faiths," declares our guide. "Programs like *"The Battle of the Warsaw Ghetto'*, starring Raymond Massey, and *'Behold the Jews'*, starring Aline McMahon reach millions of Americans . . . Where material prepared by this division has been judged pertinent, it has been sought for use by programs such as *'Kate Smith'*, *'We, The People'*, *'The Doctor Fights'*, *'Mr. District Attorney'*, *'Treasury Salute'*, *'Reunion, U.S.A.'*, and others enjoying the largest listening audience in the country!"

Christian churches

"What about other religious denominations?" we ask. "Are you able to get to them?"

"More than 8,000 thoughtful men of God of many Christian sects and denominations, disquieted by the hostility stirred up against the Jews, have been able—through this channel—to get the facts for their congregations—ammunition to help in their part of the fight against race hatred. Prominent among the men of religion concerned by this problem, is forward looking Rev. William C. Kernan, of the *Institute of American Democracy.*"

Institute for American Democracy

"Just what is the *Institute for American Democracy?"* we inquire.

"The *Institute for American Democracy* sponsors hard-hitting Democratic propaganda appearing on billboards from coast to coast. Stirred to enthusiasm by this program, civic leaders like the Hon. Maurice J. Tobin, Governor of Massachusetts, have backed it by personally presenting these democratic arguments to their communities. In the transportation systems of twenty-four cities sixteen thousand billboard messages are being displayed, Supplementing its billboard and car-card program, the IAD has produced a series of one-minute films—dramatizing its message, shown as part of the regular feature presentation in theatres patronized by people in all walks of life."

We had run across this organization in our studies (see *The Tenney Committee: The American Record*) and had learned that it was, like the *Institute for Democratic Education*, a "front" or subsidized organization of the *Anti-Defamation League of B'Nai B'Rith*. Our ADL friend would have liked us to believe that the two *Institutes* were independent of ADL control—just two organizations "cooperating fully in this vital battle against bigotry."

The Rev. William C. Kernan, we are told, headed up the "cooperating" *Institute for American Democracy*. We don't know very much about the Rev. Kernan except that a script writer for the *Joint Jewish Appeal* wrote a few lines for him. "It is no longer possible for *any* American," declares the script writer via Rev. Kernan, "regardless of race, color or creed, to sit idly by in the belief that the purveyors of racial hatreds and disunity do not mean them. Who attacks one minority group, attacks all groups. The public must be made to understand this!"

Page 1667 of Appendix IX of the Reports of the *House Committee on Un-American Activities* lists William C. Kernan as a member of the Executive Board of the *Council of United States Veterans, Inc.* His name appears among others, on a letterhead of the organization marked *"Exhibit 1."*

Following Rev. Kernan's name (under the geographical designation "New Jersey" is *"Past Post Chaplain, A. L." (American Legion)*.

"It should be noted," comments the *House Committee on Un-American Activities*, "that exhibit No. 1 which follows, a letterhead of the *Council of U.S. Veterans*, bears union label No. 412 . . . For the significance . . . see this report entitled *'Prompt Press'* (sec. 187)".

Turning to page 1511 of Appendix IX under the title *"Prompt press"* we find the following: "The bulk of the literature of the *Communist Party* is printed under union label 412 by the *Prompt Press* . . . Union label 412 appears on work done by the *New Union Press*. The latter is a dummy organization which uses the presses and other fixtures of the *Prompt Press."*

What was the *Council of United States Veterans, Inc.?*

Says the *House Committee on Un-American Activities*, Appendix IX page 1661f:

"The *Council of United States Veterans*, the latest form of Communist-controlled veterans' organization, has embodied in its statement of purpose (see certificate of incorporation, New York, March 22, 1937), aims which easily conform to those of the *Communist Party* and the *Workers Ex-Service-Men's League*, streamlined in accordance with the Trojan horse policy adopted at the Seventh Congress of the *Communist International* in 1935."

After comparing a section of the organization's statement of purpose with a section of the Constitution of the *Communist Party of the United States* adopted May 27 to 31, 1948, the Committee goes on to say:

"The foregoing weasel-worded provisions did not prevent either the *Communist Party* or Gardner Jackson, the legislative representative of the *Council of U.S. Veterans* and sponsor of the *Washington Committee for Democratic Action*, from defending those who, in obedience to the line of the *Communist Party* after the signing of the Stalin-Hitler pact in August 1939, led devastating strikes in defense industries, opposed the national defense program, opposed investigation into subversive activities among Government employees by the Department of Justice and other agencies, and picketed the White House. Both the *Council of U.S. Veterans* and the *Workers Ex-Servicemen's League* provided in their statements of purpose for cooperation with international veterans' organizations like the *Internationale Des Anciens Combattants* and opposed any discrimination regarding membership toward Communists."

All of which goes to prove that the Rev. William C. Kernan apparently found himself in some pretty bad company. It does not prove that the Rev. Kernan was a Communist, a Communist fellow-traveller or even a Communist sympathizer. It may well be that the Rev. Kernan was only naive; that he was fooled;—that his good intentions and idealism were taken advantage of for purposes never revealed to him.

It may well be that his name was used without his consent.

And it may be possible that the ADL was pulling his leg when he was induced to head its dummy organization, the *Institute for American Democracy.*

"All of this must cost a lot of money," we observe. "Does the ADL subsidize the *Institute for American Democracy?"*

Our ADL guide ignores the question. He covers his failure to answer by launching into an account of a Chicago organization—"joined in the battle for unity."

Appreciate America

"It has a simple but all impressive title," he is saying. "It is called *'Appreciate America'*. It was founded by an ex-Marine Corps Major Paul H. Douglas—wounded at Peleliu and Okinawa fighting fascism abroad—nonprofit making *'Appreciate America'* has plunged into the fight against fascism at home . . . Through this agency, to the steadily swelling arguments against bigotry have

been added the civic-conscious voices of Hollywood stars whose faces are as familiar to most Americans as their own."

"What about this Chicago organization—*Appreciate America?*" we ask. "How is it financed? Is it part of the ADL set-up? Is it subsidized?"

"I want to tell you about another cooperating organization," continues our ADL spokesman, again disregarding our questions. "It is the *Institute for Democratic Education.* It is headed by . . . "

While waiting for our ADL spokesman to tell us about the *Institute for Democratic Education*—"another cooperating organization—we are trying to recall what we knew about Paul H. Douglas,—the founder of *"Appreciate America."* Our ADL friend had only touched on the glamorous highlights of the Professor's career.

Then we remembered!

Professor Douglas had been connected in one way or another with quite a number of non-profit organizations. As a matter of fact we recalled that the professor seemed to have had a marked predilection for joining up with non-profit organizations. Through the years he was a member of the Executive Committee of the *America Committee for Democracy and Intellectual Freedom*; member of the National Advisory Board of the *American Friends of the Chinese People*; member of the Committee of the *American Friends of Spanish Democracy*; sponsor of *American Investors Union, Inc.*; member of a sponsoring committee for a dinner promoted by the *American Student Union* in 1937; member of the National Advisory Board of the *American Youth Congress*; member of the Arrangements Committee of the *Chicago Conference on Race Relations;* sponsor of the *National Emergency Conference*; member Board of Sponsors of the *National Emergency Conference for Democratic Rights*; and a member of the *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio.* (Dies Reports Appendix IX).

Many of the foregoing "non-profit organizations" are as unknown to the average American as is Professor Paul H. Douglas' *"Appreciate America."* The following from Appendix IX of the Dies Reports on Un-American Activities are thumb-nail sketches:

"The *American Committee for Democracy and Intellectual Freedom* is a Communist front organization operating among College teachers and professors." (Page 323).

"The American Friends of the Chinese People: The word "American" was added to the title in 1935 as a part of the general streamlining process during the Popular Front period. This organization faithfully reflected the current policies of the *Communist Party* on Chinese questions, on the general question of loyalty to the Soviet Union, and on the question of war in relation to America. . . ." (Page 1477).

"American Friends of Spanish Democracy . . . For a full discussion of the place of this organization among the Communist-front organizations, see Chapter entitled *Spanish Aid Committees."* (Page 38 and page 1616f).

"American Investors Union, Inc., was a Communist front organized under the aegis of *Consumers Union* . . ." (Page 386).

"The American Student Union was formed at a convention held at Columbus, Ohio, in December, 1935, and resulted from the merger of the *National Student League* (Communist) and the *Student League for Industrial Democracy* (Socialist) . . . The combined organization was under Communist control from its inception and followed the official objectives of the *Communist Party."* (Page 514).

"The American Youth Congress—for a period of 7 years—from 1934 to 1941—was one of the most influential front organizations ever set up by the Communists in this country. The Communist control of the organization was so adroitly handled (at various periods during its life) that a large number of unusually prominent persons were drawn into the circle of its supporters. In the end, however, it was all but universally recognized that the Communists were in complete control." (Page 525.)

"The *Chicago Conference on Race Relations* had such well-known and publicly avowed leaders of the *Communist Party* among its sponsors as John Schmies, William Patterson, and Joe Weber. Interlocked through their personnel with the Chicago conference were such well-known Communist front organizations as the following: *National Negro Congress, League of Women Shoppers, American League for Peace and Democracy, International Workers Order, Workers Alliance,* and the *German-American League for Culture."* (Page 608.)

"A *Conference on Pan-American Democracy* was held on December 10 and 11, 1938, at the Hotel Washington, Washington, D.C., marking the establishment of the *Council for Pan-American Democracy.* The conference was announced in the *Daily Worker* of November 29, 1938, in a column edited by Harry Gannes, at the time a Communist 'expert' on Latin-America . . . The purpose of the conference was to send delegates to a Communist-inspired Latin-American Congress of Democracies at Montevideo, March 20 to 24, 1939." (Page 672.)

"The National Emergency Conference met in Washington, D.C., May 13–14, 1939. The personnel of the sponsors of the conference indicates clearly that it was a Communist-front organization." (Page 1205.)

"The *National Emergency Conference for Democratic Rights* teemed with confirmed fellow-travelers and sympathizers of the Communist Party." (Page 1209).

"The *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio* was organized during the congressional election campaign of 1936 . . . On the Non-Partisan Committee will be found the names of such publicly avowed members of the Communist Party as Langston Hughes and Louise Thompson . . . A check of the names . . . will reveal the extraordinarily large proportion of veteran Communist fellow-travelers who were members of the *Non-Partisan Committee for the Re-Election of Congressman Vito Marcantonio."* (Page 1374.)

Yes, it appears that we remembered Professor Paul H. Douglas—the founder of *"Appreciate America"*—"joined in this battle for unity;"—the man who fought "fascism" abroad—and who fights "against fascism at home. . . ."

Rabbi Philip R. Alstat in the *Jewish Examiner* for August 8, 1952 tells us that Col. Jacob M. Arvey selected Professor Paul Douglas for the Democratic nomination for Senator from Illinois in 1948. Louis Cohen, a Chicago attorney, had already launched a *"Stevenson for Senator" Committee,* but Boss Arvey "persuaded Stevenson to accept the gubernatorial nomination."

Christian friends of the Anti-Defamation League

Our ADL spokesman speaks of the formation of the *"Christian Friends of the Anti-Defamation League"* as though the organization was a spontaneous movement prompted by "8,000 thoughtful men of God of many Christian sects and denominations"—and that the ADL had nothing to do with its creation.

"This is one of the clearest signs," he declares, "that all of America is slowly but surely becoming increasingly aware of the true nature of anti-Semitism—and the threat it constitutes to the country as a whole."

We are becoming familiar with the propaganda tag-lines: "—the threat it constitutes to the country as a whole"; *"who attacks one minority group attacks all groups", etc.* In psychological warfare it is known as the "amalgamation technique." It is very effective. In advertising, the clever ad-writer places the prospective buyer in the pyorrhea category by declaring that "you, too, may have pink tooth-brush." The Communist Party employs the amalgamation method in wholesale quantities. "The Smith Act and the McCarran Act," declare Communist Party propagandists, "are not really directed at the Communist Party! They are directed at labor organizations and minority groups!"

Whether or not the busy boys in the ADL had anything to do with the formation of the *Christian Friends of the Anti-Defamation League,* it is quite certain that both the *Institute for American Democracy* and the *Institute for Democratic Education* were its babies. (See *The Tenney Committee: The American Record.*)

Institute for Democratic Education

"The IDE," our ADL guide is explaining, "is headed by Dr. Howard LeSourd, Director of Boston University's Radio Institute. Their program embraces bringing the lessons of Democracy home by means of electrical transcription. . . . These transcriptions—titled 'Lest We Forget'—dramatize the stories of great Americans of every race, color and creed. They now comprise a library of hundreds of records . . . featuring such personalities as Melvyn Douglas, Donald Cook, John Carradine, Quentin Reynolds, and others whose services have been enlisted in the fight. After being broadcast these transcriptions are then made available to school systems all over the country."

Dr. Howard M. LeSourd, heading up the ADL's *Institute for Democratic Education,* was a sponsor of a dinner on *"The Century of the Common Man",* held at the Astor Hotel in New York City on October 27, 1943, under the asupices of the *Joint Anti-Fascist Refugee Committee. (House Un-American Activities Reports,* Appendix IX, page 941). Says the Committee (page 940): "The Chairman of the *Joint Anti-Fascist Refugee Committee* was Edward K. Barsky, well-known Communist leader of a number of the Communist Party's front organizations which worked in the Spanish field. This organization held a dinner at the *Hotel Astor,* New York City, on October 27, 1943. Among the prominent Communist sponsors of this dinner were the following: Max Bedacht and William Gropper. Listed as trade-union sponsors of the organization were the following: Ernest De Maio, Ben Gold, Donald Henderson, and Herbert March."

Dr. LeSourd apparently has not been much of a joiner, as the record does not disclose other organizational affiliations or connections. And his sponsorship of a single affair by the *Joint Anti-Fascist Refugee Committee* does not prove that he was, or is, a communist, a communist fellow-traveler, or even a communist sympathizer. And like many other good intentioned men, he may not have known anything about the organization or its leaders and fell for the sales talk of those who induced him to sponsor the dinner. And it may well be that he never gave his consent for the use of his name. Like so many other University profs he may know nothing whatever about Marx and Engels—or Communism. In short, it is quite apparent that the good professor didn't know what the organization or the affair was all about. Although Paul Robeson was listed as one of the dinner speakers, it is quite possible that Dean LeSourd believed him to be an "agrarian reformer." After all, the dinner was on *"The Century of the Common Man"*—and a quote from Henry A. Wallace on the invitations set the theme to which Dean LeSourd probably subscribed. "Everywhere," Henry was quoted, "the common man must learn to build his

own industries with his own hands in a practical fashion. Everywhere the common man must learn to increase his productivity so that he and his children can eventually pay to the world community all that they have received. . . . The methods of the nineteenth century will not work in the people's century which is now about to begin."

And it is equally possible—although highly improbable—that Dr. LeSourd had no knowledge that the *Institute for Democratic Education* was a front for the *Anti-Defamation League.*

We catch sight of a door labeled "International Activities" but our guide rushes us along without an explanation. We are before the department of "Intercultural Activities."

"This work in school systems," says our guide, "is coordinated by a special division given over to the development of intercultural relations. Working specifically with *The Bureau For Intercultural Education* and with educators and leaders of all culture groups, this division services public and parochial schools, teachers' workshops, and the publishers of textbooks used in all school systems. The work of every division is subject to constant tests to determine its effectiveness."

We move rapidly down the corridor and pause at an oak-paneled door labeled "Institute for Social Research."

"The division of *Scientific Research and Analysis,*" our guide is telling us, "uses campus-tested techniques in measuring the value of methods employed. Trained sociologists—experts in the field of inter-group tensions are employed. Based on findings, constant revisions of conception and approach are made."

Without pausing in his running account of AJC and ADL activities our guide pauses before another door on which is lettered "Community Service Division."

"It remains for the *Community Service Division*"—pointing to the door—"to assure that this vast national program will reach every single one in the country."

Leading us to another door marked "Speakers Bureau", he continues:

"One means of accomplishing this is the maintenance of a Speakers' Bureau . . . which furnishes more than 7,000 *Rotary, Kiwanis,* and other types of audiences with speakers of national reputation, carrying the message of Democracy into individual communities. Spread coast to coast, the *Community Service Division* is subdivided into 14 regional offices, and maintains an additional 2,000 key men in 1,000 cities through the country."

"What do these 2,000 key men do?" we ask innocently.

"They helped handle more than 4,000 individual cases of anti-Semitism during the past year. . . . The American Jewish Committee and the Anti-Defamation League of B'Nai B'Rith are forming a protective shield across the nation . . . an armor plate of educated thought . . . proof against the lies of subversive forces stabbing at America's vitals. . . . A first line of defense in the battle to preserve the lives, the liberty, and the happiness of every single one of us!"

Our ADL guide and spokesman waxes eloquent as he conducts us to the double doors.

"The *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are confronting these attackers at every turn; attacking it now—this minute. . . . The fight costs money. Full continuation of it requires contributions. . . . I shall not insult your intelligence by repeating countless reasons why you should contribute to this year's Joint Defense Appeal. Suffice it to say that as Jews you will want to give. As Americans you can do no less. It is your duty."

We were back in the clear, clean air of America as the double door marked American Jewish Committee and Anti-Defamation League of B'Nai B'Rith close behind us. We had just seen the inside workings of a private espionage and propaganda agency; an agency organized with and maintained by, private contributions; the nerve center of a world-wide net-work whose tentacles reach into every Gentile activity.

It is probably the largest and most efficient private gestapo in the world today and, without doubt, the largest of its kind in the history of the world. And—amazing as it may be—this vast interlocking system of departments, sections and divisions, is devoted to but one issue—and only one issue in spite of propaganda to the contrary;—political conquest in the name of racism!

Its operations and purposes differ from the Federal Bureau of Investigation in every important aspect. . . The FBI is a national governmental agency, created by the representatives of all the citizens of America for the specific purpose of safeguarding all the people of the United States. The FBI is directed by a great American concerned with the preservation of the Constitution of the United States, the security of the Republic and the peaceful happiness and personal safety of every man, woman and child, regardless of color, creed or ethnic origin.

The ADL and the AJC are the antithesis of the FBI.

There should be no place in America for private gestapos.

Summation of ADL Activities

We have seen the world's most elaborate private gestapo at work and have learned something of its operations.

Through their interlocking and coordinated agencies the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee,* shielded by their so-called "minority" character, are able to emotionally stir and activate American Jewry and a considerable portion of American Gentiles to ideological or political programs. Criticisms and protests are effectively silenced by the cry of *"anti-Semitism."*

The national headquarters of the two organizations direct a vast army of informers in its network of regional offices throughout the country, tabulating, evaluating, cataloguing and filing information on "anti-Semitism."

The following is a summation of ADL and AJC activities:

Propaganda is furnished to certain radio commentators throughout the country, who, in turn, incorporate the planted material in their broadcasts.

Similar propaganda is planted in the nation's press.

So-called "programs of community action" are subtly "put into operation" by regional offices.

"Nationalist" movements are particularly watched and reported by ADL agents.

The *"Civil Rights Division"* of the ADL is charged with gathering information on "anti-Semitism" and exposing it as "undemocratic activity."

The ADL's *Radio Department* supplies script material and "guidance" to many of the nation's most popular networks.

Transcribed "singing commercials" were broadcast "many times daily by stations all over America.

Eight hundred and fifty radio stations broadcast the *Lest We Forget* programs produced by the *Institute for Democratic Education.*

The transcribed programs of *Lest We Forget* are used as "educational aids by 2000 schools and school systems in all parts of the country."

Billboards and car-cards "created" by the *Institute For American Democracy* are seen in more than 200 cities.

Half a million indoor posters have been displayed in schools, churches and union halls.

A million and a half blotters were distributed to children in a six-month period.

Over 3400 advertisements have appeared in 700 newspapers and national magazines.

Cartoons are sent regularly to 3100 leading publications.

The ADL serves as a *"consultant"* in the motion picture field and takes credit for having "helped" promote such films as *"Gentleman's Agreement", "Crossfire",* and *"Till the End of Time."*

In the field of literature, the ADL acts as pre-publication *"adviser"* to many publishers. Where *"advice"* is ignored the ADL acts as *"book stifler".* Books like *"All About Us", "One God", and "Gentleman's Agreement"* are promoted extensively with the cooperation of *B'Nai B'Rith* lodges and chapters.

Each year the ADL distributes more than a million reprints of newspaper and magazine articles.

Through the *American Lecture Bureau,* 300 speakers indoctrinate 7000 audiences with ADL propaganda.

The ADL arranges to have Rabbis invited to Christian camps to answer questions about Jews and Judaism.

Nation-wide tours are arranged by the ADL for celebrities such as Harold Russell, star of *"The Best Years of Our Lives."*

ADL's *Foreign Language Department* reaches 22,000,000 people in the United States in their mother tongue, through their "own stories and articles" in 16 languages in 900 foreign language publications.

Posters are distributed in clubs and neighborhood meeting halls.

Sixty radio programs have been transcribed in six languages and broadcast by foreign language stations throughout America.

The syndicated articles of ADL's *Education Department* appear in leading educational journals.

The ADL agents infiltrate organizations of teachers and parents.

The ADL's *Women's Department* activates *B'Nai B'Rith* women in its programs.

The *Veteran's Relations Department* infiltrates verterans' organizations.

The *Christian Friends of the Anti-Defamation League,* said to include 8500 clergymen, is an ADL channel into innumerable Christian organizations. The ADL propagandizes this group with a monthly newsletter containing *"material"* for sermons and other activities.

Each ADL regional office is an "ADL miniature." Each office "represents the Jewish community." Each office probes "local discrimination" and encourages and attempts to direct "community action." Each office sponsors community projects that reach into the smallest hamlets. Each office seeks to establish *Fair Employment Practices Boards.* Each office seeks to influence organizations such as the *American Legion.*

Each office, in brief, is repugnant to every cherished American tradition, and a disservice to American Jewry.

In purporting to combat anti-Semitism the ADL actually engenders anti-Semitism. In advocating extension of freedom it would curtail freedom.

Thus, the ADL is in the paradoxial position of creating that which it would destroy, and destroying that which it would create.

ADL Bureaucracy

We have learned that the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are ostensibly concerned with propaganda and information on anti-Semitism and anti-Semites. That their purposes are strictly political is obvious. The first activity takes many forms. We have seen a few of its operations as we visited the various sections of the *"Press Division."*

In the *"Fact-Finding, Legal and Investigative Divisions"* we learned of the organizations' second,—and perhaps most impor-

tant,—activity;—the collection of files on so-called *"anti-Semites."* We had a glimpse of the extensive rows of cabinets containing data on thousands of individuals who, for one reason or another, qualify by ADL standards as anti-Jewish, actually or potentially.

ADL files are of three categories. The first set consists of newspaper and magazine clippings supplied from many sources. The second set of files are designated *"confidential"*—and *your* name may be included. A third set of files—not housed at ADL headquarters—are kept by secret or undercover agents. These files cannot be easily reached by Congressional subpoenas,—because Arnold Forster declares there are no secret agents or secret files.

The *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council* publishes a year book containing an "Honor Roll" of those who contributed $25.00 or more to the UJWF the year previous. The 1952 publication contains 88 pages without the cover. At page 7 under *Joint Defense Appeal of the American Jewish Committee—Anti-Defamation League of B'Nai B'Rith* appears the following:

"These two oldest and largest national Jewish agencies combatting anti-Semitism and promoting intergroup harmony—are financed through the *Joint Defense Appeal.*

"Believeing that the most effective way to safeguard the welfare of Jewry is to preserve and extend the democratic liberties of all American, the AJC and ADL: (1) seek to educate the American people on the need for more adequate protection of human rights through the law, and (2) endeavor to create a climate of opinion hostile to hate and prejudice.

"Through 38 AJC Chapters and 27 ADL regional offices, the two agencies seek to reach the American people at every stage where attitudes are formed: through all the media of mass communication, through work with church groups, labor groups, labor unions, veterans organizations and other influential, opinion-moulding groups; through action in the legislative field and through scientific study of the causes of bigotry. In foreign affairs the AJC–ADL, working closely with the U.N. and through offices in Washington and overseas, seek to strengthen support of Israel, work for enforcement of the human rights provision of the U.N. Charter and help to liberalize America's immigration laws."

AJC and ADL received an allocation of $98,000 in 1951 from the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council.*

The Pacific Southwest Regional Office of the ADL is located at Suite 217, 590 North Vermont Avenue, the new headquarters of the *Los Angeles Jewish Community Council.* Milton A. Senn is the Executive Director.

Hon. Meier Steinbrink of New York is National Chairman, Philip M. Klutznick, Chicago; Maurice Dannenbaum, Houston; and Edmund Waterman, New York, are National Vice-Chairmen. Richard E. Gutstadt of Chicago is National Executive Vice-Chairman. Jacob Alson of New York is National Treasurer. Benjamin R. Epstein is National Director.

The Pacific Southwest Advisory Board is composed of the following: Hon. Stanley Mosk, Los Angeles, President; Jack Y. Berman and Harry Graham Balter, Los Angeles, Vice-President; Isaac Sukmann, Long Beach, Treasurer, and I. B. Benjamin, member, National Commission.

The Executive Committee is chairmaned by the Hon. David Coleman of Los Angeles. David Goldman, Pasadena, is Vice-Chairman. Sam Faber, Los Angeles, is Treasurer. Mrs. Henry Levy of Los Angeles is Secretary. Executive Committee members are as follows: Harry Graham Balter, Stanley Bergerman, Jack Y. Berman, David Blumberg, Harry Braverman, Erward Brietbard, Donald Breyer, Hyman O. Danoff, Mrs. Gilbert Denton, Norman Godell, Charles Goldring, Mrs. Charles Goldring, J. Leo Gordon, Irving Hill, Lawrence Irell, Moe Kudler, Mrs. Moe Kudler, Jules Lindenbaum, Hon. Stanley Mosk, O. H. Prinzmetal, Aaron Riche, Mrs. Ben Rosenthal, Irving Schulman, Joseph D. Shane, Larry Simon, Edward Stodel, Jacob Stuchen, Isaac Sukmann, Mrs. George Taussig, Philip Wain and Mrs. Morris Wesser.

Militant Arm of Zionism

The secret political police of the Czars were the terror of Russia. The secret political police of Stalin is no less terrifying. The secret police of European nations were a continuous nightmare to the people. If they had, or have, any excuse whatever for existence, it is on the basis of governmental operation for internal and external security reasons. They have never created or preserved loyalty.

The *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* do not have any excuse whatever for their operations. Their secret agents spy upon American citizens. Extensive files and dossiers are compiled on those whom they dislike; those with whom they disagree, and those who, in any way, criticize their activities or the ambitions of Zionism. They penetrate the political field injecting racism into political campaigns. Through their multitudinous controls of the media of communication they are capable of destroying reputations and silencing all rebuttal. By *"book stifling"* and the *American Jewish Committee* technique of *"quarantine"*, critics are denied a public audience for either attack or defense.

While these organizations do not have the governmental power to penalize their victims they possess equally effective powers. In heavily populated Jewish political districts a candidate for public office is completely at their mercy. A memorandum from the local ADL office charging that a particular candidate is "anti-Semitic" or supported by someone else alleged to be anti-Semitic is sufficient to insure the defeat of the candidate. And it makes no difference that the candidate may be completely free of such bias.

In certain fields of endeavor, both professional and nonprofessional, where employers are predominantly Jewish, a word from the regional office that John Doe is "anti-Semitic" is sufficient for ending John Doe's career. The terror carries over into Gentile concerns where the Gentile employer is persuaded to "go along."

The press is extremely sensitive to ADL "suggestions" and "recommendations." "Gentlemen's agreements" are made whereby certain ADL pet-hates are never to be mentioned in print.

The amazing part of the whole sordid story is the fact that Americans—including American Jews—know so little about it. Those who have had occasion to learn a little of ADL and AJC operations are fearful to do or say anything about them. Legislators who have some knowledge of the facts are fearful of taking any action because they well know that they would be smeared as *"anti-Semites"* in the next election. No newspaper will risk its advertising contracts by telling the story.

Most American Jews would be happy to integrate into American life; to be Jews only in matters of conscience—and Americans in all else. If left to themselves, the great majority of American Jews would resent implication that they owe allegiance to a foreign state.

No reasonable person can find legitimate fault with the deep sense of concern and warm compassion exemplified by American Jews over the plight of persecuted Jews, a concern and compassion shared by every person of good will and decent instincts—regardless of race, color or creed. These instincts are among the highest virtues of both Judaism and Christianity. It is the *perversion* of them that is objectionable.

Under the broad protective shield of the Constitution of the United States the Jew has every right accorded every other person—*but no more.* There is no right claimed by a Gentile that should be denied a Jew or any other person, and it follows that no Jew or any other person should be given *preferential rights.*

No group of citizens, regardless of race, color or creed, should constitute itself a private agency for a foreign government. No group of American citizens may take unto itself the characteristics of a police state and retain the affection and respect of other American groups. Propaganda breed counter-propaganda, and espionage results in counter-espionage. Both activities create distrust and suspicion. There can be no peace nor brotherhood in an atmosphere of distrust and suspicion.

The United States, breaking away from the police states of Europe, establishing human dignity and personal freedom became a beacon light of hope to the oppressed Jews of the world. They trickled into the colonies from Spain and Portugal; from Germany and Holland after the American Revolution, and from eastern Europe by the hundreds of thousands at the turn of the century. They joyfully left the lands of their birth, happy to breathe the clear, clean air of freedom and opportunity. Gone were the secret political police, the hateful preachers of pogroms, and the accumulative dossiers. A Benjamin Franklin would be first among Gentiles with a generous contribution for a Philadelphia synagogue, and, one by one, the shop-worn prejudices of the Old World would fall away.

The only ghettos in America were the ghettos built by the Jews themselves. They were understandable ghettos;—colonies of people who spokes the same mother tongue, and adhered to the same traditions, customs and religion. But there were the "official" Jews who remembered the power and the authority of the "official Jews" of Europe's walled ghettos;—"official Jews" who fought individual emanicpation and insisted on a new type of ghetto they call the "Jewish nation." They became the spirit of American Zionism;—the driving force of the *Anti-Defamation Leagues* and organized Jewry.

American Jewry must carefully examine the operations and activities of the many organizations it supports. Because these organizations are labeled "Jewish" the general public assumes that their leaders speak for all American Jews. It is, therefore, the responsibility of American Jews to determine what these leaders are saying and what the organizations are doing;—determine whether or not the *Anti-Defamation League* is within the American tradition;—whether or not the ADL, in its alleged fight for the preservation of *"democracy"*, is actually treading in totalitarian footsteps.

The cry of *"anti-Semitism"* has ceased to be an effective smoke-screen.

Activities strictly political

This is the story, in brief—and largely in its own words from its own documents—of the amazing *American Jewish Committee.* That it is an almost incredible story is conceded.

To have told it is to be called an "anti-Semite"—which, of course, completely begs the question. It is a shop-worn retort that knows no better answer. The story should be told whether the organization be Irish, Swedish or Jewish. Race and religion have nothing to do with it.

These activities are political. Semitism and Judaism are mere shields which have effectively cloaked these activities. The deceit must be torn aside so that the American people may see what it hides.

Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.

It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.

It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.

It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be.*

It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.

It is un-American to apply *"book-stifling" and "quarantine treatments"* to writers and speakers with the attendant coerced "cooperation" of newspapers and other media of communication indicated in such process.

In short, the activities, methods and techniques of the *American Jewish Committee,* in the opinion of this writer, are repugnant and obnoxious to every American tradition and practice.

It is obvious that the *American Jewish Committee* is not *American.* It remains for American Jewry to say whether or not it is *Jewish.*

NURSING SCHOOLS DESPERATELY NEED HELP

The SPEAKER pro tempore (Mr. DINGELL). Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, in light of the critical shortage of trained nurses and other health personnel in our country today, it is indeed sad to note the closing of qualified schools of nursing due to the lack of adequate funding. America's existing schools of nursing are in desperate need of help.

One such school is the Queen of Angels School of Nursing in Los Angeles, Calif., which has carried on its important work for many years as an adjunct of the world-renowned Queen of Angels Hospital. As the director, Mrs. Eva Stockonis, stated to me in a recent letter:

> It is indeed regrettable that for lack of about $150,000 support yearly, a good strong school like ours is going to close—especially when we graduate such good nurses, about 50 a year.

Director Stockonis advises me that they have been forced to apply for Federal aid to enable them to phase out the school of nursing program within 2 years. But can we stand by and permit such a thing to happen? It is tragic when, for the lack of only $150,000 per year, we will lose such a critically important element of our educational and medical capability.

In Congress, we have passed the Comprehensive Health Manpower Training Act and the Nurse Training Act, and these, fortunately, have been signed into law by the President. The administration is asking for a new supplemental appropriation which would bring the total spending for health manpower programs to $530 million for fiscal year 1972, $100 million higher than last year.

These efforts should help to expand the present numbers of health personnel, but much more needs to be done. Is it not bad policy and bad economics to permit outstanding existing facilities to close, while the taxpayers are called upon to provide new schools in order to meet our growing needs? The fact that nursing schools with such fine credentials cannot be kept open, when there is a demand for more trained nurses, points out the glaring fact that we have not been doing enough, and are not now doing enough, to assure the continued existence of this form of training.

We must do everything possible to provide health manpower. This requires us to support adequately the continuing operation of hospital-related schools of nursing as well as nursing programs in other educational institutions.

CANADA AND THE ALASKA PIPELINE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I am including in the RECORD an excerpt from the record of debate in the Canadian House of Commons on November 19, 1971, as further evidence of Canada's keen interest and readiness to consider a Canadian oil pipeline as an alternative to the proposed trans-Alaska pipeline. I particularly draw my colleagues' attention to the remark by Mr. Chrétien that the Canadian Government is "ready to entertain any application" for a Canadian pipeline.

The excerpt follows:

OIL—PROPOSED MACKENZIE VALLEY PIPELINE—AFFIRMATION OF GOVERNMENT SUPPORT—ENVIRONMENTAL AND SOCIAL STUDIES

Mr. R. J. Orange (Northwest Territories): I have a question for the Minister of Indian Affairs and Northern Development. Would the minister please advise whether statements are correct which are attributed in the press to Secretary Morton of the United States to the effect that the Canadian alternative oil pipeline route is not being considered because it does not appear to have the support of the Canadian government?

Mr. Speaker: Order, please. I am sure the hon. member knows that a question cannot be asked in those terms. Would the hon. member resume his seat. The hon. member is asking the government to confirm a report in the newspapers. I do not think that a question asked in those terms is in order. The hon. member could rephrase the question.

Mr. Orange: Can the minister say whether the suggested alternative oil pipeline down the Mackenzi Valley still has the support of the Canadian government?

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I should like to advise and confirm to the House the continuing interest and willingness of the government of Canada to examine and discuss any proposals relating to the transport of Alaskan petroleum resources through Canada to market in the United States. Together with the Minister of Energy, Mines and Resources I announced guidelines to northern pipelines on August 13, 1970.

Some hon. Members: Oh, oh!

Mr. Chrétien: Those guidelines—

Some hon. Members: Oh, oh!

Mr. Speaker: Order, please. The minister knows that if he wants to make a statement in the House he should be prepared to do so on motions.

An hon. Member: What a smuggling job!

Mr. Chrétien: Mr. Speaker, I have only one more line.

Mr. Speaker: Order, please. If the Minister has only one more line he might be allowed to finish.

Mr. Chrétien: I should like to thank members who have given me the opportunity to practice my English. Those guidelines made it clear that, in principle, oil and gas pipelines were acceptable to the government of Canada but on the conditions stated in the guidelines.

Mr. Orange: Can the minister indicate the degree of priority which has now been given by the government to the environmental and social studies necessary before such pipelines are constructed?

Mr. Chrétien: Mr. Speaker, the House knows very well that the government has given the highest priority to the environmental and social studies on which we have spent millions of dollars. We have made a lot of progress and are ready to entertain any application.

PROPOSED MACKENZIE VALLEY PIPELINE—RESULTS: OF ENVIRONMENTAL STUDIES

Hon. Robert L. Stanfied (Leader of the Opposition): Mr. Speaker, I should like to ask the Minister of Indian Affairs and Northern Development whether the studies have now been completed with regard to environmental protection and environmental risk resulting from such a pipeline through the Canadian north and, if so, is the minister prepared to be open with the results of this research?

[Translation.]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I cannot verify that all studies are completed. I said earlier that we made considerable progress in that regard and that we could examine any application we would receive. Then decisions would probably be taken after completion of the studies.

[English.]

PROPOSED MACKENZIE VALLEY PIPELINE—DISCUSSION WITH INDIANS ON SETTLEMENT OF CLAIMS

Mr. Erik Nielsen (Yukon): I have a supplementary question for the minister since he seems to be so well prepared to answer these questions today. Has he yet had any consultations with the Indian people whose lands, which any proposed route must traverse, are involved with respect to settling their land claims? If he has not had such discussions, when does he intend to commence them?

[Mr. Chrétien.]

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the hon. member should know that Indians have had their own committee to study their rights and treaties for two years already and that they are examining that problem while Commissioner Barber is doing the same work for the government.

[*English.*]

Mr. Nielsen: Since the minister did not answer my question I can only assume that he did not hear it. Has the minister had any discussions with the Indian people concern-

ing their land rights in these areas of the north and, if not, when does the government intend to commence them?

Mr. Chrétien: Mr. Speaker, I have explained to the House that there is a mechanism in place. Probably the hon. member was not aware of it.

Mr. Nielsen: That is still no answer.

Mr. Speaker: Order, please. The Chair will recognize the hon. member for New Westminster for a last supplementary on this subject. We will soon be running short of time and I have to seek the co-operation of hon. members to limit the number of supplementaries.

PROPOSED MACKENZIE VALLEY PIPELINE—CONSTRUCTION BY GOVERNMENT WITH CANADIAN FUNDS

Mr. Douglas A. Hogarth (New Westminster): I should like to ask the minister whether the government will give consideration to the possibility of the construction of such a pipeline by the Canadian government with Canadian funds?

Some hon. Members: Hear, hear!

An hon. Member: You are in the wrong party, Doug.

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the matter of Canadian participation in the construction of the pipeline was dealt with in statements made in August 1970. In fact, we would be happy that Canadians take part in it to the greatest extent possible.

AMERICAN LEGION MASSACHUSETTS DEPARTMENT COMMANDER ROBERT LEO ENG

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, in the United States where so much attention is focused on conflict, tragedy, and crime, and where to read the daily newspaper is a depressing event, it is a welcome change and most heartening to be able to bring to the attention of my colleagues a man who has unselfishly devoted himself to service to his community and fellow man, American Legion Massachusetts Department Commander Robert Leo Eng. I was privileged to be a guest at a recent dinner in his honor, and can honestly say that I could not be prouder of anyone from my district than Bob Eng and his accomplishments.

Department Commander Robert Leo Eng is a lifelong resident of Quincy, Mass., where he was born on December 20, 1925, the third son of the late Mr. and Mrs. Yee Han Eng, in a family of nine children. He was educated in the public schools in Quincy, graduating from Quincy High with the class of 1944.

He joined the Air Corps Reserve in August of 1943 and was called to active duty on March 14, 1944, at Fort Devens and received basic training at Greensboro, N.C. Bob was assigned to service schools in radio, electronics, and radar at Truax Field, Madison, Wis., Chanute Field in Illinois, and Boca Raton in Florida. Further assigned to duty at Westover Air Base, Chicopee Falls, Mass., with B–24's serving overseas flights to England. He was discharged from Fort Devens, Mass., on May 7, 1946, with the rank of corporal.

Awaiting acceptance to GI bill schooling, Bob took courses in radio at MIT and attended the School of Photography at Yale University campus, New Haven, Conn. He is a gold medal winner in portraiture. He also completed graduate courses in commercial and color photography and camera repair. Opening his photography and camera repair business, he has been self-employed since, servicing many newspapers and accounts throughout the State.

Robert Leo Eng's 21 consecutive years of membership in the American Legion began in 1950, in appreciation for receiving the GI bill of rights via the Legion, when he joined Quincy Post No. 95, the World War I and city's original Legion post, of which there are now five in a populace of 87,000.

Bob served his post as third, second, and first vice commander before becoming commander in 1954. Later he served 10 consecutive years as post historian, during which the post won, on several occasions, second place, statewide in the department community service competition, based on his scrapbook. His interest in public relations resulted in a post newsletter for 9 years, of his 10 as PRO. Among the other related positions he held was president of the building association. Numerous committees kept him involved and interested in post activities.

As a delegate to the Norfolk County District Six Council for 18 years, he served as an assistant sergeant-at-arms, executive committeeman, historian, assistant adjutant, finance officer, junior and senior vice commander and as commander in 1966–67. During these years, he was Americanism chairman for 9 years; newsletter editor, 3 years; publisher, 4 years, and publicity chairman for 3 years.

Elected a department vice commander in 1967, Robert Leo Eng was reelected in 1968, and for both terms served as department community service chairman. He sought reelection as a department vice commander in 1970 and received an overwhelming 52 vote plurality at the Hyannis department convention.

Eng served a third term as department community service chairman during his third term as a department vice commander in 1970. He was appointed department Americanism chairman in 1961 and was a committee member for 10 years. His outstanding record of 16 years on the department community service committee included nine terms as a vice chairman.

He served on the department public relations commission for 2 years and was State convention publicity chairman in 1963 at Quincy. An original organizer and vice president of MALPA, the Massachusetts American Legion Press Association, he has been a member for 8 years.

Bob has served national committees for over 15 years. He has been a member of the national ALPA organization for the past 12 years.

Bob served as a staff member of the department boy's State committee for 2 years in the capacity of official photographer. He was formerly public relations director for the city of Quincy civil defense for 7 years.

Robert Leo Eng is the first of Chinese descent to attain the high office of department commander of Massachusetts.

I would like to include in the RECORD the address of the principal speaker at that recent occasion honoring Robert Eng, Mr. Harold Putnam, a longtime friend of mine who had an outstanding career in the State Legislature of Massachusetts and is now continuing this fine career as regional director of the Department of Health, Education, and Welfare in Boston.

ADDRESS OF HAROLD PUTNAM

Comrades of the American Legion, friends of Bob Eng, several weeks ago, when I returned to my office, my secretary reported that Bob Eng's office had called, but she didn't know what they wanted.

I asked her to return the call at once, and to say that whatever Bob Eng wanted, he could have it! In my job, it is not safe to make such promises usually, but I felt safe in making it to Bob Eng because I knew he would not be seeking a million dollar grant or anything else that it might be difficult for me to deliver.

Bob Eng never asks anything for himself. His whole life has been marked by a dedication to others, so I am honored to be joining with you tonight in this salute to Bob. All he wanted was for me to be the principal speaker tonight; I am delighted to be a part of this significant occasion.

And I am delighted to share this head table with officers of the State Department of the American Legion, and with my old friend, Congressman James A. Burke, whom I have known since boyhood and with whom I had the honor to serve in the Massachusetts Legislature.

Your guest of honor tonight and I are reaching the age when many of our friends are ascending to important positions in public life. Many of my friends are taking positions on the benches of the Commonwealth, and they are apt to regale me with judge stories, of which this is typical:

A forlorn old man appeared before the bench of a local district court, and despite his obvious age and poverty, he had a certain dignity about him.

My judge friend noted the defendant's poverty, and remembered his duty to notify him he was entitled to counsel, so he said:

"It is my duty to advise you that you have the right to counsel."

To which the poor, old man replied: "I have counsel, your Honor,"—pointing heavenward.

The judge was taken aback by this unorthodox reply, yet thinking quickly and not wanting to offend the poor, old man, said:

"That's all very well, sir, but how about somebody local?"

We honor tonight "somebody local." In my book, Bob Eng has been the first citizen of Quincy since I first knew him over fifteen years ago. I join you tonight in saluting him for—

His loyalty to the Legion;

His loyalty to his friends;

His courage on public issues; and

For the example that he sets for every minority person in our country that a good man or a good woman can make it in America.

There has been much speculation throughout the country as to whether a minority person can be elected President or Vice President of this country. One candidate has decided that he could not make it with a black running mate. If I were faced with that intriguing dilemma, I think I would give serious consideration to a certain Chinese-American!

Bob Eng didn't tell me what to say here tonight, but knowing me as he does I am

satisfied he would like to have me say something serious, to talk with you frankly about some of the problems that face veterans and therefore that face the American people.

The hour is late, but I would like to comment briefly upon two matters confronting the State Department of the American Legion—the need for revisions in the State personnel system and the question of the State bonus. And then I would like to invite you to dedicate yourselves to some community service projects that might make this dinner tonight a living and continuing tribute to our friend, Bob Eng.

The Massachusetts State personnel system is one of the worst in the land. As one who has studied the State Civil Service system for years and is now a part of the Federal Civil Service, I hope I can be excused for believing that the Federal Civil Service system works in the public interest, and the State Civil Service does not.

The State Civil Service system does not attract qualified young leaders. It does not provide challenging promotional opportunities. It discriminates inexcusably against blacks and Spanish speaking—and against women. And the salaries offered to professional and managerial personnel are shamefully inadequate. We have reached the tragic but natural end of a personnel policy that rewards "Indians" but does not have a very high regard for "chiefs."

I hope the Legion will re-examine the State personnel system. It has new reasons to do so in the light of recent decisions of our courts—one requiring that veterans' preference be made available to out-of-state veterans, as well as to in-state veterans, and the other striking down police examinations as not job-related. Surely, these decisions will force the Legislature to re-study the system, and hopefully the Legion can cooperate in achieving some constructive changes.

Everybody suffers when public positions are filled by applicants whose success is based upon examinations found not to be job-related. Did you every look at a police examination? How would you do? Or how would your son do upon his return from Vietnam?

The exam asks you to define "fortnight,"—perhaps not so hard if you spring from an Anglo-Saxon origin, but definitely not a *job-related* question.

Define "inveterate"—what does that have to do with the hard tasks of being a police officer?

"From what country did the United States acquire the Louisiana Territory?" The answer may not be much help to you when you face the point of a criminal's knife!

How are you doing on this test? If you are not doing well, you join the good company of almost all the blacks in the Commonwealth, all the Spanish speaking, and a large per cent of the white population as well.

It is no accident that police and fire departments wind up with a racially discriminatory result. The courts have now decreed that the test-makers planned it that way. The American Legion should not be a party to this practice, but should examine more closely the Federal Civil Service.

The Federal Civil Service works; the State Civil Service does not. The Federal Civil Service produces a competent work force, giving good services to the public; a work force secure in its jobs and fairly paid.

The Commonwealth of Massachusetts should do as well, and it must begin by paying professional and managerial personnel salaries commensurate with their training and experience. The other day the Legislature and the Governor differed over a requirement that the heads of the several regional welfare offices have five years of management or accounting experience.

This seemed like such a sound idea that I inquired as to why it could not be enacted into law. Why was it opposed at the last minute? The answer: because it would be impossible to hire such qualified people at the salary proposed. What was the salary proposed—about one-half what the person would be paid for similar work in the Federal service and slightly above what Uncle Sam gladly pays a top secretary.

Is it any wonder that the Massachusetts welfare system is in deep trouble?

As to the State bonus, I share the unhappiness of the Legion that funds were not made available to complete the payment of the State bonus. I have a rather simple standard for judging this issue, and World War II veterans from the Greater Boston region will understand my thinking.

When we went into the service, new little Cape Cod houses in Westwood were selling for about $4,000. When we returned the price was around $9,000.

When the Korean veterans left, the same houses were selling for about $12,000 and when they returned the price was up to $16,000.

When Vietnam rolled around, the price of the same houses was around $16,000, and now that those veterans are returning, the price has reached about $25,000.

By his loyal service to his country, the veteran has been priced out of the home market. The house which he might have occupied by staying home has appreciated during his absence at the rate of around $2,000 per year.

I can understand the anguish of public officials who must appropriate the money and vote the taxes, but I can't escape the conclusion that the State bonus is little enough to recompense the veteran for that loss.

But tonight should not be just a chance to discuss a few important public issues. I would like to have it be a tribute to Bob Eng—in the area of concern dearest to his heart—community service.

I am convinced that the future of the American Legion lies in community service. If its membership is to be built and if its image is to be strengthened, then these results must be earned through effective community service. This has been Bob Eng's example; this should be our tribute to him.

I urge an expanded community service program, and I recommend these features:

1. More concern for the aged and the young. There is no place in American life for an "age gap." As Secretary Richardson of my Department points out, we must treat the whole person, and we must demonstrate our concern for the whole people, not just the working population, but our aged and our young.

4. I urge the Legion to help us with prison reform. Secretary Mitchell said yesterday that we "are turning out criminals faster than they can be rounded up," and he called our penal institutions "a national shame."

No one can disagree with his conclusion that no civilized society can allow this shame to continue. No solvent democracy can afford to continue paying more than $5,000 per man per year for the kind of prison care that inmates receive today.

Some leaders are beginning to produce some needed change, and the best I have seen is what Sheriff John J. Buckley is doing at the Middlesex County House of Correction in Billerica. He has a hospital for his inmates, but little or no medical care. And for his entire budget for education and recreation for more than 200 men, he is allowed $178 per year—not per man, but a total appropriation for the year!

Yet he is turning the system around. He is creating a spirit and a morale unknown previously in prison life. He is re-educating and retraining a dedicated guard force. And he is rehabilitating many of the inmates.

I visited the prison last week with Jim Nance, the great fullback of the New England Patriots, and we agreed that it was one of the most satisfying days we had ever spent. Legionnaires could make such visits; and Legionnaires could accomplish much good by showing their concern and by rendering this type of community service.

Oratorical contests, Legion baseball,—prison inmates need all such ideas, and all such programs.

I offer these suggestions to you tonight, because I believe they would be a fitting tribute to the man we honor.

A testimonial dinner is nice, but it is over and done when this microphone goes dead and the last car drives away from this armory. But this type of community service will live—in an inspired organization, in a more responsible citizenry, in a healthier community.

These are the goals for which Bob Eng has worked all his life. I can think of no finer and more enduring tributes than the achievement of some of these objectives in Bob's name.

For these purposes, and for Robert Leo Eng, we should all be glad to pledge "our lives, our fortunes and our sacred honor."

1,250 Attend Testimonial to Robert Eng

Quincy.—About 1,250 people attended a testimonial dinner Saturday in the Quincy Armory for American Legion Massachusetts Department Commander Robert Leo Eng of Quincy.

Among those attending were Congressman James Burke (D-Milton); state Rep. Joseph Brett (D-Quincy), U.S. Department of Health, Education and Welfare regional director Harold Putnam, Mass. National Guard Assistant adjutant general William Molla, national Legion Vice Commander Roy Sweet, former national legion Vice Commander Soleng Tomm, and Republic of China consul general Hugh O'Yong.

Mr. Putnam, a longtime friend of Mr. Eng, was the principal speaker.

Mr. Putnam praised the Legion's junior baseball program. He said half of the athlete's on major league baseball teams today got their start in the program.

Mr. Putnam asked the legionnaires to extend their athletic program to football and basketball.

Before the dinner, the state legion executive committee met in Houghs Neck Post 380, of which Mr. Eng is a member.

OEO EXTENSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, last Thursday the Senate voted to accept the conference report on S. 2007, the OEO Extension Act. Tomorrow, the House will be asked to accept that same report. Attached to this bill are provisions for so-called "child development"—an entirely new series of programs, to be funded individually and to operate independently from the Office of Economic Opportunity.

The programs of child development, and the funding of it, are drastic departures from the generally agreed-upon duties of Government. They are considerably at odds with our national tradition of family life. Ostensibly to solve some problems, and remedy some deficiencies that occur in childhood, these proposals would vitiate the family of its cohesiveness, of its loyalties and internal love and discipline.

It is contended by the proponents of this legislation that there are millions of deprived children, deprived, one assumes, of established child development services. For the sake of argument, let us assume the proponents have correctly assessed the situation, though I should point out that the proponents extravagantly overstate the need. But let us assume they are correct. Will child development programs, when instituted as outlined in this bill, help them, or will it further retard them?

Evidence of psychology indicates that the children would not be helped. Significant psychological research is pointing to the proposition that institutionalized child care is dangerous for the child's mental well-being. Findings have indicated over and over again that the younger the child, the more danger such programs could be to his psychological development. It has also been shown that it is dangerous to the mental health of a child for him to be shifted from one center to another, to be cared for by one nurse after another, to be administered to by one technician after another. This could lead to the development of an insecure, unloving child and could foster a destructive adult personality.

Dr. Konrad Lorenz calls this syndrome the "disease of nonattachment." It takes the form of an inability to cope with one's aggression, and of a profound emotional stultification. And its cause is the lack of a strong family atmosphere.

Dr. Dale Meers has recently completed a study of "International Day Care: A Selective Review and Psychoanalytic Critique." Some of his observations and conclusions are deeply unsettling, and I wonder that the advocates of child development can so blithely fail to take them into account. Let me quote a few passages from this report:

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. . . .

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psychobiologic adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies. . . .

. . . clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure . . .

This is indeed a dreadful panorama of possibilities to spread before ourselves, and to wish to undertake upon our shoulders. We do not wish this fate to anyone, much less to hosts of innocent children. For the benefit of my colleagues, I insert the Report of the Emergency Committee for Children and the entirety of Dr. Meers' report to be printed at the conclusion of my remarks.

The articles follow:

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly or social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic[1] deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the position statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbitzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care

Footnotes at end of article.

for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzin child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nuture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur. 1954; Barkoczi, 1964; Tardos 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nuture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field students began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovnaova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid.*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven, a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has

appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful. Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (non-residential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1967 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 51% of the older children in Kindergarten, Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, co-ops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 526 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

Footnotes at end of article.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinsin, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted the preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his pre-verbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1960) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay [6] following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs [7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanov (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes have centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on development tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R developmental norms.

In the last few years, a number of confer-

ences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of agression in the well-mannered older children, or adult, there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and the Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere[9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRECHE[10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive, more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appear to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organiza-

Footnotes at end of article.

tional experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the system of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are organic part of life, and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for even greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarchy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority, or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a number of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the emphathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which caregiving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of martial intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, and the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anaclitic depression* (e.g., Hinsle and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of development failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant casual variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsivesness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three

appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congenital retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), asocial attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anaclitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behaviorial and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; McV. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers of special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day care entails for greater risks and these should be taken only where the alternatives are patently worse.

BIBLIOGRAPHY

Administration Generale de l'Assistance Publique a Paris, Department de la Seine. *Nouvelles Realistations de Protection Maternelle et Infantile*, 1956–60.

Barkoczi, I. Development of infant's manipulative activity. *Pazichologia Tamulmanyok*, 1964, 6, pp. 65–80.

Bloom, B.S., Davis, A. and Hess, R. *Compensatory Education for Cultural Deprivation*. New York: Holt, 1965.

Brenneman, J. The infant ward. *American Journal of Diseases of Children*, 1932, 43, pp. 577 ff.

Bronfenbrenner, U. The making of the new Soviet man; A report of institutional upbringing in the U.S.S.R. Ithaca, New York: Cornell University, 1963a. (Mimeographed)

———. Soviet methods for character education: Some implications for research. Ithaca, New York. Cornell University, 912b. (Mimeographed)

———. In Colloquium on maternal deprivation, II, Excerpta Medica Foundation, New York, 1964.

Centre International de L'Enfance. Paris, *Seminaire sur les Creches*, 190.

Davidson, F. Day Care centers in Paris and its suburbs, Working Paper No. 13, World Health Organization. Joint UN/WHO Committee on the care of well children in day-care centers and institutions, Geneva, 1962.

Egeszsegugyi Miniszterium. Budapest, *Egeszsegugyi Tervgyujtemenye*, EM Kosepule Hervezo Vallalat, 1957.

Escalona, S.K. and Leitch, M. *Earliest Phases of Personality Development: A Non-normative Study of Infant Behavior*, Monographs of the Society for Research in Child Development, 1952, vol. 17 (Serial no. 54), No. 1, Evanston, Ill.: Child Development Publications.

Freud, A. *Normalcy and Pathology of Childhood, Assessment of Development*, New York: International Universities Press, 1965.

Gerson, M. The family and other socializing agents in the Kibbuts, (sic). Oranim, Israel, 1970 (Unpublished)

Hinsie, L.E. and Campbell, R.J. *Psychiatric Dictionary*, Fourth edition, New York: Oxford University Press, 1970.

Hunt, J. McV. How children develop intellectually. *Children*, May-June, 1964, 11(3), pp. 83–91.

James, M. Premature ego development: some observations upon disturbances in the first three years of life. *International Journal of Psycho-Analysis*, 1960, 41, pp. 288–94.

Joffee, W.G. and Sandler, J. Notes on pain, depression and individuation. *The Psychoanalytic Study of the Child*, Vol. 20 New York: International Universities Press, 1965.

Kamer, L. Problems of nosology and psychodynamics of early infantile autism. *American Journal of Orthopsychiatry*, July 1949, Vol XIX (3).

Koltsova, N.A., Pavlov Institute of Physiology, Leningrad. Personal Communication, 1967.

Langmeier, J. New observations on Psychological deprivation in institutional children in Czechoslovakia, 1965. (Unpublished)

Langmeier, J. and Matejcek, Z. *Psychical Deprivation in Childhood*. Prague: Statni Zdravotnicke Nakladetelstvi, 1963.

———. Psychological aspects of the collective care for children. *Social Science and Medicine*, UNESCO, 1970. (In press)

Laslow, M. Personal communication, 1965.

Lourie, R. S. Report from the viewpoint of child psychiatry on mission to U.S.S.R. for the President's Panel on mental retardation, 1962. (Unpublished)

Makarenko, A. S. *A Book for Parents*. Moscow: Foreign Languages Publishing House, 1954.

Marans, A. D. Personal observation, 1963, cited in Meers, D. R. and Marans, A. D. Group care of infants in other countries. In L. L. Dittman (Ed.) *Early Child Care*. New York: Atherton Press, Inc., 1968.

Marburg, H. M. Changes in the Education of the Kibbutz Children. Giuataim, Israel, 1970. (Unpublished)

Matejcek, Z. Personal Correspondence, 1970.

Matejcek, Z. and Langmeier, J. Die Zeitweilige Gemeinschaftserziehung in hinblick ouf Die Psychische Deprivation, *Paedagogica Europaea*, 1968.

Meers, D. R. and Marans, A. D. Group care of infants in other countries. In L. L. Dittman (Ed.) *Early Child Care*. New York: Atherton Press, Inc., 1968.

Ministerium fur Gesundheitswesen, Kinderpflegerin, *Ausbildungsunterlagen fur die sozialisticshe*, Berufsausbildung, Berlin, August, 1963a.

Ministerium fur Gesundheitswesen, Kinderpflegerin, *Rahmenlehrplane fur die Ausbidung der Werktatigen Qualifizierungsabschnitt*, A 1–A 5, Fachrichtung Kinderpflege, Berlin, September, 1963b.

———, Arbeitsordnung fur Kinderkippen, May, 1964.

Moynihan, D. P. *Maximum Feasible Misunderstanding*. New York: The Free Press, 1969.

Neubauer, P. (Ed.) *Children in Collectives*. Springfield, Ill.: Charles G. Thomas, 1965.

Pikler, E. Some principles concerning supervision of creches and residential nurseries, *Nepegezsegugy*, 1964, 46 pp. 33–6.

———. Personal Communication, 1965.

Powell, G. F., Brasel, J. A., Raiti, S. and Blizzard, R. M. Emotional deprivation and growth retardation simulating idiopathic hypopituitarism. *The New England Journal of Medicine*, 276 (23); pp. 1279–83.

The President's Panel on Mental Retardation. Report of the Mission to the U.S.S.R., August, 1962, Washington, D.C.: U.S. Government Printing Office, 1964.

Report of the Medical Exchange Mission to the U.S.S.R. *Maternal and Child Care*. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 954. Washington, D.C.: U.S. Government Printing Office, 1962.

Ribble, M. A. Infantile experience in relation to personality development. In J. McV. Hunt (Ed.) *Personality and the Behavior Disorders*, Vol. II. New York: Ronald Press Co., 1944.

Robinson, J. B. Day care for infants and young children in Russia. (Working paper presented at Conference on Early Child Care Re-examined, National Institute of Mental Health, Bethesda, Maryland, 1965.)

Sachs, L. J. Emotional acrescentism, *Journal of the American Academy of Child Psychiatry*, 1970, 8, pp. 636–55.

Schelovanova, N. M. Studies in the development and physiology of the central nervous system from birth through three years of age, 1964. (Described in personal communication from A. V. Zaporozhets.)

Schelovanova, N. M. and Aksarina, N. M. *The Upbringing of Young Children in Children's Establishments*, Fourth edition. Moscow: Medgiz, 1960. (Translation by the Center for Studies on Children and Youth, National Institute of Mental Health, Bethesda, Maryland.)

Schmidt-Kolmer, E. Personal Correspondence, 1970.

Schmidt-Kolmer, E. and Hecht, S. Die Entwicklung 1-bix-6-jahriger kinder in gemischten Gruppen im Vollheim. *Padagogische Forschung*, Wissensachaftliche Nachrichten des Deutschen Padagogischen Zentralinstituts, Jahragant, No. 2, 1964.

Segal, M. Theory and aims of Kibbutz education. In P. Neubauer (Ed.) *Children in Collectives*. Springfield, Ill.: Charles C. Thomas, 1965.

Silver, H. K. and Finkelstein, M. Deprivation dwarfism. *The Journal of Pediatrics*, 70 (3), pp. 317–24.

Silverman, M. The happy orphans of Metera. *Saturday Evening Post*, March 19, 1960.

Skeels, H. M. An interim brief on the NIMH-Iowa follow-up studies relatives to mental retardation, dependency and maternal deprivation, 1964. (Mimeographed)

Spitz, R. Hospitalism, *The Psychoanalytic Study of the Child*, 1954, 1 pp. 53–74.

———. Anaclitic depression. *The Psychoanalytic Study of the Child*, 1946, 2, pp. 313–42.

Tardos, E. Effect of environmental change on infants' play activity. *Psichologist Tanulmanyok*, 1964, 6, pp. 273–87.

Tur, A. F. *The Care of the Young Infant*, Leningrad: Medgriz, 1954.

Zaporozhets, A. V. Research on Child Development and Its Application in the U.S.S.R. (Address presented at Children's Hospital of Washington, Washington, D.C., 1964.)

ACKNOWLEDGEMENTS

This paper derives from research that was made possible by the administrative support of Children's Hospital of the District of Columbia. Particular thanks are due both the National Institute of Mental Health and the Edgar Stern Family Fund for financial support (of research previously titled "The Prevention of Culturally Determined Retardation.")

The observations and conclusions of this section express the views of this author, and the acknowledgments that follow are an expression of appreciation and gratitude, only. It is clear that some conclusions will be disputed by one's domestic and international colleagues. In anticipation of that probability, one may express the hope that continued clarification of scientific differences may turn argument into effective research.

The researchers and administrators who have been helpful, and often graciously accommodating to this author, and to Dr. Allen D. Marans, are many, and for reasons of space this list must remain incomplete:

Czechoslovakia: Dr. Z. Matajcek, Institute for Post Graduate Medical Education, Prague. Special acknowledgements are extended for a range of courtesies in making available present Day Care data, plus a number of research papers, some of them in English, and others in Czechoslovakian and German.

France: Dr. F. Davidson, Chief Medical Inspector of Health, Mme, Hermant, Chief of Social Service, and Dr. Clair Vesin, Creche Pediatrician, Medical-Social Service for National and Infant Protection, Paris.

German Democratic Republic: Professor Dr. E. Schmidt-Kolmer, Zentralstelle fur Hygiene des Kindes-und Jugendalters, Berlin. Special acknowledgements are extended for a range of professional courtesies in making available present and projected Day Care data, plus a wealth of literature concerning programming and staff training.

Greece: Dr. S. Doxiadis, Medical Director of the Metera Babies Center, Medical Director of the Aghia Sophia Children's Hospital, and Miss L. Alexandraki, Special Advisor on Child Care to the Greek Ministry of Social Welfare.

Hungary: Dr. E. Peter-Pikler, Medical Director, the National Methodological Institute for Infant Care and Education, and Mrs. M. Laszlow, the Hungarian Ministry of Health, Budapest. Special acknowledgements are extended for making available a number of English translators of staff research publications and architectural designs of contemporary child care centers.

Israel: M. Segal, the Seminar Hakibutzim Oranim. Special acknowledgements are extended for sharing and translating the curriculum for Metapelet Training.

U.S.S.R.: Professor H. M. Aksarina, Moscow Institute for Post Graduate Training; Professor A. V. Zaphorozhets, Institute for the Study of Pre-School Children; and Dr. D. A. Orloff, Director, Foreign Relations Department, U.S.S.R. Minister of Health, Moscow; Dr. M. V. Ivanova, Director of the Children's Division, City Health Department; Professor N. A. Koltsova, Chief of Laboratory of Higher Nervous Activity of Children, Pavlov Institute of Physiology, Leningrad; and Dr. V. V. Kanep, Ministry of Public Health, Latvian S.S.R., Reiga. Indebtedness to other Soviet dignitaries and researchers need expression but magnetic tape records have proved undecipherable.

U.S.A.: Verne G. Robinson, Coordinator, U.S. Soviet Health Exchange, Office of International Health, U.S. Department of Health, Education, and Welfare, Public Health Service, Washington, D.C. Particular thanks are due Dr. Robinson for his counsel of patience and his contining support in the extended negotiations that led to the Soviet research tour. Dr. Allen D. Marans', Pediatrician, Child Psychiatrist, Psychoanalyst, former research colleague and co-author, benevolent critic friend, who was instrumental in introducing this author to child development research. Particular indebtedness now derives from Dr. Marans' review and helpful criticism of this paper.

FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psycological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek 1970),

[7] Taken with a miniature camera, with super sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

A REVIEW AND REPORT OF THE PROPOSED FEDERAL PROGRAM OF "CHILD DEVELOPMENT"

The Emergency Committee for Children has released a review and report on the proposed federal program to establish "child development" centers and a "child advocacy" corps.

The report concludes that the comprehensive "child development" program constitutes a real and major threat to the American family as a basic institution of our society. The Committee report also warns that the "provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow" and that when the program is in operation this will undoubtedly mean a gross invasion of the privacy of the American family.

The Emergency Committee is made up of scholars and religious leaders concerned with the fundamental concepts premising the program regarding the upbringing of children. Quoted in the report are advocates of "child development" programs who contend that family life is dangerous and harmful to children; also that institutionalized and communalized childrearing is superior "to all other forms" of raising children. The Committee noted that no evidence exists to warrant those conclusions, or for much which is asserted in the bill as Congressional findings.

The Committee charged that establishment of so-called "child development" centers would necessarily mean the stressing of "group conformity" if for no other reason than the institution has to be manageable. Such "impressed conformity" is a necessary condition for this type of center and hence is dangerous, *per se*, to the future independence of the American personality.

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of

age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for his new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2)(A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "Comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right."

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature, when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "It is essential that such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships with the government soon become greatly imbalanced." The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full portential";

It is good for children to have opportunities for self-improvement; in America today such opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly content that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money on the process. Governor Moore of West Virginia cautioned in his testimony that " . . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT NOT TO PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureacracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 2007, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Educational Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing

of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a government, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-bearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives", where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childbearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childbearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

INDIA'S NAKED AGGRESSION AGAINST PAKISTAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am certain that America and the world are shocked by India's naked aggression against Pakistan. The open invasion of East Pakistan by India's military forces has destroyed efforts by our country and others to maintain peace in that part of the world and to restore order and sound government to East Pakistan. Short of the examples of communist aggression in Korea and Indochina this open act of war by India is the most flagrant example of the violation of another nation's neutrality that we have seen in recent years.

We are observing the process of the setting up by armed force of a new nation which is to be a satellite of India and Russia. Pakistan does not have the armed strength or the resources to prevent it. The United Nations is going to do nothing as is its wont. The United States cannot be expected to take a hand militarily. However, it will be noted that there was scheduled for inclusion in the current foreign aid bill about $400 million of additional U.S. aid for India. It is well to remember that in the past quarter century our Nation has given $8 billion of the taxpayers' money from the American treasury to India. This has freed Indian funds for the creation of military might and the purchase of modern weapons principally from Russia. It is no secret except to the American people that the Russian fleet enjoys special privileges in Indian ports in its move toward the domination of the Indian Ocean. The very least we in the Congress can do is to express our disapproval of these tactics by cutting off aid to India.

I believe we in the Congress should forthwith take steps to assure the world that U.S. foreign aid is not going to be used flagrantly, either directly or indirectly, for the enslavement of other peoples and for unjustifiable acts of war. Language has been written into the foreign aid appropriation bill which is intended to bring about a suspension of aid other than for refugee relief and rehabilitation and humanitarian assistance while India and Pakistan are involved in armed conflict with each other. This will accomplish the purpose but possibly not in terms as strong as are justified.

In view of these facts, I do not consider that it is proper to mute the obvious fact that India is an aggressor and that Pakistan has been invaded or that India's objective apparently is the dismemberment of the Pakistani Republic. This should be spelled out and impressed on the American public.

The reporting on this deplorable situation and the events leading up to it has been biased and it has served to disguise the step-by-step approach by India to open warfare without provocation against her neighbor. Now the facts are clear and at the very least, they should serve to prevent further waste of American funds in assistance to India.

THE ABM AND THE B–1: HAVING YOUR CAKE AND EATING IT, TOO

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a recent Air Force policy letter for commanders from Gen. John C. Meyer, the Air Force Vice Chief of Staff, included this statement:

(The Soviet Union) might choose to attack simultaneously our (bomber bases and) missile fields with large yield ICBMs (directed at the missile fields) to be launched approximately 15 minutes ahead of the SLBMs (directed at the bomber bases). In this case, our alert bombers, responding to the ICBM warning, could escape destruction by launching under positive control.

Conversely, if the Soviets elected to time their attack primarily against bomber bases, they would have to delay launch of their ICBMs to insure they were not detected earlier than the SLBMs. In this case, there would be adequate time for national decisions and execution of our own ICBM force.

In short, it is impossible for the Russians to destroy our ICBM's and our manned bombers in the same attack.

Mr. Speaker, this is exactly the point many of us made during the ABM debates. We were told we needed Safeguard to protect our ICBM's from Soviet attack. We answered that the Soviets wouldn't attack our ICBM's because if they tried we would get our bombers off the ground first; if they tried to hit the bombers first, we would get them with the ICBM's. To this the ABM people responded that Soviet SLBM's could not only destroy our bombers on the ground, but could keep our Minuteman ICBM's pinned down until the Soviet ICBM's got there. We were skeptical that this was feasible, but the ABM people insisted it was.

Now General Meyer and his bomber people tell us pin-down is not feasible. At the same time, the ABM people tell us pin-down is feasible.

If pin-down is feasible, we would be wasting our money to build the B–1 bomber. If it is not feasible, we would be wasting our money to build Safeguard. But what the Defense Department does is to sing one tune when we are considering antiballistic missiles.

As a result, it gets the money for both. It is a case of B–1 versus ABM and both winning. Unfortunately, the losers are the effectiveness of our deterrent, our national economy, and the American citizen.

ABM CRITICS' CRITICS LEAVE THEMSELVES OPEN TO CRITICISM

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there has been some discussion in recent weeks of a report by an ad hoc committee of the Operations Research Society of America. This report severely criticizes the quality and integrity of a number of the arguments made by prominent scientists who opposed the Safeguard anti-ballistic-missile system. To a much lesser extent,

it also criticizes a few of the arguments made by proponents of the system.

Despite the fact that the inquiry leading to the report was instigated by one of the more prominent advocates of Safeguard, the report has received a great deal of public notice and is possibly becoming generally accepted as an authoritative and impartial commentary. This is most regrettable.

The argument made most strongly by those of us who oppose Safeguard, and the most basic point of contention in the Safeguard debate is this: Safeguard is not an effective weapons system. It is incapable of accomplishing its primary mission, which is to significantly increase the survival of our Minuteman deterrent against a heavy sophisticated Soviet ICBM attack.

Amazingly, the ORSA report, which purports to be the voice of competence and objectivity on the ABM issue, did not take up this question at all. Instead it confined itself to the secondary question of the magnitude of the threat to Minuteman. Obviously, if Safeguard cannot do its job it does not matter how serious the threat is; Safeguard remains a waste of money.

Mr. Speaker, I hope this ORSA report is not typical of the level of operations research being conducted for the Department of Defense these days. If it is typical, I doubt it will frighten the Russians but it certainly frightens me.

I insert in the RECORD two letters on the subject recently written by anti-ABM scientists and published in the Washington Post:

LETTERS TO THE EDITOR ON THE OPERATIONS RESEARCH COMMITTEE REPORT AND THE ABM DEBATE

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but have readers be misled by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Soviet SS-9 "first strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Minuteman survivability.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25 per cent of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5 per cent. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS–9 force with highly effective multiple independently targettable reentry vehicles (MIRVs) by the mid-70's. Reports such as those by Michael Getler of a recent DOD/CIA sponsored study by TRW (The Washington Post, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the administration too might now estimate very substantial survivability.

The administration seems also to have largely come around to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the missile site radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hard-site defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumption in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for all their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15 per cent of the failures could not be so replaced. I was in error and was criticized by ORSA for the mistake. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticize this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations!

Finally, Mr. Alsop alleges that I charged Howard Berger, one of the ORSA committee, with harboring personal animus against me; that Dr. Berger has claimed I was guilty of prevarication in making such a charge and that there is solid evidence to that effect. I made no such charge and challenge Mr. Alsop and Dr. Berger to produce evidence that I did, much less evidence that I lied in making it! What I and my colleagues did suggest was that since Dr. Berger had previously been relieved by me of a position of responsibility, he should have been disqualified either by himself or by ORSA from participating in the inquiry. In suggesting this, we were not charging animus on his part, but rather lack of sensitivity and appreciation of reasonable professional and ethical norms by him and ORSA, a charge which the style of the ORSA inquiry fully substantiates.

As has been the case with so many of his columns, Mr. Alsop has again regrettably elected to accept uncritically those arguments consistent with his deep-seated biases rather than to attempt to understand and elucidate the issues involved in a complex question—in this case, those relating to the Safeguard deployment question.

G. W. RATHJENS.

CAMBRIDGE, MASS.

In September 1971, an Ad Hoc Committee of the Operations Research Society of America (ORSA) issued a report censuring, as not being up to the standards of the Society, the congressional testimonies in opposition to the Safeguard ABM system of Dr. Jerome Wiesner, president of MIT; Drs. George Rathjens and Steven Weinberg, professors at MIT, and to a lesser extent, Professor Wolfgang Panofsky, Stanford University. Predictably, this was put in the Congressional Record by Senator Jackson, the strongest proponent of Safeguard in the Congress. On October 13th, Donald Rumsfeld, Counsellor to the President, wrote from the White House a letter to Robert Machol, president of ORSA, stating that the report had been discussed personally with President Nixon, that Admiral Zumwalt, Chief of Naval Operations, discussed the work in a most favorable way, and that "you and the Society have performed a magnificent service." To cap it off, on November 8th, in a column which you carried, the columnist, Joseph Alsop, extolled the report and decried the dishonesty of the opponents of Safeguard.

Just to keep the record straight, we think it should be known that five members of the ORSA Council issued a minority report questioning the propriety, impartiality, and ability of the Ad Hoc Committee to carry out such an investigation. This minority report was not mentioned by Senator Jackson and others. More importantly, this unprecedented investigation was carried out at the request of Professor Albert Wohlstetter, the leading non-governmental protagonist for Safeguard, confidant of Senator Jackson, and consultant to Admiral Zumwalt. Professor Wohlstetter, who was praised in the report, is a member of ORSA; the other witnesses who were censured are not members and did not participate in the work of the Committee.

Although the primary purpose of the congressional hearings was to determine the need for Safeguard, and whether, indeed, it would work, the ORSA Committee study never even addressed the testimony on these central issues, but instead concentrated its attention on several sub-issues such as (1) the vulnerability of our Minuteman deterrent to an administration postulated Soviet threat, and (2) the Soviet ability to destroy both our Minuteman missiles and bombers in a simultaneous attack. These sub-issues were suggested to ORSA by Professor Wohlstetter, one of the protagonists in the debate whose standards the ORSA Committee was, in theory, investigating. This action by the Committee would appear highly unethical, and the ORSA Council's sensitivity to such a charge is demonstrated by the fact that it excised from its published version of Professor Wohlstetter's letter those portions directing their attention to these sub-issues.

We think everyone should ask whether a group which employs such standards in its investigations has demonstrated the competence to evaluate the standards of such eminent scientists with a record of dedication to public service as Drs. Wiesner, Rathjens, Weinberg and Panofsky. We think one must conclude that the ORSA Ad Hoc Committee—and those Council members who endorsed the report—have just become additional protagonists in the continuing ABM debate along with Professor Wohlstetter, Senator Jackson, the White House and Joe Alsop.

GEORGE B. KISTIAKOWSKY.

CAMBRIDGE, MASS.

HERBERT SCOVILLE, Jr.

MCLEAN, VA.

HERBERT F. YORK.

LA JOLLA, CALIF.

THE ADVOCATES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the award-winning television program, "The Advocates," which is aired weekly on the Public Broadcasting System and is coproduced by WGBH Boston and KCET Los Angeles, has done another outstanding job of presenting the pros and cons of a pressing social issue. In this case the issue is gun control, which the advocates explored on November 16 in a program entitled "Should Congress Ban Private Ownership of Handguns?"

One of the key witnesses on that program, Mr. Speaker, was our colleague from Illinois (Mr. MIKVA) who has become a leader in the Congress in support of stronger gun control legislation.

The gentleman from Illinois did an outstanding job on The Advocates program of representing the views of the increasing number of us in the House who support a ban on the further manufacture, transfer, and importation of firearms except for police, military, and organized sporting purposes. I know that a great many Members of the Congress who missed seeing the November 16 Advocates program will welcome an opportunity to read the transcript of the program, which follows, and will want to join me in congratulating the Advocates and the participants.

THE ADVOCATES

This is an unofficial public service transcript. The Advocates is not responsible for errors of omission or commission.

Topic: Should Congress ban private ownership of handguns?

November 16, 1971.

Participants: Former Senator Joseph Tydings (Pro); with U.S. Rep. Abner Mikva (D. Ill.); Charles Gain, Chief of Police, Oakland, Calif.; Lt. Joseph McNamara, New York City Police Dept.

Senator Ted Stevens (Con): with Harlon Carter, Former President, National Rifle Assoc., Former Chief, U.S. Border Patrol; Colin Greenwood, Chief Inspector of Police, West Yorkshire, England; Professor Ernest Van Den Haag, Psychologist, Professor of Social Philosophy, New York University.

Moderator: Victor Palmieri; Executive Producer: Greg Harney; Executive Editor: Peter McGhee; Producer: Tom Burrows; Director: Alan Muir.

This Public Broadcasting Service (PBS) program originated at KCET, Los Angeles.

ANNOUNCER: Tonight, from Los Angeles, The Advocates. With special guests, Senator Ted Stevens, former Senator Joseph Tydings, and the moderator, Victor Palmieri.

PALMIERI: Good evening. Welcome to The Advocates. Each week we look at an important issue in terms of a practical choice. Tonight the issue concerns the increasing use of handguns in violent crimes. Specifically, our question is this: "Should Congress Ban Private Ownership of Handguns?" Our special advocate, former Democratic United States Senator from the State of Maryland, Joseph Tydings, says "yes."

TYDINGS: Yesterday the House of Representatives approved $1.6 billion to expand research efforts against cancer in the next three years. Tonight, we advocate the expenditure of substantially less money to reduce the most dangerous domestic cancer of our society—the gun crime and violence in our streets. We attack that cancer by banning pistols. And with me tonight to support the ban on private ownership of pistols and revolvers are Congressman Ab Mikva of Illinois, Chief Charles Gain of the Oakland Police Force here in California, and Lt. Joseph McNamara of the New York City Police Department.

PALMIERI: Our other special advocate, Republican United States Senator from the State of Alaska, Ted Stevens, says "no."

STEVENS: With the increase in riots and lawlessness in our nation in the last few years, millions of law-abiding citizens have purchased handguns for their own protection. Others use them for sporting purposes. The proposition that we face tonight is based on the premise that if these guns are taken away from you and me, lawlessness, accidents and crime rates will decline. With me tonight to tell you that gun laws don't take guns from criminals are Harlon Carter, past President of the National Rifle Association, Chief Inspector Colin Greenwood from England, and Dr. Ernest Van Den Haag, New York University sociologist.

PALMIERI. Thank you, Senator Stevens and Senator Tydings. Ladies and gentlemen, before we begin tonight's program, we'd like to take just a moment and ask you to share with us an important event in the field of public broadcasting, because this week KCET, the Public Broadcasting station in Los Angeles, will dedicate its new production and broadcasting facilities on Sunset Drive here in Hollywood. These studies have a very long and varied history in motion pictures and television, dating back to 1912. Here pioneer film makers produced a continuous series of westerns, slapstick comedies, and melodramas. Then in 1970, KCET purchased the site and soon began the process of turning the old sound stages with their memories and histories into large, modern television production facilities. And tonight, our program originates live and in color from the newly completed Studio A. The Advocates is proud to salute KCET for its continuing contribution to public broadcasting. From these new studios, the staff of KCET will continue to bring public television audiences more programs in the sucessful Hollywood Television Theater series as well as the upcoming film odyssey series of film classics. So the studio we dedicate tonight and the question we consider both have roots in the American western movies.

It is part of the folklore of America that it was won by the gun. And in many parts of America, ownership of a gun by a boy is a right of passage to manhood. But in many other parts of America, the cities most of all, the gun has become a symbol of crime, for guns increasingly are involved in violent crime—in 65 percent of all murders, in 40 per cent of all robberies, in a quarter of all aggravated assaults. And the gun most often used for these crimes was the handgun. One hundred law enforcement officers were murdered last year—93 by guns, and of those, 73 by handguns. In short, the handgun has become the choice of the armed criminal.

Nonetheless, the American tradition of gun ownership and the passionate defense of that right by organized gunowners have combined to oppose further government regulation of firearms. The last major piece of legislation was the Gun Control Act of 1968 which banned mail order sales of guns and ammunition to private individuals and forbade dealers to sell guns to known felons, drug users, fugitives, or mental defectives.

While the law has made it difficult for sportsmen carrying their guns from state to state, it does not seem to have affected the illegal flow of guns across state lines or illegal transactions within states.

Well tonight, therefore, we consider what some people urge must be the next step in gun regulation—an outright ban on the private ownership of all handguns. Let me emphasize that we are talking about handguns only, not long guns. Senator Tydings, will you begin.

TYDINGS. Well, last January the National Commission for the Reform of Criminal Laws recommended a ban on the private ownership of pistols. This proposal would prohibit the sale, manufacture and possession for all, except law enforcement officers and private security guards. The only exception would be target handguns kept at a local club or antique pistols. We advocate this ban at a time in history when there are 30 million pistols in private ownership today, when we are manufacturing and importing an additional 2½ million pistols every year, when last year 8 thousand Americans were murdered with handguns. We must halt this rush to a violent and an armed society. By 1980, if we continue as we're going today, there'll be a pistol for every adult male in this country.

PALMIERI. Well, thank you very much, Senator. Now with your first witness.

TYDINGS. We have tonight to speak in support of the National Commissions Report a very fine congressman from Illinois, Congressman Ab Mikva. (applause)

PALMIERI. Congressman, welcome.

MIKVA. Thank you. Nice to be here, Mr. Palmieri.

TYDINGS. Congressman, you served on the National Commission. What did the National Commission recommend with respect to a pistol gun law?

MIKVA. Well, we recommended many things, but specifically as far as the pistols are concerned, we specifically recommended that the private ownership of pistols and further manufacture for private ownership purposes be abolished.

TYDINGS. Was this a new idea? A new proposal?

MIKVA. No, the idea is a very, very old one. We poached off of the reports of the Eisenhower Commission and previous studies have been made by two presidents, by—

TYDINGS. By the Crime Commission of 1967—

MIKVA. By the Crime Commission in 1967. We had our own consultants. We've studied the results—

TYDINGS. Kerner Commission on Violence—

MIKVA. Kerner Commission. We studied the results in every other country. It's not a new idea.

TYDINGS. Congressman, in your proposal, it would cost over a period of years some billion and a quarter dollars. How do you justify this expenditure?

MIKVA. Well, First of all, that's a one time expenditure, and when you think of the thousands and thousands of lives that are now being lost, the price per head is just one that has to be very reasonable. President Nixon just suggested that we ought to pay $50,000 for every policeman that's killed in the line of duty. Well, there were over a hundred policemen killed last year alone, and most of them by hand guns.

PALMIERI. Excuse me, Congressman. What would all that money be spent for in gun control?

MIKVA. Well, it would be spent for the guns that would be turned in to the government. They would be paid for either at their value or under a proposal that I have—$25 per gun, whatever they're worth.

PALMIERI. I see. Thank you.

TYDINGS. Now, Congressman, what are the prospects for an average American family if we don't reverse this trend of 2½ million pistols being purchased every year in this country?

MIKVA. Well, I think the prospects are frightening. I don't know any big city resident in the country these days who isn't already worried about crime in the streets and is worried about their children and themselves walking on the streets of our cities.

When you project what's going to happen if we don't get the handle on the pistol problem, it literally will be an armed camp.

TYDINGS. Do you feel that we can overnight eliminate private ownership of pistols in the United States?

MIKVA. No, but I think that if we can get the handle on the new supply, we can begin to turn around on what so far has been a headlong rush to disaster.

TYDINGS. Congressman Mikva, why hasn't the government acted on any of these prior recommendations—the 1967 National Crime Commission recommendation, the Eisenhower Commission of Violence in 1969. Why hasn't Congress acted in this field of gun control?

MIKVA. Well, there's been a very well organized lobby that represents a clearly . . . a minority of the people in this country . . . but they have been so well organized and so well financed and up to recently were even subsidized by the federal government, to the extent that they have been able to persuade the Congress not to act on this pressing problem. I hope that's changing. You've been one of the great battlers for that, Senator Tydings, and I think we're on the side of turning that around.

PALMIERI. All right. Let's go to cross examination, Senator Stevens.

STEVENS. Yes, Congressman, I hope that you agree—we all agree—that criminals shouldn't have guns. I don't think that we have anyone in Congress who wants to give criminals guns, but what about this? This is a *Washington Daily News* headline: "Only 15 per cent of all gunslingers in the District of Columbia are sent to jail—85 per cent, under the existing strong laws in the District of Columbia, are set free." Now, why would this new law give us any better law enforcement as far as guns are concerned?

MIKVA. Well, what it would do, Senator, is that it would cut off the new supply which represents some 2½ million handguns per year and it's this increasing number . . . we've always had a gun problem in this country. It's just gotten so bad in recent years because the supply of handguns has gone up so . . .

STEVENS. You don't really believe . . . you don't really believe that this law is going to take guns from criminals. do you?

MIKVA. Well, of course it will. Every year tens of thousands of guns are confiscated by the police. The problem today is that for every one that's confiscated, Senator, is, you know, two new ones are manufactured or imported. And until we get the handle on supply, we aren't going to be able to do anything about the ones that are outstanding.

STEVENS. Well what about New York City? The strongest gun control laws in the United States and guns continue to flow into illegal sources, but the legal use of guns in New York City has practically been stalled. What about that?

MIKVA. Senator, you make the point as to why we need a national law. The poor states and cities by themselves just can't try to solve this problem, and every time I hear somebody say let the local governments do it, let the states do it, they can't. It's belying the real issue because you know that you cannot solve this problem on a state-wide basis.

STEVENS. Well, now, you seem to imply that it's an organized gun control lobby. What about Montana, Alaska and Texas and Wyoming? Don't you think those of us who live in these areas where we enjoy the outdoors—don't you think we have the right to have handguns if we want them?

MIKVA. Senator, I can't believe that anybody who lives in those states really feels that that right, that theoretical right, or that target-shooting right is worth the lives of thousands and thousands of our fellow citizens that have been killed in the big cities and in the small cities. Your own state, Senator, has a pretty high . . .

STEVENS. We have a high death rate all the way. We have a high death rate all the way, it's a wild country . . .

MIKVA. Well, I think with a few less guns there might be a few more Alaskans living there.

STEVENS. There also might be . . . if there were a few more guns, maybe there are a few more people in the cities living. Who do you think are buying these guns?

MIKVA. Well, this is what's so tragic, Senator. Everybody is buying guns these days.

STEVENS. And why?

MIKVA. The fear goes up. The fear of guns. So as we are more afraid of guns, we buy more guns and we end up killing more of our . . .

STEVENS. The fear of guns? Or the fear of lawlessness and riot? Or lack of law enforcement?

MIKVA. But, Senator, the two tie together, and unfortunately, as there are more guns in this society, there is more lawlessness.

STEVENS. Let me put it this way. Did you ever try to fly fish in a stream with hip boots and carry a rifle, Congressman?

MIKVA. No, I've never carried a rifle while I was doing that, Senator.

STEVENS. Yeah, but did you ever do it in bear country without a gun?

MIKVA. No, but I want to emphasize that nothing in our proposal is going to take away the rifle or the shotgun from any of the hunters. We don't want to interfere with the hunters; we're not interested in overregulating. All we're trying to do is save some American lives, and I'm sure you're with us in that.

STEVENS. But the sportsmen, the fishermen, who want handguns. Why do you want to take them away from them?

MIKVA. Senator, I don't know a sportsman or a fisherman who really feels that his right to pack a handgun, which he doesn't really use to shoot fish or shoot bears with, is more important than the lives of policemen or the other citizens who are being killed.

STEVENS. If you were ever in the woods without a gun, you'd wish you had one.

PALMIERI. Congressman, thank you. (Aplause.)

STEVENS. Our second witness tonight is a man with twenty-five years experience in law enforcement up through the ranks, the Police Chief of Oakland, California, Chief Charles Gain.

PALMIERI. Chief Gain, welcome to the south land.

GAIN. Thank you.

TYDINGS. Chief, is the handgun an effective means of self-protection for the average homeowner?

GAIN. No, sir, it is definitely not. Most home burglaries occur when the occupants are not at home at all. The burglar does not want to confront people within a home. And in addition to those facts, there's the matter that handguns are used too much for murders within the family, or they're involved too much in accidents within the family, so they do not provide good self-protection in the home.

TYDINGS. It is true that four out of five homicides in this country result from family altercations—altercations between persons who know each other?

GAIN. Tragically, it is true.

TYDINGS. And the availability . . . what does the availability of a pistol in a situation like that mean?

GAIN. Too available. When one is in the heat of passion he turns to that instrument which is available and most effective, and too much it's that handgun—the pistol.

TYDINGS. Let me ask you this, Chief. What about the handgun as a means of protection for the businessman?

GAIN. Tragically, it is not good protection there either. The one who would perpetrate a robbery, for example, of a store plans it, he catches the owner when he is off guard, when he has an element of surprise. The police advise merchants not to try to use force to repel robberies. They say submit and give the money. If a businessman would try to grab a gun, it might precipitate a nervous perpetrator to use a handgun, resulting in the death of the businessman. There are other alternatives . . . alarm systems, there's insurance, there's detection devices . . . and things of this nature for the businessman.

TYDINGS. And you have very strong recommendations to the businessmen of your city with respect to keeping pistols . . .

GAIN. We state: "Stay alive. Do not try to resist."

TYDINGS. Now, Chief, what about the argument that only law-abiding citizens buy most of these pistols, and they ought to be able to. What happens when those pistols are brought into a private home? Are they avail . . . I mean, how often is a home robbed with a pistol?

GAIN. Very frequent. Sometimes a pistol is the very object of a burglar itself. So it's very, a very frequent occasion to have pistols stolen from within the home which will later be used for the perpetration of a crime.

TYDINGS. What about the argument, Chief Gain, that only law-abiding citizens would turn their guns in, and therefore, the criminals would keep their guns, and therefore, the crime rate would stay up that we really shouldn't curb the sale or possession of pistols.

GAIN. Very fallacious and misleading argument. As has been mentioned, the market would eventually dry up. Thousands of handguns are confiscated. As there are fewer guns, they become more expensive; therefore, harder to obtain. In time, we would see criminals neither would have guns.

TYDINGS. Chief, could you think of any better way to spend money than to try and dry up or bring back or bring out of circulation pistols and handguns in the area?

GAIN. No, Senator, I cannot. Because it is, in fact, a realistic way to reduce the tragic amount of violence within this country . . .

TYDINGS. And what about money for more policemen or . . .

PALMIERI. I'm afraid we're going to have to let Senator Stevens take over at this point.

STEVENS. Chief, I've checked up on you and you've done a pretty good job in Oakland without these additional gun control laws. You've actually had a reduction in guns in your area, haven't you?

GAIN. No, we have not.

STEVENS. It's my understanding that you've had a very successful time as Chief of Police and have a reduction in crime rates.

GAIN. Last year, we had a 7 per cent deacceleration in the crime rate. This year, we have an increase in the crime rate.

STEVENS. Well, maybe I was looking at last year's statistics. Tell me, what do you think about the Detroit experience? The *Detroit News* reported on July 20, 19671 that Detroit grocery store hold-ups showed a sharp reduction since the Grocer's Organization began conducting gun clinics. You don't believe in that, I suppose?

GAIN. I don't know all the facts. Let me mention something else about Detroit, though. There's a study that demonstrates that as there's been increased private ownership of guns, there's been an increase in homicide, an increase in accidents involving guns, an increase in suicides—a direct correlation.

STEVENS. Well, how about Orlando? I assume that you do know about Orlando in view of the fact that I understand that San Diego is going to follow their approach, Orlando, Florida's, where police trained 2,500 women in the safe handling of firearms in late 1966 after a series of robberies and attacks on women in their own homes—forceful rapes, aggravated assaults, and burglaries.

They were reduced 90 per cent, 25 per cent and 24 per cent, respectively, in the first nine months after the police, co-operating with the citizenry that was disturbed, did in fact give the leadership that was required. Now you don't believe in that approach?

GAIN. My reaction to that is this. What we must do, Senator, is to save lives. We do not want to train people and have a gun-slinging nation. Orlando was one little city. Let's look at the experience of New York and other cities. Let's look at the 30-million guns, the tragic number of policemen who have been killed by pistols, the tragic number of murders within the family, the tragic number of accidents. Let's look at the larger picture realistically.

STEVENS. Let's look at those accidents for a minute. Six-tenths of one per cent of all accidents in the country happen from guns. Now, is that really a significant part of your argument? That this new law will reduce those?

GAIN. Let's translate that into actual figures. That would be . . .

STEVENS. 1,150 nationally . . .

GAIN. Annually, and in thirty years we're talking about 30,000 deaths of American citizens, 30,000 deaths . . .

STEVENS. It's twenty . . . as I recall, fifty times as much with an automobile. Shall we ban automobiles?

GAIN. Why such an odius comparison? A person who drives an automobile is involved in a voluntary, healthful-type activity, and an accident may result, but handguns . . .

STEVENS. But a person who owns a handgun are not . . .

GAIN. A person who owns a handgun owns an instrument that has one purpose, Senator, and that is to kill. It has no healthy thing such as giving a person mobility from one place to another.

STEVENS. Protection. How about the Eisenhower Report? The Eisenhower Report said let the shopowners keep their guns. You disagree with that?

GAIN. It did not say it that emphatically. It suggested that perhaps as compared to the home owner, a shopkeeper might have a little bit more safety. Suggested. It did not say it.

STEVENS. Well, let me go to another country. In the Belgian Congo, when Mobutu took the arms from Belgians the *New York Times* reported robbers have had a field day in Belgian homes in the Congo since the Belgian firearms were ordered confiscated. Why won't that hapepn here?

GAIN. I think we should confine our grieved concern to the United States of America. What happens in the Congo may not have relevancy at all here. We know what the facts are within this country and I think we should stay to the national picture here.

PALMIERI. Senator, let me take the last question. Very shortly, why are policemen against gun control?

GAIN. We are against gun control because of the tragic numbers of murders within the home, accidents . . .

PALMIERI. Wait a minute. Wait a minute. The question I asked was too quick. Why are policemen often the chief opponents of gun control? You are not one of the opponents. Can you give me a quick answer on that, then we'll turn to Senator Steven's case.

GAIN. Opponents? I would have to say, in fairness to my colleagues, that if they're for handguns and so on, then they do not know the facts or they do know them and they're not acting upon the facts.

PALMIERI. Fair answer. Thank you, Chief. (applause) Senator Tydings we're going to come back to you later and give you a chance for rebuttal, but now we'll go to Senator Stevens for his side of the case.

STEVENS. Thank you. The toughest gun control laws in this country exist in New York City and in Washington, D.C., yet the crime rate in each continues to soar. In New York, less than one-half of one per cent of all the guns involved in crime were illegally registered. In Washington, D.C., as we've seen, only 15 per cent of the criminals apprehended with guns end up in jail. Congressional action to outlaw handguns will only take guns away from law-abiding citizens. It will have little or no effect on criminals. Rather than pay to condemn and sieze all handguns, many of us agree we should increase the penalty for the abuse of the right to bear arms . . . That the use of a gun in committing a crime should be a separate offense in and of itself, with a mandatory jail sentence. Also, we've learned from the experience of prohibition that Americans will refuse to obey a law which prohibits them from doing something they believe they have the right to do. Policemen in Orlando, Florida, and Royal Oak, Michigan, trained citizens to use handguns for self-defense. And criminals knew the law-abiding citizens were working with the police to stop crime. Crime stopped dramatically. Handguns have legitimate uses. Let's hear what they are from a sportsman and National Rifle Association past president, and life member of its executive council, Harlon Carter. (applause)

PALMIERI. Mr. Carter, we're glad to have you on the show.

CARTER. Glad to be here.

STEVENS. Mr. Carter, why do sportsmen use handguns?

CARTER. Senator, in the great outdoors, there are many legitimate uses for a handgun. The big game hunter, for example, has a use in that it's very important for him to have an auxiliary arm. He uses it to finish wounded animals, to control rattlesnakes or other vermin, coyotes, a rabid fox, perhaps. The fisherman needs a handgun in wild areas. In the north, there's a bear to scare away, in the south, a water moccasin to kill. Lately, handguns are being used as a primary gun on the hunt. Coyotes, jack rabbits, even wild boar. They provide more challenges in the hunt; it's a more interesting kind of thing. The handgun hunter has to be more skilled in terms of the hunt itself. He has to be a better stalker, and he has to be a better hunter and a better shot.

STEVENS. Then handgun hunting is really more sporting.

CARTER. Definitely. It has, as I indicated, more challenges, more skill is required. It's a better game, a better sport all around for good people.

STEVENS. And game have a more equal chance, too.

CARTER. And game . . . game definitely do have a more equal chance.

STEVENS. What's wrong with this proposal to keep all target guns in shooting clubs, Mr. Carter?

CARTER. It makes the target arms of law-abiding citizens a target for criminals. We've had hundreds of thousands of firearms stolen out of our arsenals, chiefly military, here in the last few years. And this imposes a burden on law-abiding and good people which is not imposed upon the criminals.

PALMIERI. Final question.

STEVENS. Sport shooting is an international competitive item, isn't it, in the Olympics, for instance?

CARTER. Definitely. Yes sir.

STEVENS. How are those people to be trained for that if we can't have our guns?

CARTER. I don't know how you would do it.

PALMIERI. Senator Tydings.

TYDINGS. Mr. Carter, there was a film that just ran which while you testified . . . which showed someone shooting a boar with a pistol?

CARTER. I think he shot at the boar.

TYDINGS. Shot at the boar. Where was that . . . where was that taken?

CARTER. That was at Teleco Junction, Tennessee.

TYDINGS. Now, is it a fact it's against the law to shoot boar with a pistol in the State of Tennessee?

CARTER. No, sir.

TYDINGS. Well, I would like to refresh your recollection. It is against the law; and as a matter of fact, you couldn't shoot a boar in the State of Tennessee if you didn't shoot in a private preserve.

CARTER. Teleco Junction is this town. Teleco National Forest encompasses parts of North Carolina, parts of Tennessee and adjacent areas.

TYDINGS. How much does it cost to shoot in one of those private preserves?

CARTER. I don't really know, sir.

TYDINGS. Mr. Carter, in 1967 the President's Crime Commission recommended a strong national gun control law. You opposed that . . . the conclusions . . . and the National Rifle Association did, did you not?

CARTER. Yes, we did.

TYDINGS. In 1969, the Eisenhower Commission on Violence proposed strong national gun controls, specifically, registration and licensing of pistols, and you opposed that, did you not?

CARTER. That's correct.

TYDINGS. And the National Rifle Association opposed it.

CARTER. May I tell you why we opposed those?

TYDINGS. Well, let me ask my questions, and then you can make your answers. In 1971, the President's Commission on Recodification of the Federal Criminal Code . . . they have proposed now the ban on the manufacture and sale of pistols . . . you've opposed that, have you not?

CARTER. We do oppose that.

TYDINGS. Have you ever advocated . . . have you ever supported any type of broad, national, comprehensive anti-crime gun control?

CARTER. Let me answer the first question first. We opposed those provisions to which you referred because, without exception, they imposed burdens on law-abiding people, and not upon criminals. They exact requirements of me, as though I were a suspect, and you . . .

TYDINGS. You didn't weigh the consideration of the protection of the public, the need to help reduce the crime rate . . .

CARTER. We're deeply concerned about the crime rate in this country because it's used chiefly as an argument against us, unfortunately.

TYDINGS. Do you support the ban on ownership and sale of sawed-off shotguns?

CARTER. Oh, surely, and on submachine guns and weapons of that . . .

TYDINGS. And submachine guns, handgrenades. Why, sir? Why?

CARTER. Because they come under a category defined in the Act as "destructive devices," and we are all . . .

TYDINGS. With no logical, reasonable use. They're dangerous, aren't they?

CARTER. Well, they don't have any sport . . .

TYDINGS. You could use . . . you could use a submachine gun . . .

CARTER. They have no . . . they have no sports use.

TYDINGS. Well, now, I've seen advertised back in '67 the use of a bazooka to shoot a deer and you saw it was advertised in the National Rifle Association magazine, remember? There was a big furor about it?

CARTER. I never saw that, and there never was a bazooka advertised in the *American Rifleman* for hunting. We don't take that . . .

TYDINGS. But the fact of the matter is the bazooka and the sawed-off shotgun have no real legitimate reason to be in a home, do they?

CARTER. None of us advocate bazookas.

TYDINGS. But it would be useful for self-defense, couldn't it?

CARTER. No. Not logically and not reasonably, Senator.

TYDINGS. Well, why . . . why is there a difference between a handgun, which is based . . . solely built to kill human beings . . . why do you support the possession, the wide-open ownership of 30 million handguns in private possession, 2½ million sales every year, and yet you say you can't have a sawed-off shotgun? Or you can't have a bazooka?

CARTER. In the first place, as I pointed out earlier, the handgun is not built particularly for killing human beings. It is a very challenging sport. It exacts more in terms of concentration and ability than any other sport that I know. It demands more an eye, co-ordination, and muscle. It is a magnificent test of men.

PALMIERI. Gentlemen, it's now my duty to intervene. I thought for a moment we'd have to grant you immunity when the Senator opened his questioning but we enjoyed having you on the program very much. (applause) Will you continue?

STEVENS. Well, that's all very well. We're really not trying to keep guns in the hands of criminals; we're trying to protect the rights of individuals to have guns. Let's hear from a man who lives under strict gun controls—Chief Inspector Colin Greenwood, of West Yorkshire, England. (applause)

PALMIERI. Welcome, Inspector.

STEVENS. Could you tell us . . . you just completed six months of study at the Institute of Criminology at Cambridge University. What type of guns does England have? What gun laws, that is.

GREENWOOD. Since 1920 we've had the very strictest controls on handguns and rifles, and they've been very rigidly enforced for those fifty years.

STEVENS. Do criminals still have guns?

GREENWOOD. Oh yes.

STEVENS. What about the experience on the rest of the Continent? What about Switzerland, for instance? We've heard stories about Switzerland.

GREENWOOD. Well, during my research, I had to look at Switzerland, and an unusual situation exists in that every man in Switzerland is a member of the Swiss Army, and he is required by law to keep his weapon, which may be an assault rifle, a submachine gun, or a pistol, in his home, with ammunition. So that in every house in Switzerland, there are guns and ammunition. And when I tried to get the rate of armed crime in Switzerland, the official answer is that it's so low that it's not recorded.

STEVENS. Well, tell us about your gun laws in England. What's been the cost in terms of manpower and law enforcement?

GREENWOOD. Well, the purely administrative work . . . the clerical work . . . is done by non-police staff, but in terms of field inquiries done by regular police officers, the time spent amounts to the full time of two hundred police officers each year.

STEVENS. Now you're a Chief Inspector in your constabulary as I understand it. Do you feel that strict gun laws do, in fact, keep guns from criminals?

GREENWOOD. No, they don't. And the situation in England was that, prior to control, the rate of armed crime in England, as an example, was running about 18 crimes a year.

In a city of some seven thou . . . seven million people, just 18 crimes each year in which a gun was involved. The strict controls came in, and this continued about that level until by 1960 there were 39 crimes—robberies in London in which a firearm was used. In 1970, there were 274. That's to say that in a decade, there was a 700 per cent rise in the use of guns in robbery, within a regime of the strictest possible controls.

STEVENS. And what have these strict laws meant to your public generally?

PALMIERI. Excuse me, I was just saying to the Senator this has to be the last question.

GREENWOOD. Fine. It appears that there's an element of being misled. The public believed that the gun controls will reduce armed crime, and because of this, they lose sight of the real problem, which is an increasing willingness to use violence, of which firearms is just a part—and a relatively constant part.

PALMIERI. Inspector, let's hear from Senator Tydings.

TYDINGS. Inspector Greenwood, we had 8,000 pistol murders in the United States last year. How many did you have in all of Great Britain?

GREENWOOD. A minute proportion.

TYDINGS. How many? Three? Four?

GREENWOOD. Well, pistol murders . . . it's not easy . . .

TYDINGS. Less than ten, wasn't it?

GREENWOOD. Less than ten.

TYDINGS. In all of Great Britain. Now, what's your population in Great Britain?

GREENWOOD. 48 million.

TYDINGS. And the population of this country is roughly four times as much.

GREENWOOD. Yes, it is.

TYDINGS. How many armed robberies with pistols did you have in all of Great Britain last year?

GREENWOOD. In all of Great Britain. Four hundred and some.

TYDINGS. And we had 200,000 in our country.

GREENWOOD. I'm not suggesting that there's anything but the fact that England has a minute proportion, but in anybody's language, a rise of 700 per cent . . .

TYDINGS. Would you care to take the responsibility of putting 10 million pistols in private ownership in Great Britain today? As a law enforcement officer?

GREENWOOD. Well, I don't have that responsibility . . .

TYDINGS. Yes, but would you take that responsibility? As a law-enforcement officer? Because that is the proportion . . . That's the proportion to our 30 million in circulation in the United States today. Would you take that responsibility?

GREENWOOD. You pose an impossible question.

TYDINGS. No, but as a law-enforcement officer? Of course you wouldn't. It would expose many of your officers to great danger.

GREENWOOD. May I . . .?

PALMIERI. Yes, you may.

GREENWOOD. You can't turn the clock back fifty years at a stroke. We'd just introduced shotgun controls which had the effect of doubling the use of shotguns in crime.

TYDINGS. No, but would you take responsibility?

GREENWOOD. I would withdraw shotgun controls immediately. I would substantially . . .

TYDINGS. We're not talking about shotgun controls. We're talking about pistols and whether or not, as a law-enforcement officer, you would accept responsibility with your federal law-enforcement officers for 10 million pistols in private ownership in Great Britain today.

GREENWOOD. Now may I answer?

TYDINGS. Yes, yes you may . . . would you?

GREENWOOD. There isn't a . . .

PALMIERI. Senator, I don't think you gave him an even chance. Now, I'm going to give you an even chance. Inspector . . .

GREENWOOD. There is no yes or no to this sort of question. I've tried to answer your question . . . only . . . if you'll allow me to do so. What I would do would be to immediately reduce the tremendous amount of police time that is spent on administering gun controls. I would not at one fell swoop remove fifty years of ingrained habit. You can't do that sort of thing, no matter what the subject. The evidence is that removing controls on guns would not have a noticeable effect on armed crime.

TYDINGS. What evidence?

GREENWOOD. My evidence from six month's research.

TYDINGS. Would you care to take the responsibility, just say, for 350,000 additional pistols a year in Great Britain?

GREENWOOD. Well, I've answered that. It can't be done in one fell swoop.

TYDINGS. You would not wish to take that responsibility. Do you think it would raise or lower the crime rate?

GREENWOOD. At one fell . . . I don't think that it would significantly affect the crime rate, but crime isn't the only problem.

TYDINGS. Would you care to have a police officer in Great . . . Would you care to remove the present restrictions against the ownership and possession of handguns in Great Britain today?

GREENWOOD. Not at . . .

TYDINGS. You would not, would you?

GREENWOOD. I've answered that three times. Not at one fell swoop, no.

TYDINGS. Why not?

GREENWOOD. Because you can't change fifty years of experience overnight.

TYDINGS. Because it would endanger the lives of police officers and citizens, wouldn't it?

GREENWOOD. There's no evidence. The shooting of police when there were no controls at all in England were less than they are today, and today they are minute.

TYDINGS. You mean to stand there and say with less than ten pistol murders in Great Britain, as against 8 million in the United States last year, you don't think your laws against the ownership possession have some effect?

GREENWOOD. I don't know about the position in the United States. I'm not speaking about that. I'm telling you the results . . .

TYDINGS. You're here testifying . . .

PALMIERI. Just one moment. I'll leave you the last word.

GREENWOOD. I'm telling you the result of six months' research in England. Now, you may apply that to the position in the United States, but that's for an American to do . . . not for an Englishman.

PALMIERI. Inspector, thank you very much. (applause)

STEVENS. I don't know where you got that 8 million from, Joe, but it's a nice figure.

TYDINGS. Eight thousand.

STEVENS. Eight thousand would be closer to it. We've heard from England. Now what will it cost the United States taxpayers to outlaw handguns? The Treasury Department estimates it will cost one and a quarter billion dollars to condemn and seize all handguns. And that's just the beginning. The FBA . . . FBI says we now spend about 4.4 billion dollars on all law enforcement, including local, state and federal agencies. But Inspector Greenwood suggests that British experience shows that outlawing guns does not cut down crime. And the 1968 Presidential Commission on Violence three years ago told us that crimes of passion and suicides won't be materially affected either. Then there's accidental death. To put this in proper perspective, the National Safety Council and the FBI provided these figures, on accidental death rates based on accidental deaths for one thousand: Automobiles, falls, alcoholism, drowning, fires, poisons, even airplanes, are greater risks than handguns to you. Should we spend over a billion dollars with the hope of keeping some of these people from accidentally killing themselves? Surely that money could be better spent on safety education through the police, through television and gun clubs. Let's hear more about the relationship of guns to violence in our society from a professor of philosophy and a psychoanalyist, Dr. Earnest Van den Haag, of New York City. (applause)

PALMIERI. Welcome, Doctor.

STEVENS. I think that means I'm going too fast, Doctor, so I'll have to slow down here

a little bit. Tell me . . . with your studies . . . as a lecturer of sociology, as a psychoanalyist from New York University, would prohibition against handguns reduce gun accidents and suicide?

VAN DEN HAAG. Well, such accidents happen if these people leave such guns carelessly around. I should think that a person who leaves a gun carelessly around so that his children will have access to it and has not trained his children will also leave matches carelessly around or household cleaners or drugs. And accidents can happen with these, too, and I'm not in favor of prohibiting all of these things, so I think that instead of one accident, you may have another accident, but the basic reason for these accidents happening is the carelessness of parents. You cannot avoid all dangerous substances. The reason is we leave these dangerous materials around. It doesn't matter what they are.

STEVENS. So will handgun prohibition reduce crime rates, in your opinion?

VAN DEN HAAG. Well, let me, if I may, make one other point which I forgot to make. It's often pointed out that many people commit suicide with handguns, which indeed they do. But here again, I would like to reinforce a point I made . . . A person who wishes to commit suicide wishes to commit suicide, and will find a means to do so. In fact, I would think if he doesn't have a gun, he may turn on the gas, in which case he would not only take his own life but also endanger those of his neighbors. In a sense, I think guns are better, if you have to commit suicide.

STEVENS. Well, they're saying we should prohibit guns to reduce crime rates. Now, do you really believe that'll happen?

VAN DEN HAAG. Well, if you prohibit guns, of course, law-abiding citizens will obey the law and comply with the prohibition. Criminals, by definition, are people who don't obey the laws. So criminals would not hand in their guns. Then the result would be basically will be that law-abiding citizens will be disarmed and criminals will be armed, which will increase the crime rate, not decrease it.

STEVENS. What can we do to reduce crime in this country?

VAN DEN HAAG. Well, Senator, only about 3 per cent of all our crimes are being punished, in any way at all. Of violent crimes, only between 10 and 14 per cent are punished. Crime, in other words, pays. The cost of crime is one of the few things that has not gone up . . . inflation and so on. My opinion is that the way to reduce crime is to make it more costly to the criminal by making it more certain that he will be apprehended, convicted and punished.

PALMIERI. Professor, let's hear from Senator Tydings.

TYDINGS. Professor Van Den Haag, Senator Stevens asked one question which I didn't . . . I don't know whether you actually answered. If there . . . let me rephrase the question . . . If there were no handguns in private possession in the United States, do you feel that the pistol murder rate would be lower?

VAN DEN HAAG. Well, you have answered your question. If there were no pistols, would the crime rate be lower?

TYDINGS. In private ownership.

VAN DEN HAAG. Obviously, because without pistols, you can't murder anyone with pistols.

TYDINGS. So it would be substantially lower.

VAN DEN HAAG. But forgive me . . . this is not a question. It's a proposition. You have said if there are no pistols, then people can't use pistols.

PALMIERI. Well, what he's . . . Professor, if the handgun were outlawed, which is the question . . .

VAN DEN HAAG. I think that was the question Senator Stevens asked . . . that was a reasonable question.

TYDINGS. I want to start from a point of zero. If there were no handguns, we would have substantially less . . .

VAN DEN HAAG. If you had no people, you would have no murders either. I mean . . .

TYDINGS. If we had half . . . If we had half . . . If we had half as many . . .

VAN DEN HAAG. If you had half as many, then if you had half as many people, you'd probably have half as many murders.

TYDINGS. But if we had half as many handguns in private circulation today, that effect would that have upon the pistol murder rate?

VAN DEN HAAG. None.

TYDINGS. None at all?

VAN DEN HAAG. I don't think so. Forgive me, the point that I was trying to make . . . just for the sake of clarification, let me repeat it . . . that the prohibition would not reduce the number of handguns in illegal possession by criminals. And the murder rate depends, in general, on the number of criminals and the murder rate by guns depends on the number of guns criminals have, not the number of guns in general.

TYDINGS. All right, let's take the problem of gun murders . . . the homicides which are not committed by professional criminals . . . the 80 per cent of those 8,000 homicides which were committed in violent passion between members of the same family or friends. Do you feel that if there had been a pistol present in only half of those fatal accidents or fatal shootings, if there had been no pistol, that those shootings would have been reduced?

VAN DEN HAAG. Senator, you have a peculiar way of asking the question. There is no way of shooting without a pistol.

TYDINGS. Right. And the point I'm trying to make . . .

VAN DEN HAAG. No, forgive me . . . you are really asking about murders, not about pistols. If you ask about murder, the answer is that if you want to kill your wife and you don't have a pistol, you use a knife.

TYDINGS. But the fact of the matter is, Professor, that you're five times more likely to kill your wife if you use a pistol, and the statistics show, than if you use a knife.

VAN DEN HAAG. You misinterpret the statistics.

TYDINGS. Well, that was the conclusion reached at by the Eisenhower Commission on Violence.

VAN DEN HAAG. Well, that shows a great deal about the Eisenhower Commission. Forgive me. If you want to kill your wife, you don't want to kill her because you have a pistol handy. You want to kill her because there's something about her you don't like.

TYDINGS. You don't feel then . . . You don't feel that the pistol is any more dangerous or lethal to have around . . .

VAN DEN HAGG. I think it's less lethal, because with a pistol, you can shoot and miss. With a knife, you usually don't.

TYDINGS. Well, that's completely contrary, you know, Professor, to every, every single study on criminal research that's been done.

VAN DEN HAAG. Sir, I know plenty studies that are completely contrary to the evidence.

TYDINGS. Now, you say . . . you state that guns left carelessly around, or like other dangerous materials left carelessly around . . . where would you leave a gun if you were going to keep it in your house?

VAN DEN HAAG. So that it is accessible to me, but not to my children.

TYDINGS. Yes, but where would you leave it so that it's accessible to you but it's not accessible to your children and still at the same time use it (quote) (unquote) for self-defense? It's an impossible situation, isn't it?

VAN DEN HAAG. Well, if you answer the question, I don't have to. Do you want me to answer it?

PALMIERI. Very quickly.

VAN DEN HAGG. All right. Well, I've never been in that situation because I live in New York City, and being a law-abiding citizen, I'm not allowed to have a gun.

TYDINGS. You don't have one?

VAN DEN HAAG. No, since I do obey the law. But if I had one, I wouldn't find it very hard to put it in a drawer, near my bed, say, and lock that drawer and keep the key.

PALMIERI. Doctor, thank you for being on The Advocates. (applause)

STEVENS. We don't want criminals to have guns. We do believe that the right to have guns is so ingrained in our heritage that we should give up our guns only if the criminals give theirs up first. If we thought this law would work, we would support it. It won't work, and taking guns from sportsmen and those who need and want guns to protect themselves won't reduce crime. The most I can say for this proposal is God save America from the do-gooders who believe the deterrent in guns laws will work but won't enforce criminal laws against criminals. (applause)

PALMIERI. Okay, Senator Stevens. Now we'll hear from Senator Tydings. He has a chance for rebuttal.

TYDINGS. I would like to say that we'd be very delighted to have the British system, the British statistics in this country today. If we could have a rate which was less than ten persons killed with gun murders in all of last year, compared to eight thousand in the United States, we'd be delighted to see it, no matter what the Inspector may say about the effect of the ban of ownership of pistols and revolvers in Great Britain. And I might like to point out with respect to the Professor. The Professor can expostulate all he wishes, but the fact of the matter is that with a pistol, when you pull that trigger, you're far more likely to kill somebody than if you pick up a hammer or a knife or any other type of weapon. And the facts are absolutely conclusive—the pistol is five times more deadly than any other type of weapon. When you consider that 80 per cent, four out of five of all homicides in this country, are committed in altercations involving people who know each other, members of the same family, and then you throw the pistol in, the availability of the pistol, it's just too great a risk to take. I'd like to wind up our presentation this evening by calling on a lieutenant with fifteen years experience in the New York City Police Force, Lt. Joe McNamara. (applause)

PALMIERI. Glad to have you with us, Lieutenant.

MCNAMARA. Thank you.

TYDINGS. Lt. McNamara, you've heard Inspector Greenwood. How would you like to take on, or take the British portion of crimes of violence . . . pistols, pistol deaths, in New York City?

MCNAMARA. Well, sir, I'd like to offer my English colleague a little advice, if I may. The time that he spends or saves in investigation of gun applications will be only a mere fraction of the time the English police will spend investigating the murders and armed robberies if they did indeed let people have handguns.

TYDINGS. What does the . . . does 30 million guns in circulation in private owners . . . in private hands in the United States mean to the police officers on the beat? The day-to-day responsibility?

MCNAMARA. We must remember that the handgun is five times more likely to cause death than a knife attack. It is also easily concealable. To the American policeman, this means that at any moment, he may be shot and killed. And this, subsequently, affects his ability to protect the public.

TYDINGS. Lt. McNamara, If we continue to import and manufacture 2½ million pistols a year and they go into private ownership, would you care to comment on the type of society that we're going to have ten years

from now, say by 1980, with an additional 10 or 20 million handguns in circulation.

McNAMARA. Senator, if we continued at that rate of circulation, that would be roughly one for each male adult.

It would be living in an armed camp on the brink of chaos. Even today, we find school children who would have settled their differences a few years ago with a fistfight, go home, come back witht a handgun, and commit murder.

PALMIERI. Let's go to cross-examination, Senator Stevens.

STEVENS. Lieutenant, the Sullivan Law has reduced dramatically the number of guns in legal hands, what's it done in New York . . . those in illegal hands?

McNAMARA. Senator, we, despite all the publicity to the contrary, have a much lower murder rate than those states with lax gun controls; but even despite the fact that our laws are undermined . . .

STEVENS. Now New York City?

McNAMARA. Yes, sir, New York's murder rate . . . (interruptions) . . . statistics just came down comparing New York City's murder rates to southern cities, we find that they're more than double, because the use of handguns in those cities is permitted.

STEVENS. Now, you want prohibition of handguns, right?

McNAMARA. Yes, sir.

STEVENS. Well, we prohibit heroin don't we?

McNAMARA. Yes, and I would like to comment. That's a false analogy, Senator, for this reason.

STEVENS. Why?

McNAMARA. Heroin has different physical qualities than handguns. The amount of heroin that we could equate with the size of a handgun is worth a couple hundred of thousand dollars on the streets of New York. And the need for the addict to get the handgun is so strong and the profit is so great that it's very difficult to control. Now, firearms are not that difficult. In terms of that gross volume that we're talking about of 24, 30 million handguns . . .

STEVENS. Who are buying those guns? Criminals?

McNAMARA. But that doesn't make any difference to the victim of a crime. If I'm going to be murdered, I don't care who bought the gun originally, whether a citizen bought the gun or . . . (interruption) . . . Half the guns . . . over half the guns used in crime are originally purchased lawfully, and that's the crux of the matter. If you're going to lower the handguns in circulation, you must have complete control. You cannot be selective. I would have to agree with you that sportsmen don't abuse their handguns, but it doesn't make any difference, because they do lose them.

STEVENS. How about the British experience? They ban . . . they increase the controls on shotguns, and twice as many shotguns are used.

McNAMARA. All right, how about the British experience? I read an article some three weeks ago by the English coroner, who told . . . who spoke . . . about 30 or 40 homicides in a metropolitan area of some 14 million people, and he was quite blunt about saying the reason it is so low is the handguns, the policy on firearms in England. Now, 30 or 40, compared to an equivalent area in the United States where we would run up around 1,500 or 2,000 homicides . . .

STEVENS. We haven't produced Colin Greenwood to say we should follow the British example. As a matter of fact, they don't have . . . their bobbies don't have guns. Would you like to take the guns away from all your people in New York?

McNAMARA. I think it's a great idea. If we had as little violence and as few guns in circulation as England does, I think that would be wonderful.

STEVENS. How about Switzerland? Would you like to put a gun in each house? They have no gun . . . rate . . . crime . . . gun rate. What about that?

McNAMARA. Well, as I understood that testimony, the people that have guns are part of the armed forces.

GUEST CHAPLAIN OF TODAY

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. GREEN of Oregon. Mr. Speaker, earlier today, I spoke about the guest chaplain who gave the invocation today. I had been advised that this was the first time that a woman had given the opening prayer in the House of Representatives. Later this afternoon, I was told that research showed a woman had given the invocation back in 1948.

My own pride and pleasure in having played a part in the invitation, extended to Mrs. James Wyker by Dr. Latch, is not decreased one iota by the new knowledge—to me—that another woman minister gave the invocation in the 1940's. It is my hope that another 23 years will not pass before another woman is invited. However, the national reputation which Mrs. James D. Wyker has attained is not tied to her sex—but based on her record of achievement through her years as president of the National Council of Church Women, her leadership in the Committee of One Hundred, her service as the acting president of the International Convention of Christian Churches, her speaking tour to seven countries to meet with the chaplains and wives of chaplains stationed overseas. Her dedication is known to countless thousands; hers has been a voice of reason and a life of service. Those of us privileged to know her have had our lives enriched by her friendship.

WELCOME TO THE UNITED STATES EXTENDED TO HIS EXCELLENCY EMILIO GARRASTAZU MEDICI, PRESIDENT OF THE REPUBLIC OF BRAZIL

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

Mr. FASCELL. Mr. Speaker, it gives me great pleasure on behalf of the Congress to welcome to the United States His Excellency Emilio Garrastazu Medici, President of the Republic of Brazil, who will be in Washington on a state visit from December 7 to 9. Brazil, the largest and most populous nation of Latin America, has historically been one of our closest friends in the Western Hemisphere. Our countries were allies in the two world wars and have cooperated in both the Organization of American States and United Nations peacekeeping missions in the hemisphere, the Congo, and the Near East. Our positions on many issues of mutual concern have been similar, but where differences have arisen, we have respected one another's views and sought to resolve them in a friendly fashion.

The visit of President Medici gives us our first opportunity in nearly 10 years to welcome a Brazilian chief of state. In the interim, Brazil has made great strides in developing its enormous potential. As a result of what has been termed an "economic miracle," Brazil's economy has been expanding at an annual rate of nearly 9 percent during the last 3 years. At the same time, conscientious fiscal reform has reduced the rate of inflation from nearly 90 percent to under 20 percent a year. President Medici and his countrymen can take rightful and just pride in their accomplishments. We share in their satisfaction and wish them every continued success.

I am confident that the visit to Washington by the head of state of the great nation of Brazil will contribute much to the ties that have bound us together in friendship over the course of our respective histories.

IZAAK WALTON LEAGUE PUTS "FINGER" ON EXPERTS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, just as the once-mighty buffalo herds in the West fell prey to hunters under contract to feed workers building railroad tracks to the west coast, the once plentiful and beautiful scenic areas in the East—particularly West Virginia—are falling prey to certain special interest exploiters of our natural resources.

One of the great and highly respected defenders of the public interest—the Izaak Walton League of America—recently presented its recommendations to the U.S. Forest Service for management of the Cranberry-Williams River area of the Monongahela National Forest in West Virginia. I have introduced H.R. 3973 to designate three sections of the Monongahela National Forest—Cranberry Back Country, Otter Creek, and Dolly Sods—as wilderness areas. Since the Izaak Walton League recommendations, presented through my good friend, Keith Taylor, pertain to many other national forest areas, I would like to insert in the RECORD for the benefit of my colleagues, the following statement by Mr. Taylor:

STATEMENT OF KEITH TAYLOR

Mr. Chairman, I am Keith Taylor, national director and member of the National Executive Board of the Isaak Walton League of America. I am here at the request of our national staff in Washington. Less than two years ago our national president and staff reviewed the Cranberry-Williams area and were greatly impressed with its uniqueness and wilderness-like quality.

The Izaak Walton League is a lay organization made up of individuals from all walks of life, professional and otherwise, and we certainly applaud public meetings of this nature. We are here to make recommendations and suggestions in this wilderness beginning in West Virginia. It is a pleasure for us to see this public imput being demonstrated here today in seeking and supporting a wilderness area in the Cranberry back country of West Virginia.

I know I can speak for many in the League who become completely nauseated when they hear someone say, "let's leave it to the experts." We would not be in the trouble in many areas of government today if we had not left things to the experts.

We would have completed the Florida Barge Canal, built the SST, crossed Alaska haphazardly pipelines, if we had left things to the experts. In West Virginia, we would have lost recreation on the New River to the Blue Ridge project, covered the Smoke Hole with water and completely ravaged the West Virginia hills with strip mining—and, yes, we would have had a policy of clearcutting on the Monongahela National Forest which, to us, is not compatible and unworkable on a multiple-use forest: if we had left this to the experts.

We are sure that special interests have pleaded with our legislative committee in Charleston and our delegation in Washington to leave the timbering policy on Monongahela to the timbering experts.

The League is pleased that we have elected Representatives in Charleston and Washington that listen to the public and respond to the thinking of citizens of West Virginia such as in the recent controversy on the Monongahela. This issue demonstrates that public imput and participation in this wilderness discussion is vital and necessary.

Recently at a wilderness conference in Washington, John R. McGuire, Associate Forest Service Chief, extended an invitation to conservationists to set down and help develop the criteria and standard for the protection of a system of primitive areas in the east and south. The Izaak Walton League enthusiastically welcomes this opportunity and commends the forest service for this public spirited, long awaited action.

We are here to say full speed ahead and would like to make the following recommendations regarding the cranberry wilderness area proposal:

I. Recommendations of the West Virginia Legislatures Timber Management Commission be adhered to by the United States Forest Service. Specifically, we refer to recommendation nos. 5 and 6. These points call on the United States Forest Service to abandon even-age management as a policy and implement uneven-age timber management as the policy on the general forest zone.

II. WILDERNESS

A. We recommend a wilderness area with exact figures of acreage to be determined at a later date, from the cranberry glade Botanical Area, north and west to include the drainages of the north and south forks of the Cranberry River and all of the drainage of the middle fork of the Williams River that lies within the present Cranberry back country.

B. We also recommend that a buffer zone under the forest service "pioneer zone" concept be implemented to surround and protect this wilderness area and that as few roads as possible be constructed in this buffer zone. Most of the road construction here would be administered for fire protection. Timber cutting would be limited to select cutting only in this zone with, perhaps, a few small patch cuts to improve wild life habitat. Other methods of extracting timber from the buffer zone should be implemented such as by helicopter, balloons, and aerial tramways. Other methods of extracting timber has to be instituted. We simply do not need a road up every hollow, around every ridge and down every mountain top. Look at the acreage taken out of production, the erosion that takes place and the piecemeal, checkerboard elimination of good game and wildernesslike areas.

III. SCENIC RIVERS

A. That the Williams River be initiated into the scenic river protection as now provided to the Cranberry and zoned to protect the adjacent lands of the streams.

IV. ACQUISITION

A. All mineral deposits contained in the subsurface of the proposed wilderness and buffer zone area should be purchased outright.

May I call your attention to the fact that part of the right of way for the highland scenic drive was purchased with land and water conservation funds. Whether this is legal or not, I don't know, but I am sure the Congress didn't have highway right of way acquisition in mind when the land and water conservation funds were set up. Then, on Saturday, November 6, 1971, Governor Arch A. Moore, Jr. of West Virginia announced to a Delegation from Huntington, who were seeking to build a modern highway from the west end of Huntington into the city over the old B & O Railroad right of way, that he would get the money from the land and water conservation fund to purchase this land and pay this back later, which I seriously question.

Now, if purchasing right of way for road construction with funds from the land and water conservation funds is legal, then it seems to me that the mineral rights under the Cranberry back country can be purchased with the same funds.

Being from the Huntington area, I can tell you we need that road which is proposed; but being from West Virginia, I can tell you that it is just as important for us to secure the mineral under the Cranberry back country.

Some may say we don't have that kind of money. If the tax records were examined and the declared value noted on the mineral under the Cranberry back country on which taxes have been paid in the past, I don't think we would find a figure of value that would be out of the question as far as the purchase is concerned.

This reminds me to say that Izaak Walton League of America believes that the 1872 mining laws which we now have on the Federal statutes is obsolete and out of step with present day thinking and planning, and must be repealed.

V. WILDLIFE

A. We vigorously support the continuation of the black bear sanctuary.

B. That fish stocking be carried out in a manner consistent with regulation protecting wilderness areas.

C. That small patch cuts would be encouraged in the buffer zone to improve the wild life habitat.

VI. TRANSPORTATION

A. Strict regulatory measures be provided that would prevent travel in wilderness or pioneer zone by trail vehicles.

VII. BACK COUNTRY

A. The Izaak Walton league under no circumstances will compromise the present gate arrangements now in effect in the cranberry back country. They must not be removed.

B. We would encourage development of a limited recreation area at the three forks of the Williams river. Such recreation facilities to be consistent with the natural characteristics now prevailing in the cranberry back country.

Thank you for the opportunity of presenting our views in this matter. The Izaak Walton League of America wholeheartedly supports the wilderness area proposal for the Cranberry Back Country.

AUGUSTA MILITARY ACADEMY

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

Mr. MICHEL. Mr. Speaker, in my capacity as the ranking Republican on the Subcommittee of the Appropriation Committee which funds the Office of Education, I have the opportunity on many occasions to meet with administrators, teachers, and students associated with many of our public high schools, colleges, and universities all over the country. While conditions have been somewhat calmer in recent months on the college campuses, all of us know and are concerned that many high schools around the country are now experiencing the unrest and in some cases even the violence which was so commonplace on the college campuses in recent years.

While there are many reasons which can be cited for conditions of this kind, the two which were mentioned by almost everyone that I have met with were the appalling lack of self-discipline and the disrespect for authority which so many young people attending these public institutions have exhibited.

These are standards of character which must be instilled in young people at home but in all too many cases parents have neither the desire nor ability to provide the necessary guidance for these youngsters. Then when they are thrown in the atmosphere of permissiveness which permeates so many of our public educational institutions, these undesirable traits become even more exaggerated.

Thus, in this day when there is so much concern about the youth of our country, it was a distinct pleasure for me to be in the company recently of six young cadets from one of the Nation's outstanding military preparatory schools, the Augusta Military Academy at Fort Defiance, Va., located in the beautiful and historic Shenandoah Valley. What young men learn in the classroom may be forgotten but the intangible qualities of integrity, reliability, courtesy, and self-discipline are traits which, once instilled, stay with a man all of his life and these cadets exhibited these qualities in such a high degree as to rekindle our faith in the generation that will follow us.

Through the years, fine institutions such as Augusta have molded young men into leadership roles. While everything a man possesses may be swept away by the tides of fortune, nothing destroys the character of a boy whose well-trained mind can react to the vagaries of life. In addition to the superior academic programs of these military prep schools, they provide unparalleled training of young minds and promote a discipline of thought and action not to be achieved elsewhere.

Mr. Speaker, I salute these worthwhile institutions which are doing so much to prepare the next generation of our Nation's leaders for their calling. Augusta military academy and the other fine military elementary and high schools deserve special appreciation for their contribution to our Nation's vitality of leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KLUCZYNSKI (at the request of Mr. TEAGUE of Texas), for today, on account of official business.

Mr. EVINS of Tennessee (at the request of Mr. TEAGUE of Texas), for Monday,

December 6, and the balance of the week on account of illness.

Mrs. SULLIVAN, for this week, on account of business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), on account of illness in family.

Mr. FOUNTAIN (at the request of Mr. TEAGUE of Texas), for today, on account of death in the family.

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. SEBELIUS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. KEITH, for 5 minutes, today.

Mr. HORTON, for 10 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DAVIS of South Carolina, for 15 minutes, today.

Mr. GRAY, for 15 minutes, today.

Mr. RARICK, for 30 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. WAGGONNER, for 15 minutes, today.

Mr. MATSUNAGA, for 60 minutes, December 8.

Mr. HUNGATE, for 60 minutes, December 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HANSEN of Idaho to extend his remarks prior to vote on H.R. 11738 (Defense Department Aid to Boy Scouts).

Mr. MONAGAN, to extend his remarks prior to vote on H.R. 8708, No. 96 on the Consent Calendar.

Mr. FASCELL, at the request of Mr. MONAGAN, to extend his remarks on H.R. 8708 prior to vote.

Mr. THONE, at the request of Mr. MONAGAN, to extend his remarks on H.R. 8703 prior to vote.

Mr. YATES and to include extraneous matter.

Mr. MATSUNAGA prior to the passage of H.R. 45.

(The following Members (at the request of Mr. SEBELIUS) and to revise and extend their remarks and include extraneous matter:)

Mr. HORTON.

Mr. REID of New York.

Mr. BROWN of Michigan.

Mr. PELLY in three instances.

Mr. MCCLORY.

Mr. FISH.

Mr. PRICE of Texas in two instances.

Mr. HOGAN in 10 instances.

Mr. VEYSEY in two instances.

Mr. BURKE of Florida in two instances.

Mr. HOSMER in two instances.

Mr. BRAY in two instances.

Mr. MCKINNEY.

Mr. CHAMBERLAIN in two instances.

Mr. MCDONALD of Michigan.

Mr. SCHERLE.

Mr. BROYHILL of Virginia in two instances.

Mr. FINDLEY.

Mr. SCHWENGEL.

Mr. FREY.

Mr. DERWINSKI.

Mr. FRENZEL in two instances.

Mr. LLOYD.

Mr. SANDMAN.

Mr. WYMAN in two instances.

Mr. BROWN of Ohio.

Mr. MIZELL in two instances.

Mr. CRANE in five instances.

Mr. TALCOTT in five instances.

Mr. LUJAN.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mrs. HICKS of Massachusetts in four instances.

Mr. EILBERG.

Mr. HAWKINS.

Mr. BEGICH in five instances.

Mr. RARICK in three instances.

Mr. ROGERS of Florida in five instances.

Mr. KLUCZYNSKI in three instances.

Mr. FOUNTAIN.

Mr. MAHON.

Mr. RYAN in four instances.

Mr. MINISH.

Mr. SYMINGTON in four instances.

Mr. HÉBERT in two instances.

Mr. O'NEILL in two instances.

Mr. EDWARDS of California in three instances.

Mr. SIKES in five instances.

Mr. BADILLO in two instances.

Mr. BIAGGI in three instances.

Mr. JACOBS.

Mr. MITCHELL in three instances.

Mr. CELLER.

Mr. BURKE of Massachusetts in four instances.

Mr. ROONEY of New York.

Mr. FASCELL in four instances.

Mr. JAMES V. STANTON.

Mrs. GRIFFITHS in two instances.

Mr. DULSKI in five instances.

Mr. ANDERSON of California in three instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to the Committee on the Judiciary.

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; to the Committee on Post Office and Civil Service.

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

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. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes.

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow", "widower", "child", and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age seventy.

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.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 3, 1971, present to the President, for his approval, bills of the House of the following titles:

H.R. 6283. A bill 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. A bill 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. A bill 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.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 7, 1971, at 12 o'clock noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

WILLIAM P. CURLIN, JR., Sixth District of Kentucky.

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 references to the proper calendar, as follows:

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 3, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10384. A bill 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, with amendment (Rept. No. 92–706). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 1, 1971, the following report was filed on Dec. 4, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10420. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; with amendment (Rept. No. 92–707). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 4, 1971.*]

Mr. MILLS: Committee of conference. Conference report on H.R. 10947 (Rept. No. 92–708). Ordered to be printed.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1334. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Special benefits for disabled coal miners," for fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1335. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1336. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended September 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1337. A letter from the Assistant Secretary of the Interior, transmitting copies of an order and supporting documents covering cancellation of reimbursable charges existing as debts against individual Indians or tribes of Indians for the fiscal year 1971, pursuant to 47 Stat. 564; to the Committee on Interior and Insular Affairs.

1338. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the second in a series of reports investigating the nature and scope of educational opportunities for Mexican Americans in the public schools of Arizona, California, Colorado, New Mexico, and Texas, pursuant to Public Law 85–315; to the Committee on the Judiciary.

1339. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1340. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered under the authority of section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

1341. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 18, 1971, submitting a report, together with accompanying papers and illustrations, on Saugus and Pines Rivers Basin and adjacent coastal areas, Massachusetts, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 16, 1949 and June 23, 1964, respectively; to the Committee on Public Works.

1342. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 92–84 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

1343. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released during November 1971, pursuant to Public Law 91–510; 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. DULSKI: Committee on Post Office and Civil Service Report on improved manpower management in the Federal Government (Rept. No. 92–709). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 838. Joint Resolution to defer until January 1, 1974, the effective date of an amendment to section 5219 of the Revised Statutes relating to the taxation of national banks by the States; with amendments (Rept. No. 92–710). Referred to the House Calendar.

Mr. PASSMAN: Committee on Appropriations. H.R. 12067. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 727. A resolution waiving points of order against the bill H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes. (Rept. No. 92–712). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 728. A resolution providing for the consideration of H.R. 1163. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic

consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. (Rept. No. 92–713). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas:

H.R. 12043. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 12044. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 12045. 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. BLACKBURN (for himself, Mr. RANGEL, Mr. BARING, Mr. BRASCO, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DIGGS, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. SCHWENGEL, and Mr. STOKES):

H.R. 12046. A bill to increase the duty applied for balance-of-payments purposes to 25 percent ad valorem in the case of products of France until such time as the French Government takes certain actions to stop the flow of narcotic drugs from France into the United States; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 12047. 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. BYRON:

H.R. 12048. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

H.R. 12049. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 12050. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 12051. A bill to extend for an additional 12 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 12052. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUBSER (for himself, Mr. ANDERSON of Illinois, Mr. COLLINS of Texas, Mr. EDWARDS of California, Mr. FISHER, Mr. FORSYTHE, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KUYKENDALL, Mr. MANN, Mr. MAZZOLI, Mr. SCHWENGEL, Mr. WAGGONNER, Mr. WARE, and Mr. RHODES):

H.R. 12053. A bill to establish a commission to encourage, process, and make awards with respect to citizens' suggestions for the improvement of Government operations, and for other purposes; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 12054. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12055. A bill to amend the Interstate Commerce Act to give the Interstate Commerce Commission the same power respecting intrastate motor carrier rates as it now has over intrastate railroad and freight forwarder rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 12056. A bill to extend for an additional 6 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 12057. 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. MIKVA (for himself and Mr. CORMAN):

H.R. 12058. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MORSE:

H.R. 12059. A bill for the relief of residents of northern Ireland; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 12060. 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 of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 12061. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. RAILSBACK (for himself and Mr. BEVILL):

H.R. 12062. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 12063. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. ADAMS, Mr. ASHLEY, Mr. BARING, Mr. ESHLEMAN, Mr. FINDLEY, Mr. HAGAN, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KING, Mr. MATSUNAGA, Mr. MONTGOMERY, Mr. PICKLE, Mr. ROBINSON of Virginia, Mr. ROE, Mr. ROUSH, Mr. SCHEUER, Mr. SCHMITZ, Mr. SEIBERLING, Mr. SNYDER, Mr. UDALL, and Mr. ZION):

H.R. 12064. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 12065. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. CHARLES H. WILSON, Mr. THOMPSON of New Jersey. Mr. BEGICH, Mr. HARRINGTON, Mrs. CHISHOLM, Mr. YATRON, Mr. HELSTOSKI, Mr. HALPERN, Mr. RANGEL, Mr. MILLER of California, Mr. ST GERMAIN, Mr. CLAY, Mr. OBEY, Mr. COLLINS of Illinois, Mr. EILBERG, Mr. GAYDOS, Mrs. HICKS of Massachusetts, Mr. HAWKINS, Mr. DRINAN, Mr. HATHAWAY, Mr. EDWARDS of California, and Mr. CORMAN):

H.R. 12066. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASSMAN:

H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. FISHER (for himself, Mr. BRINKLEY, Mr. BURLESON of Texas, Mr. CABELL, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. EDWARDS of Alabama, Mr. FLOWERS, Mr. FLYNT, Mr. GRIFFIN, Mr. HALEY, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. LENNON, Mr. McMILLAN, Mr. NICHOLS, Mr. PIRNIE, Mr. RARICK, Mr. ROBERTS, Mr. SCHMITZ, Mr. SEBELIUS, Mr. SIKES, Mr. THOMPSON of Georgia, Mr. WAGGONNER, and Mr. WINN):

H.R. 12068. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 12069. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. SEIBERLING:

H.R. 12070. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.J. Res. 995. Joint resolution to designate the week which begins on the first Sunday in March 1972, as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.J. Res. 996. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the Presi-

dent and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SLACK:

H.J. Res. 997. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. FASCELL:

H. Con. Res. 475. Concurrent resolution to seek relief from restrictions on Soviet Jews; to the Committee on Foreign Affairs.

By Mr. HOGAN (for himself, Mr. COLLIER, Mrs. GRASSO, Mr. HOSMER, Mr. HUNT, Mr. KUYKENDALL, Mr. MINSHALL, Mr. PRICE of Texas, Mr. RARICK, Mr. SCHMITZ, and Mr. THOMSON of Wisconsin):

H. Con. Res. 476. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Res. 726. Resolution expressing the sense of the House of Representatives relating to the situation in northern Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HICKS of Washington presented a bill (H.R. 12071) for the relief of Djordje Kovac, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

171. By the SPEAKER: Petition of the Senate of the Episcopal Theological Seminary, Cambridge, Mass., commending the action of the House in defeating the proposed amendment to the Constitution on prayer in public schools; to the Committee on the Judiciary.

172. Also, petition of the City Council, New York, N.Y., relative to allowing servicemen scheduled for discharge to take the civil service examination at their military bases; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

PHARMACISTS TO BE HONORED BY U.S. STAMP

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, December 6, 1971

Mr. GRIFFIN. Mr. President, last April 26, I spoke on the Senate floor and urged that a commemorative postage stamp be authorized to honor the Nation's pharmacists.

Happily, this has come to pass.

In a release issued over the weekend, the U.S. Postal Service announced that such a stamp will be featured in the 1972 series of new stamps.

As one who worked in a drug store for a number of years, I am personally delighted by this news. It is most appropriate that tribute will be paid in this way to the Nation's 100,000 pharmacists.

Having been associated with many people on this project, I wish in particular to commend former Postmaster General Winton M. Blount, Acting Postmaster General Merrill A. Hayden as well as the members of the Postal Service's advisory committee who approved the recommendation for the issuance of this stamp to honor the pharmacists.

In addition, I wish to recognize the dedicated efforts of Mr. Irving Rubin of Port Washington, N.Y., editor of the Pharmacy Times, who provided untiring support.

Mr. President, I ask unanimous consent that an article published yesterday in the Washington Sunday Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Dec. 5, 1971]

A STAMP FOR PHARMACISTS

(By Belmont Farley)

A commemorative stamp will be issued next year in tribute to the service role played by the nation's 100,000 pharmacists, the U.S. Postal Service announced yesterday.

There will also be two new denominations in the regular series, a 7-cent and a 14-cent for the preferential rate for educational materials.

The pharmacy stamp will be keyed to the theme "Partners in Health," the announcement said. Design of the stamp and date and place of issuance will be announced later.

Requests for a stamp honoring the druggists of America reached the Post Office Department at least as early as 1934, and there have been several campaigns by organizations in the field since.

The effort that led to the 1972 stamp was initiated by Irving Rubin of Port Washington, N.Y., publisher of Pharmacy Times, who enlisted the aid of such major pharmacy organizations as the American Pharmaceutical Association and the National Association of Retail Druggists and an even more effective advocate, Senate Minority Leader Robert P. Griffin.

Sen. Griffin, who worked for seven years as a drug store clerk while still a student and knew, as he noted in a Senate speech, something about the important role of the retail pharmacist in his neighborhood and community, took up the matter personally last April with Postmaster General Winton M. Blount. He later entered his letter strongly urging a stamp honoring the nation's pharmacists in the Congressional Record.

As used in the stamp request, the "Partners in Health" theme referred to the role of the pharmacist in the community. The Postal Service announcement, however, seemed to relate it to the other health professions, mentioning that a stamp honoring doctors had appeared in 1947, dentists in 1959, nurses in 1961 and a postal card for hospitals this year.

Mr. GRIFFIN. Mr. President, in addition, I ask unanimous consent that the text of the U.S. Postal Service release be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

U.S. POSTAL SERVICE PRESS RELEASE

A postage stamp in tribute to the service role played by the nation's 100,000 pharmacists will be issued next year, the U.S. Postal Service announced today. Two new regular stamps also will be issued.

The commemorative stamp will be keyed to "Partners in Health." A stamp honoring doctors appeared in 1947. There was a stamp in 1959 to salute the 150th anniversary of the American Dental Association. In 1961, nurses had their stamp, and earlier this year American hospitals were commemorated with a postal card.

Design of the pharmacy stamp and date and place of issuance will be announced later.

Two regular postage stamps intended to meet the preferential rate for educational materials also will be issued next year.

The stamps will honor:

Benjamin Franklin. His myriad interests included advancement of education and service as the first Postmaster General. The denomination will be 7 cents.

Fiorella La Guardia, who in three terms as New York City mayor brought sweeping reforms to the city and reorganization of its government. New Yorkers called him with affection "The Little Flower." This will be a 14-cent stamp.

The special fourth class rate which the new stamps in the Prominent American series will cover is 14 cents for the first pound, 7 cents for each additional pound or fraction. Mailed under this rate are books, non-commercial films and similar educational materials.

The Postal Service also announced that the Family Planning stamp planned for issuance this year will be postponed until 1972 and that the Folklore series, reported as a set of two stamps for 1972, will consist of only one stamp, featuring Tom Sawyer.

DEVALUATION OF THE DOLLAR AND OUR FOREIGN TRADE POLICY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, the world marketplaces and currency exchanges seem to be confirming in a way that no administration official seems willing to do, reports that emerged last week from Rome that the American mission had indicated its willingness to devalue the dollar by as much as 10 percent. A Congressman in such a situation is invariably torn between a desire not to say or do anything which will further encourage speculation and sow the seeds of doubt about something as delicate as the stability of a currency and at the same time a constitutional obligation to participate in such an obviously important decision on the part of this Government as to devalue our currency. That is why I did not rush to judgment last Thursday or Friday; but since the bankers and businessmen of the world seem to have taken the rumors at face value and seem to be making such a devaluation near inevitable, I think it is time for those in positions of responsibility in this area to at least underline the seriousness of what has been going on this past week. Actually, what has transpired these few days is only the culmination of what has been apparent for some time now; namely, a complete erosion of this country's trad-