# HOUSE OF REPRESENTATIVES—*Monday, May 1, 1972*

The House met at 12 o'clock noon.

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

*They that wait upon the Lord shall renew their strength.*—Isaiah 40: 31.

Eternal God and Father of us all, grant that we may feel Thy sustaining presence and Thy supporting spirit as we set out upon the duties of this day. May we realize anew that the highest joys and the most enduring satisfactions come to those who do Thy will and who walk in Thy ways.

May our faith in the power of righteousness and the strength of love never be dimmed by doubt as we endeavor to solve the problems that confront our Nation in these troubled times.

Now and always may we be inspired by Thy spirit to promote those principles which make for national unity, world peace, and justice for all.

In the Master's name we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a joint resolution of the House of the following title:

H.J. Res. 1029. Joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month."

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

H.R. 11350. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization;

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes; and

H.J. Res. 748. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 13361) entitled "An act to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. JORDAN of North Carolina, Mr. CHILES, Mr. MILLER, and Mr. CURTIS to be the conferees on the part of the Senate.

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

S. 652. An act to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes;

S. 2208. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

## RESIGNATION AS MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation as a Member of the House of Representatives:

WASHINGTON, D.C.,
*April 28, 1972.*

Hon. CARL ALBERT,
*Speaker of the House of Representatives, U.S. Congress, Washington, D.C.*

DEAR MR. SPEAKER: This is to inform you that I have today advised the Governor of the Commonwealth of Massachusetts by letter, copy attached, of my resignation from the House of Representatives, 92d Congress, effective as of the close of business May 1, 1972.

With high esteem, I am,
Respectfully yours,
F. BRADFORD MORSE.

## CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

## ESTABLISHING A COMMISSION ON REVISION OF JUDICIAL CIRCUITS

The Clerk called the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States.

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

Mr. HALL. Mr. Speaker, reserving the right to object, at the last call of the Consent Calendar I asked several questions, which do show in the RECORD, concerning the need for an additional commission, and asking for explanation as to why this should not be a regular function of the Department of Justice, and wondering if it should not be debated and appear somewhere other than on the Unanimous-Consent Calendar.

At that time, due to unforeseen problems, there were not on the floor those able to supply answers. I would be glad to yield at this time for discussion, although I am still of the firm opinion that this type of bill should be considered under some of the other techniques, preferably under a rule and open for amendment. I will be glad to yield to my colleague, the dean of the House, the gentleman from New York.

Mr. CELLER. Thank you very much. The redrawing of the lines for the circuit courts is a matter of real importance, you will admit, and it would appear that all concerned approved this bill. This includes the Chief Justice of the United States, the chief judges of the 11 circuit courts of appeals, the Department of Justice, and the American Bar Association. It was passed unanimously by the House Judiciary Committee. We found no opposition whatsoever to the provisions of the bill.

For that reason we felt it should be placed upon the Consent Calendar. I am very happy, however, to expatiate a bit longer on it if that is desired.

Mr. HALL. Mr. Speaker, I appreciate my distinguished colleague's recitation of the events leading up to this, and I must say with all kindness that in spite of the liturgy of unanimity and the consent of all before whom it has appeared up to this time, it does not include myself, of whom unanimous consent is being asked. The main reason it does not, is because it does establish another 12-man commission to make recommendations only, and this would be, of course, a considerable cost to the Government, and they would have all the per diem, the travel, the prerogatives, and so forth.

I just thoroughly feel that this should be debated, or at the very minimum brought up under suspension of the rules, rather than by unanimous-consent request. I am sure the gentleman in his plethora of leglislative experience through the years, would understand that request on the part of any one Member.

Mr. CELLER. I understand the request, but I hope I might eliminate the gentleman's objections with some more explanations concerning the bill, if the gentleman will permit me to do so.

Mr. HALL. Mr. Speaker, I would always be receptive to the distinguished dean of the House.

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

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

There was no objection.

## LAND TRANSFER TO THE STATE OF TENNESSEE

The Clerk called the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

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

Mr. HALL. Mr. Speaker, reserving the right to object, this bill has been on the Consent Calendar previously and was put over without prejudice—and I underline "without prejudice"—because it involves a change in the rules by legislative action of the executive branch, General Services Administration, and whether or not the cause is worthy would depend on the individual point of view.

It is now listed under suspension of the rules and, therefore, on this Consent Calendar call I ask that the bill be passed over without prejudice.

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

There was no objection.

## LAND RELEASE IN ARKANSAS

The Clerk called the bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

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

H.R. 5404

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof the condition in a deed dated October 2, 1969, conveying lands in the State of Arkansas to the Arkansas State Game and Fish Commission, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the Arkansas State Game and Fish Commission in which such State agency, in consideration of the release of such conditions as to such lands, agrees:

(a) that if lands with respect to which the condition is released are exchanged, they shall be exchanged for lands or other property of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes; and

(b) that proceeds from a sale, lease, exchange, or other disposition of lands with respect to which the condition is released shall be held in a separate fund open to inspection by the Secretary of Agriculture and shall be used by the Commission for the acquisition of lands to be held or used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the Arkansas State Game and Fish Commission for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

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.

## NATIONAL FOREST VOLUNTEERS

The Clerk called the bill (S. 1379) to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

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

S. 1379

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by ACTION.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3 (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $200,000 shall be appropriated in any one year.

SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1971".

With the following committee amendments.

Page 2, line 12, strike out the word "provision" and insert in lieu thereof the word "provisions";

Page 3, line 1, strike out the figure "$200,000" and insert in lieu thereof the figure "$100,000"; and

Page 3, line 4 strike out the words "of 1971" and insert in lieu thereof the words "of 1972".

The committee amendments were agreed to.

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

## AUTHORIZING COURT OF CLAIMS TO IMPLEMENT ITS JUDGMENTS FOR COMPENSATION

The Clerk called the bill (H.R. 12392) to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation.

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

H.R. 12392

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first paragraph of section 1491 of title 28, United States Code, is amended by adding thereto the following:

SEC. 2. This Act shall be applicable to all judicial proceedings pending on or instituted after the date of its enactment.

With the following committee amendment:

Strike all of lines 5 through 10, inclusive, and insert: ": 'To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just.' "

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

Mr. DONOHUE. Mr. Speaker, the bill H.R. 12392, amended as recommended by the committee, would add language to the existing provisions of section 1491 of title 28, United States Code, so that the Court of Claims would be authorized to complete the relief afforded by a monetary judgment under its existing jurisdiction which would be an incident of and collateral to that judgment. The court would be authorized to order restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records. As to any case within its jurisdiction, the amended bill would authorize the court to remand appropriate matters to administrative or executive bodies or officials with such directions as the court deems proper or just.

The committee has been advised by the

Administrative Office of the United States that, in substance, the bill H.R. 12392 has the approval of the Judicial Conference of the United States. The Department of Justice has advised the committee that with the language now embodied in the committee amendment the bill would be acceptable to that Department.

The basic jurisdiction of the Court of Claims, sometimes referred to as its jurisdiction under the "Tucker Act," is found in the first paragraph of section 1491 of title 88, United States Code.

H.R. 12392, as amended by the committee, would simply add the following two sentences to that paragraph:

To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just.

As has been noted, the primary purpose of this legislation is to enable the Court of Claims to provide for restoration to or placement in appropriate duty or retirement status as an "incident of and collateral to" the money judgments it now renders in civilian and military pay cases. The witness appearing in behalf of the Department of Justice at a hearing on this bill on March 1, 1972, stated as a practical matter this type of collateral relief generally follows the entry of a money judgment since the agency involved can provide such relief by administrative action. However, should such action be refused, the successful plaintiff in the Court of Claims must institute a second proceeding in a U.S. District Court for restoration.

I might observe, Mr. Speaker, that this bill is not intended to alter the scope of review by the Court of Claims in military pay cases. Thus the amended bill does not extend the classes of cases over which the Court of Claims has jurisdiction, and it is not intended to confer jurisdiction over any type of case not now included within its jurisdiction. When the Court of Claims does have jurisdiction over any case before it, this bill will enable the court to grant all necessary relief in one action. Accordingly, the provision of the bill which authorizes the Court of Claims to issue orders, as an incident of and collateral to its monetary judgment, directing placement in appropriate duty status, is not intended to have any effect on the finality provision of 10 U.S.C. 876.

The majority of suits based on contracts entered into with the United States are filed in the Court of Claims is now inadequate. Where a board of contract appeals has made findings of fact under the Disputes Clause of a Government contract, review by the Court of Claims is limited by the Wunderlich Act, 41 U.S.C. 321, 322 (*United States* v. *Utah Const. & Mining Co.*, 384 U.S. 394 (1966)). After the Court of Claims decides the case, proceedings in the court must be stayed while the board makes additional findings of fact or determines the amount of damages. The district courts have concurrent jurisdiction with the Court of Claims as to such matters (28 U.S.C. 1346(a)) up to $10,000 and in contract cases the district courts can exercise the power of remand in appropriate cases, but it has been held that the Court of Claims has no such remand power, *United States* v. *Carlo Bianchi & Co.*, 373 U.S. 709 (1963); *Anthony Grace & Sons* v. *United States*, 170 Ct. Cl. 757, 345 F. 2d 808 (1965). The enactment of this bill would provide the Court of Claims with the power to remand such cases and would provide an additional tool for the handling of these cases.

The aim of modern practice to avoid repetitive law suits and to make it possible to dispose of all the claims and to adjudicate all of the rights of the parties in a single proceeding, H.R. 12392, with the revised language proposed by the committee, would implement that objective. The committee has concluded that its enactment would improve the administration of justice in the Court of Claims by simplifying the procedure and reducing the costs incurred in litigation and in the pursuit of administrative remedies. It is recommended that the amended bill be considered favorably.

The committee amendment was agreed to.

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

## ENCOURAGING VEGETABLE GARDENING

The Clerk called the Senate concurrent resolution (S. Con. Res. 75) to urge each American family to plant a vegetable garden.

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

S. CON. RES. 75

Whereas inflation, nutrition, physical fitness, and recreation are national concerns;

Whereas a family can save on food costs, fight inflation, improve nutrition, get healthful exercise, and have fun together by planting a vegetable garden;

Whereas many citizens of the Nation have already realized the many advantages of planting a vegetable garden;

Whereas the pleasure, profit, and fulfillment of growing your own vegetables has been recognized by publications with worldwide circulation;

Whereas patriotic citizens planted victory gardens during World War II at the urging of the President of the United States for the purpose of conserving national resources and combating inflation;

Whereas our Nation is currently engaged in battle against the ravages of inflation and malnutrition, and vegetable gardens are a potent weapon against both;

Whereas the American way of fighting a problem is not boycotts and is not mere passing of laws, but is self-help and unity in pulling and working together; and

Whereas the planting of vegetable gardens will provide more food for the family's budget and will increase the vegetable supply and bring food prices down for apartment dwellers without space for gardens: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

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

Mr. DORN. Mr. Speaker, this concurrent resolution was introduced in the other body by my distinguished and able friend, Senator JAMES ALLEN of Alabama. It is my great honor to sponsor this resolution in the House. We are all deeply grateful to the great chairman of the House Agriculture Committee, the Honorable W. R. "BOB" POAGE, and to the members of the committee for so promptly reporting out of committee this resolution.

Mr. Speaker, this resolution urges every American family to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing. Just as "victory gardens," planted during World War II, helped to fight inflation and conserve national resources, vegetable and flower gardens today are desirous for the same reasons and for proper nutrition. It is not too late to plant a garden for peace, for therapy, peace of mind and it will give us a greater appreciation of nature and our environment.

Mr. Speaker, again, I commend my great colleagues, Senator ALLEN and Chairman POAGE, for sponsoring and supporting this outstanding resolution and it is my pleasure to join them.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## AUTHORIZING LOAN OF CORNELIA FASSET PAINTING, "THE ELECTORAL COMMISSION OF 1877," TO THE NATIONAL PORTRAIT GALLERY OF THE SMITHSONIAN INSTITUTION

The Clerk called the Senate concurrent resolution (S. Con. Res. 59) to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution.

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

S. CON. RES. 59

*Resolved by the Senate (the House of Representatives concurring)*, That the Architect of the Capitol shall, on behalf of the Congress, lend the Cornelia Fasset painting, "The Electoral Commission of 1877", located in the Capitol, to the Smithsonian Institution for the National Portrait Gallery exhibit of political memorabilia relating to elections from 1796 to 1968. Such loan shall be made so that the portrait shall be available for display by the National Portrait Galley not later than May 2, 1972, and under procedures that will assure its proper preservation, display, and return to the Capitol as soon as practicable after September 5, 1972.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CONFEREES ON S. 2770, FEDERAL WATER POLLUTION CONTROL ACT

Mr. DORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2770) to amend the Federal Water Pollution Control Act, with a House amendment thereto, insist on the House amendment and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, WRIGHT, JOHNSON of California, ROE, HARSHA, GROVER, DON H. CLAUSEN, and MILLER of Ohio.

## STRONG UPWARD TREND IN INDEX OF LEADING ECONOMIC INDICATORS

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

Mr. ANDERSON of Illinois. Mr. Speaker, the Department of Commerce has reported that the index of leading economic indicators rose strongly in March, continuing the sharp upward trend of the last 9 months. Movements in the index generally anticipate similar shifts in the economy. The rise of 0.9 percent last month to 136.1 percent of the 1967 average is, therefore, most encouraging.

Overall, the index rose 2.9 percent in the first 3 months of this year, following a 2.8-percent rise in the last 3 months of 1971. Over the last 6 months the total rise of 5.7 percent comes out to almost 1 percent a month. That is, of course, a very strong performance and provides, according to Harrold C. Passer, Assistant Secretary of Commerce for Economic Affairs, "a clear signal that economic expansion will continue."

Of the eight indicators available for March, five improved. New factory orders for durable goods, new orders for plant and equipment, the ratio of price-to-unit labor costs among manufacturers, industrial materials prices, and stock prices all improved. Two other indicators, the average workweek and building permits, declined. Initial claims for unemployment insurance, which are treated inversely in the overall index, increased.

Mr. Speaker, the continued strong upward trend in the index of leading indicators provides the basis for continuing confidence in the economic expansion which has been aided by the President's new economic policy.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

## CARE FOR NARCOTIC ADDICTS

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2713) to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

The Clerk read as follows:

S. 2713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3651 of title 18 of the United States Code is amended by inserting the following paragraph before the last one:

"The court may require a person who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of probation, to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of probation: *Provided,* That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate."

SEC. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraph between the third and fourth:

"The Board may require a parolee, or a prisoner released pursuant to section 4164 of this title, who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of parole or release to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole: *Provided,* That the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate."

SEC. 3. Subsection 343(b) of part I of title III of the Public Health Service Act is repealed.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, the purpose of S. 2713 is to amend title 18 of the United States Code to provide authorization for the treatment and rehabilitation of narcotic addicts who are placed on probation, released on parole, or mandatorily released. Under title II of the Narcotic Addict Rehabilitation Act of 1966, narcotic addicts who are sentenced under that title are eligible for treatment within prison and are then released for aftercare in their communities when they become eligible for probation, parole, or mandatory release. However, approximately 30 percent of the 11,000 people committed to Federal prisons each year have drug-related problems or have been convicted of drug-related crimes, and only 1 or 2 percent of these estimated 3,500 drug-dependent persons are currently being treated under title II of NARA. S. 2713 provides authority for the treatment and rehabilitation, in community-based facilities during probation, parole, or mandatory release of those drug-dependent persons who cannot receive treatment under the Narcotic Addict Rehabilitation Act.

The U.S. Bureau of Prisons has already established narcotic rehabilitation programs for non-NARA addicts in the Federal institutions located in Lewisburg, Pa.; Terre Haute, Ind.; Petersburg, Va.; El Reno, Okla.; Lompoc, Calif.; and Fort Worth, Tex. Under the general authority to provide for the "treatment, care, rehabilitation, and reformation" of Federal offenders—18 U.S.C. 4001. At present there are approximately 200 Federal prison inmates involved in the institutional phase of the program. S. 2713 has been requested by the administration to provide the Attorney General with clear authority to move those prisoners who are now involved in the program into aftercare treatment in their local communities under the terms of their probation, parole, or mandatory release.

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

Mr. EDWARDS of California. I am glad to yield to the gentleman.

Mr. HALL. Mr. Speaker, I will say to the gentleman that I appreciate his opening statements in support of S. 2713. Frankly, it hits me as quite a surprise that such additional legislation and funding should be necessary. I full well understand that this applies under the new proposal to those who have been convicted of felonies and are paroled or released mandatorily, or on completion of term; and maybe it even gives some authority—although I doubt it gives much enforcement authority—for continued treatment under parole while in their own communities, as the gentleman has stated. The question naturally evolves—Why in the name of Heaven have not these people been "wrung out" as we say in the profession, and shifted to the U.S. Federal Department of Justice prison for defective delinquents and treated either "cold turkey," or by slow withdrawal, or the substitution process, or some other technique while they are serving their regular sentences with prejudicial decision?

Now, Mr. Speaker, I want to say further in framing my question that we all know that in the past the health facilities of the prisons have been supplied by the commissioned officers corps of the U.S. Public Health Service, and ofttimes in situations where the facility is pri-

marily directing treatment or rehabilitation, the medical director also wears the hat of "warden," or director of the prison facility.

We know here in the Congress that the Public Health Service, for reasons that are quite unexplainable, have been shutting down narcotic treatment facilities at Lexington and at Fort Worth, one of which the gentleman mentioned.

It is just completely unconscionable and nonunderstandable to me as to why we are having the facilities closed down on the one hand and then being asked to vote for additional legislation for patchwork, crazy-quilt type of attempt to rehabilitate narcotic addicts on the other.

We all know that some of them will never be rehabilitated anyway.

We all know of the success on the other hand of the adaptation of psychiatric judgment and social rehabilitation, removing a prime cause of why they took up the "crutch" of narcotics in the first place. But, be that as it may, I certainly do not understand why they are not wrung out and treated, in order to get maximum benefit of treatment today, while they are serving under the Department of Justice prison system in these cases of judicially determined sentences.

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, I thank the gentleman for his very valuable observations.

I would agree with the gentleman that it is shocking that we are not doing a better job.

However, as I pointed out in my statement only 1 or 2 percent of these estimated 3,500 drug addicts are being treated under the NARA program. However, this bill will permit treatment while they are making their progression from prison life to life as an American citizen in their own communities.

Mr. HALL. Well, I will say to the gentleman, if he will yield further, that I understand that, as I said in the preamble to my remarks. But, he still has not answered the question of why it is that there is not treatment or cure, or at least that they receive the maximum benefit of treatment while in a prison hospital in anyone of our prisons while they are undergoing their sentences.

The real fact of the matter is, that by inference at least the necessity for a bill such as this implies that they are continuing their habit while serving their sentences and, this, of course, is sometimes true because of the lack of proper security on the part of the prison. I know that this has happened.

I will say to the gentleman from California that in my hometown where the hospital for the Department of Justice prison for all defective delinquents is located, that they found the smuggling of amphetamines and/or "speed" and a few other things brought right into the prison by some of the workers. However, this has been stopped.

But, there is still no active program, perhaps with the exception of this hospital whereby they can be "wrung out" and cured before they are discharged and, thus, this bill would not be necessary as a follow up.

Mr. EDWARDS of California. Of course, the distinguished gentleman from Missouri is an eminent doctor and is far more conversant in this subject matter than I am. However, the testimony which we received during the course of the hearings on this subject indicated that there is a drying out process that most prisons indulge in and some are effective and some are not. If he is a heroin addict and is a prisoner, and is incarcerated in a relatively drug-free atmosphere, then the problem of his addiction is not as acute.

It becomes terribly acute once he has been released, and is back in the drug culture where old habits, old associates are present. So that is when the narcotic addict who has been relatively clean, or 100 percent clean during his prison incarceration, is most likely, almost inevitably, to fall and once again pick up his old habits.

Mr. HALL. That brings up a very interesting question of definition of "cure," under those circumstances, and indeed it is a paradox that we would have to have after-parole authority like this.

But, Mr. Speaker, I thank the gentleman for his explanation.

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

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. GROSS. What is the cost of this bill?

Mr. EDWARDS of California. The cost is set forth in a letter from Norman A. Carlson, Director of the Bureau of Prisons, U.S. Department of Justice, and this can be found on page 6 of the report, where it is estimated that the cost in fiscal year 1973 is $600,000 for the treatment of 300 probationers, and will increase at the rate of several hundred thousand dollars per year until the year 1977, when the annual cost is estimated to be $4.2 million, at a cost per patient of $2,400 for 1,100 addicts under treatment.

Mr. GROSS. If the gentleman will yield further, why do you project this over a 5-year period? What for?

Mr. EDWARDS of California. I believe that that is in accordance with the House rules.

Mr. GROSS. In accordance with the House rules?

Mr. EDWARDS of California. Yes.

Mr. GROSS. You could have made it for 1 year, could you not, or 2 years?

Mr. EDWARDS of California. I believe that the House rules call for a 5-year estimate, so that the Members may better judge whether or not they will support the bill.

Mr. GROSS. I thank the gentleman.

Mr. WIGGINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I urge the House today to pass S. 2713, legislation which I believe will fill an important gap in the Federal share of the nationwide effort to rehabilitate drug addicts and other drug abusers.

S. 2713 is the amended Senate counterpart of H.R. 11352, which I introduced last year at the request of the Department of Justice. The essential purpose of the bill is to make it possible for Federal probationers, parolees, and mandatorily released offenders who are narcotic addicts or other drug dependent persons to participate in the community-based aftercare treatment programs which the Attorney General was authorized by title II of the Narcotic Addict Rehabilitation Act of 1966 to establish for the benefit of addicts conditionally released from confinement under the provisions of the act.

Because of the numerous restrictions on eligibility for treatment in NARA programs, there are, according to the U.S. Bureau of Prisons, literally thousands of regular inmates of Federal penal institutions who have drug abuse problems of varying degrees of severity, including many "hard" narcotic addicts.

Approximately 200 of these inmates are undergoing treatment, by such means as group therapy and individual counseling, within the prisons, reformatories or hospitals in which they are confined. Some of them who are otherwise eligible and suitable for parole or mandatory release have made sufficient progress with respect to their drug problems to merit conditional release under supervision, but there is presently no statutory authority for the continuation of their treatment on an outpatient basis as an incident of their Federal parole supervision.

Likewise, Federal judges sometimes encounter offenders who appear to be proper candidates for probation but who suffer from an addiction or other drug dependence problem which could and should be treated on an outpatient basis in the community if a suitable treatment program were available.

Both the courts and the parole board, of course, already possess inherent powers to impose reasonable conditions of probation, parole, or mandatory release, as the case may be. In some cases it may be reasonable to require the offender to participate in a suitable program of psychiatric therapy, counseling, or guidance which he can afford or which may somehow be available to him at no personal expense. Thus, while sections 1 and 2 of the bill speak in terms of the power of the courts and of the parole board to require identified drug abusers to undergo treatment, the true purpose and effect of these provisions are to provide a means for such persons to receive the treatment they need by authorizing their acceptance into the aftercare treatment programs already established under title II of NARA.

The Committee on the Judiciary favorably reported S. 2713 without amendment, by unanimous vote. As sent to us by the Senate, the bill differs from that which I introduced in two respects: First, it opens up the title II NARA aftercare programs to offenders who are drug dependent as well as those who are drug addicted; and two, it repeals the inconsistent and outmoded provisions of section 343(b) of the Public Health Service Act. The Department of Justice supported both amendments before they were adopted by the Senate and, accordingly, supports the bill before us today.

I, too, view these two features of the present bill as improvements which make it more, not less, worthwhile.

Mr. Speaker, the enactment of this legislation will enable our Federal judges and parole board to exercise their discretionary authority to impose reasonable conditions of probation, parole, and mandatory release more effectively and productively than ever before, where drug addicted or dependent offenders are concerned. I strongly entreat the House to pass this bill.

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

Mr. Speaker, in supporting the enactment of S. 2713, I join with my good friend and colleague from California who chairs the subcommittee of the Committee on the Judiciary which reported this bill to the House, the gentleman from California (Mr. EDWARDS), and with the very distinguished ranking minority member of the committee, the gentleman from Ohio (Mr. MCCULLOCH), who himself introduced very similar legislation last October.

The purpose of this bill is simple: to make it possible for Federal probationers, parolees and mandatorily released offenders to receive help for their drug addiction or other drug abuse problems at federally sponsored treatment centers in their home communities.

While courts and parole officials already have the discretionary authority to require conditionally released offenders to make reasonable efforts toward their own rehabilitation, all too often there is, as a practical matter, no suitable drug treatment program open to the drug addicted or dependent offender in which he can be required to participate without thwarting the very purposes of supervised release in the community.

This bill authorizes the acceptance of these conditionally released Federal offenders into the aftercare treatment programs established originally for the community supervision of narcotic addicts committed for treatment under the provisions of title II of the Narcotic Addict Rehabilitation Act of 1966.

Without altering the eligibility requirements of NARA itself, S. 2713 would enable Federal judges and the parole board to require offenders who are dependent on "soft" drugs such as amphetamines and barbiturates, as well as those who are "hard" drug addicts, to undergo treatment if the Attorney General certifies to such authority that a suitable program is available. An offender's participation in a treatment program could be terminated if it is found not to be beneficial to him, or if his participation becomes detrimental to the best interests of other patients.

Section 3 of S. 2713 repeals the provisions of the Public Health Service Act enacted many years ago which operate, in effect, to render narcotic addicts and other drug dependent prisoners ineligible either for parole or for release by commutation of sentence unless they are found to be totally cured. Knowledge gained through the tragic experience of a vastly increased addict population throughout the country in recent years makes it clear that such a flat prohibition against the parole of addicts is likely to retard, rather than foster, their eventual rehabilitation.

It is now considered doubtful that a heroin addict, for example, can ever be certified as no longer being addicted, despite remission of his overt symptoms for long periods of time, just as is true for chronic alcoholism. Thus, to say that an addict cannot be paroled until he is no longer an addict may literally be to require the impossible.

On the other hand, the repeal of section 343(b) of the Public Health Service Act will not compel the parole board to grant parole to anyone. The purpose and effect of section 3 of S. 2713 is to enable the parole board to consider the case of each addict or drug dependent prisoner on its individual merits, taking into account the current state of his drug abuse problem, the availability of adequate treatment facilities outside the penal system, and all other factors normally considered in deciding whether to grant or deny parole.

Likewise, if section 343(b) of the Public Health Service Act is repealed, inmates who are addicts or other drug dependent persons may be mandatorily released because of accumulated "good time" under the provisions of chapter 309 of title 18, United States Code, on the same basis as other prisoners. The existence of a treatable drug abuse problem should no more automatically disqualify an inmate from mandatory release, or parole, than should alcoholism, tuberculosis or heart trouble—any one of which may conceivably have been brought on by conduct which was more or less "voluntary" on the part of the inmate.

In short, section 3 of the bill has no purpose or effect other than to remove an inflexible and outmoded barrier to the parole or release by commutation of sentence of an addicted or drug dependent prisoner simply because of his drug abuse problem. Whatever entitlement to parole or commutation of sentence may occur will be an individual matter with each addict-inmate and his case will be reviewed by the proper officials accordingly.

Finally, it should be noted that this bill will make it possible for a Federal judge or the board of parole to require a probationer or parolee who first becomes duly identified as a drug abuser after he is conditionally released to participate in a NARA treatment program, just as such requirement can be imposed on one so identified at the time he is placed on probation or parole.

Mr. Speaker, this legislation is straightforward, progressive and effective in rounding out the Federal Government attack on the epidemic of drug abuse. I most earnestly urge the House to pass S. 2713.

Mr. Speaker, we have before us today a relatively modest piece of legislation, but a necessary one, nevertheless. It has the support of the Attorney General. It has the support of the Bureau of Prisons. It received no objection in our committee, and it should be enacted by the House today.

Mr. Speaker, in partial response to some of the comments made by our distinguished colleague, the gentleman from Missouri (Mr. HALL), certainly no implication should be made that a prisoner who is released after having been confined in a Federal institution has received narcotics in that institution, and therefore is in need for the services provided in this bill. In reality, the problem of the drug addict is not merely physical addiction. The psychological addiction is most difficult to treat. That goes on in prison in a drug-free environment. This bill will permit it to go on after the probationary or mandatorily released person is out in the community.

Mr. Speaker, I heartily endorse the legislation, and urge its passage.

Mr. GROSS. Does this new program supplant any others presently in operation? There are halfway houses and rehabilitation centers all over the country of one kind or another?

Mr. WIGGINS. No, this legislation does not replace any other program. It merely gives flexible authority in those programs now in existence. At the present time some of these programs authorized under the Narcotic Addict Rehabilitation Act cannot treat drug dependent persons because they are not addicts as defined presently in the narcotic addict rehabilitation act, nor may they treat certain classes of offenders such as those who have been guilty of violent crimes and those who have been involved in trafficking in drugs.

This legislation would give to existing agencies the flexibility to treat that class of individuals.

Mr. GROSS. Let me ask my friend, the gentleman from California a question that I asked the other gentleman from California (Mr. EDWARDS).

Why a 5-year program?

Mr. WIGGINS. This is permanent legislation, I will say to the gentleman.

There is a 5-year projection of the cost solely for the benefit of Members so that they may get a view of the anticipated costs of the program.

Mr. GROSS. That is the Members of the House?

Mr. WIGGINS. Yes, sir.

Mr. GROSS. Members of Congress—is that who you are talking of when you say "Members"?

Mr. WIGGINS. That is right—yes, sir.

Mr. GROSS. How do you know what the situation will be 5 years from now, from two viewpoints—the first being the necessity for a continuation of this program after a year or two, and second, the ability of the taxpayers to pay the bills to take care of the ne'er-do-wells from now on and in perpetuity.

Mr. WIGGINS. The precise answer to that, I will say to my friend, the gentleman from Iowa, is that we do not know the answers. If this legislation is not needed or too expensive next year, then a bill would be in order to remove it from the statute books.

Mr. GROSS. The gentleman from California is well acquainted with the fact that it is almost impossible to dispense with something of this kind once it is put on the statute books. Will the gentleman agree that very few of them are ever abandoned or abolished?

Mr. WIGGINS. I do agree with my friend, the gentleman from Iowa, but that should not deter us from doing that which is now necessary.

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

Mr. WIGGINS. I yield to the gentleman.

Mr. McCLORY. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, will the gentleman respond to this question for me? As one who participated in the hearings which were held on this legislation and which is recommended here today, I would summarize this bill (S. 2713) as one which expands and clarifies existing legislation. It would offer to those who are offenders and who are incarcerated in Federal penitentiaries the opportunities for drug treatment and rehabilitation which presently are offered to those who are released from custody; is that correct?

Mr. WIGGINS. Yes, in general that is so.

The purpose of this legislation is to grant additional authority to treat those offenders who are presently excluded by reason of certain definitions in existing legislation.

Mr. McCLORY. I thank the gentleman.

Mr. Speaker, I want also to recall that this legislation was recommended to the committee by the Department of Justice. It is a constructive change and is needed. It can contribute toward reducing the incidence of drug addiction, particularly as it affects those who are in custody and incarcerated in our Federal penitentiaries.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, will the gentleman yield once more?

Mr. WIGGINS. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

Did the committee make any effort at all to pull together any facts and figures with respect to other areas of government where money is being expended for the care and rehabilitation of drug addicts?

Mr. WIGGINS. I will answer the gentleman in this way. Legislation dealing with the treatment of a drug dependent person is covered by several committees of the Congress. The jurisdiction of the Committee on the Judiciary primarily focuses upon title XVIII and the Narcotic Addict Rehabilitation Act.

In that connection we recognize that the act is in need of general review. The Judiciary Committee, and the subcommittee upon which I serve, is undertaking such a review. We have had it under study heretofore and we are continuing hearings starting next week.

However, this bill is a small change and one that is presently needed. It would not prejudice any further review of the total problem. I would answer further by saying that the Committee on the Judiciary within its jurisdiction is undertaking an overall review of the Narcotic Addict Rehabilitation Act.

Mr. GROSS. I assume that this study and review, once it is completed, will be made available to all Members of Congress. When does the gentlemen anticipate that it will be completed?

Mr. WIGGINS. I do not know for a certainty when it will be completed. We held hearings last year on this subject which were inconclusive. We have held hearings this year. Hearings are scheduled again for next week. It is my belief, and I am sure I speak for the chairman of the subcommittee, that the subcommittee believes the need for revising the Narcotic Addict Rehabilitation Act to be a matter of great importance, and we will proceed as expeditiously as possible.

Mr. GROSS. As with the subject of welfare and poverty in this related area, we are confronted with bills here all the time. Committees come before the House asking for approval of bills with no information whatever upon the proliferation, and the consequent complaints of the proliferation all through the Federal Government, and here again it appears that we are confronted with a similar situation. I do not know how many hundreds of millions of dollars are already being spent on drug addiction and the care and rehabilitation of addicts. I would hope that in the future the House would have the benefit of some kind of review which would bring the figures together, bring the information together, the cost of these things before advocates come to the House floor asking for additional expenditures; $10 million may not sound like very much, and it is treated, I am sorry to say, with altogether too little regard by too many Members of the Congress; $10 million is still a lot of money when you have to go out and legitimately put it together.

I thank the gentleman.

Mr. WIGGINS. I am sympathetic with the position just expressed by the gentleman from Iowa. This is not a new program at all. It is merely a refinement of an existing program, providing a flexible authority that does not now exist. I am sure if the Judiciary Committee were to recommend to the House a brandnew program involving a wholly new approach for the treatment of addicts, we would supplement that recommendation with all the appropriate figures.

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

Mr. WIGGINS. I am pleased to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of S. 2713, to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released after conviction under Federal laws.

When Congress enacted the Narcotic Addict Rehabilitation Act of 1966, providing for treatment of narcotic addicts convicted under Federal laws, we did not include offenders convicted of crimes of violence, offenders convicted of importing or selling narcotics unless doing so enabled them to support their own drug habits, offenders who had other felony charges against them, or offenders who had been convicted of felonies on more than two prior occasions. We thus rendered ineligible for treatment the large majority of addicts who are sentenced under Federal laws and who, as the most hardened, dangerous and involved in drug trafficking, would be of most benefit to society if they could be permanently turned from their addiction to good physical and mental health.

Our committee colleagues advise us that 30 percent of all Federal prisoners have drug-related problems or have been convicted of drug-related crimes. However, only 1 or 2 percent have been under the special sentencing provisions of the 1966 Act. They say that the U.S. Bureau of Prisons has established narcotic rehabilitation programs in several of its institutions, in which addicts become a part of a separate community in the prison where they receive therapy designed to help them overcome their problems which led to their addiction. Unfortunately, the institutional program, under controlled conditions, cannot fully prepare them for the pressures they will face when released on parole. This legislation will make possible aftercare counseling, both individually and in groups, to direct them away from the lifestyles which led them to drugs and crime.

Also included would be offenders who have not been a part of an institutional program, such as probationers and parolees who may be casual experimenters with drugs and who may be in danger of becoming addicts.

Mr. Speaker, we all know that addicts are sick men and women who need medical treatment and guidance, regardless of whether their sickness has led them to serious crime. Every addict we turn onto our city streets untreated poses an immediate threat to himself and to every other law-abiding citizen as well. We must leave no stone unturned in our effort to make them well before we release them and keep them well as they reenter society. I believe this legislation will prove a giant step in that direction and I urge its enactment.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

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

Mr. EDWARDS of California. In further reply to the question asked by the gentleman from Iowa of the gentleman from California (Mr. WIGGINS) and to which the gentleman from California has already addressed himself most completely, the General Accounting Office, at the request of the subcommittee, is auditing five major cities of the United States in relation to this program: San Francisco, Los Angeles, Chicago, New York, and Washington, D.C.

The first report has been completed and will be available for distribution today or tomorrow, and that includes the cost-per-addict in Washington, D.C. It is really a very complete report. At the hearings to which the gentleman from California (Mr. WIGGINS) has referred, beginning next week the committee will examine in great detail the Federal efforts and the District of Columbia efforts to meet this giant problem in Washington, D.C. We think the hearings will be very informative and will give us some idea where we stand on drugs in the

country, because there really is not very much information. There is an awful lot of rhetoric.

The gentleman from Iowa speaks about the great cost of drugs in the United States and rehabilitation costs. The State of New York spends a lot more money than the total Federal effort.

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

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

Mr. BOGGS. I should like to commend the gentleman from California and the members of the committee for reporting this legislation. I know in my city the number of drug-related crimes continues to increase. If we would compare the cost of a program to treat one addict with the cost resulting from one addict stealing to $200 to $300 a day to satisfy his addiction, I suspect that we would observe the costs of the program are greatly lower than the other cost.

The difference is that this is a constructive program seeking to arrest or cure the addiction and thus preventing crime. I hope this bill will be adopted and that the program, both gentlemen from California referred to, will be implemented in full once these studies have been completed. I know of no more acute problem before this Nation today than the addiction among our young people.

Mr. WIGGINS. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I think no one argues the fact that narcoticism or addiction to drugs is a tarnish on the escutcheon of the United States. Few thinking people would argue about the difference between the cost of rehabilitation or the cost of incarceration for life in order to contain the habit.

The point still stands, Mr. Speaker, that we are adopting a patchwork solution to this problem. For example, 2 weeks from today, H.R. 9503 will be before this body from the Committee on Armed Services, and it relates to shoring up and implementing the need for additional drug care and, indeed, just as in this case, a follow-on after the discharge from the service, for continuing care.

The gentleman considered, and, indeed, the report has referred to the fact that this simply aids and improves existing regulations to carry out one additional treatment facility or continued enforceable treatment.

Personally, I shall vote for it, not only because the drug treatment center that remains is in my hometown, but also because it is the only method we have, in view of the aforementioned paradoxes.

But, Mr. Speaker, I find the words of the two gentlemen from California about these reports that are coming in, to be paramount and most worthwhile. I am encouraged by their statements. I hope they will be made available in the RECORD for all Members to see.

The fact of the matter is that in the continuing investigation, the Subcommittee on the Judiciary which has brought this legislation and has brought in these excellent reports should carefully examine the ambivalent position of the Department of Justice hospital facilities in prison—and I use "ambivalent" because it is managed by the U.S. Public Health Service. The nefarious and insidious fact of the matter is that there is some design to eliminate the U.S. Public Health Service going on right now before the eyes of Congress, and I might say in contradiction to the desires of the Congress.

It is incongruous and paradoxical that we have to use this patchwork approach to a serious national problem which affects not only the militia from which all military derive, but also affects the military.

Mr. WIGGINS. Mr. Speaker, I concur in the remarks of my friend, the gentleman from Missouri. A portion of the bill before us is evidence of the patchwork nature of the existing drug legislation. It is necessary to repeal subsection 343 of title III of the Public Health Service Act in order to give effect to the programs authorized in the Narcotic Addict Rehabilitation Act found in title 18.

The studies under consideration at the present time hopefully will be a step toward bringing all these programs together in a more comprehensive Federal effort.

Mr. DORN. Mr. Speaker, we are making progress in the effort to curb crime and drug abuse, but we must do more. The bill before us today is a step in the right direction, as it is designed to provide additional supervision and care for drug addicts after they are released from prison. A large portion of the increasing crime that has plagued all sections of the Nation is directly linked to drug addiction. Addicts are driven to steal in order to "feed the habit."

The tragic loss of life and the sickeningly high rate of robbery and burglary is in part a result of addicts being driven to support the habit by any means. Often we find that an addict returns to a life of crime shortly upon being released from prison for a previous offense. This bill is intended to reduce this constant repetition of the crime cycle, because it makes possible additional supervision and care for addicts who have served time for various crimes in Federal prisons.

Mr. Speaker, the Congress recently has taken a number of actions to deal with this national crisis of drug abuse and crime. In our veterans programs we have taken action to assure that soldiers who become addicted will receive treatment. We are pleased that our House Veterans Affairs' Committee and the House passed last year the Veterans' Drug Treatment and Rehabilitation Act. This bill would authorize a treatment and rehabilitation program in the Veterans' Administration for any serviceman, veteran, or ex-serviceman suffering from drug abuse or drug dependency, regardless of his discharge.

Our bill made it clear that a less than honorable discharge that was due to drug problems would not prevent an ex-serviceman from receiving drug treatment from the VA. Our committee simply felt that under the strain and stress of active military service, to acquire drug addiction must be recognized as one of the hazards of service. The Congress also recently took action to enact legislation establishing the Special Action Office for Drug Abuse Prevention.

This Special Action Office will coordinate and supervise Federal drug abuse efforts. This Federal office will assist the efforts of State law enforcement officials who are really on the frontlines of the daily battle against this cruel and insidious disease of drug dependency.

I enthusiastically support the bill before us today to extend the care and supervision of addicts after the release from prison. This is another indication that the Congress will take the necessary action to curb the national disgrace of crime and drug abuse.

We will continue our efforts to control this problem by stepping up the attack against the pushers and the profiteers who would ensnare our young people, even elementary school students, in a life of crime, disease, and deprivation.

Mr. HALPERN. Mr. Speaker, I wish to express my full support for S. 2713—a bill designed to provide care for narcotic addicts and drug-dependent persons who are placed on probation, released on parole, or mandatorily released.

In 1966 this body enacted the Narcotic Addict Rehabilitation Act in reaction to the spread of the drug problem during the 1960's. This legislation brands narcotic addiction as a disease which must be treated, rather than a matter for punitive correctional action. One of the key aspects of this law is the substitution, in some cases, of civil commitment for the usual incarceration, for purposes of rehabilitating an addicted criminal. This step marked a new era in the Federal Government's approach toward the narcotics problem.

While approximately 11,000 people per year are sentenced to terms in Federal prisons, over 30 percent of this number suffer from drug addiction or are convicted of drug-related crimes. It is lamentable, however, that the Narcotic Addict Rehabilitation Act—NARA—mentioned above, excludes five categories of offenders from rehabilitation programs:

First. An individual charged with a crime of violence;

Second. An individual charged with unlawfully importing, selling, or conspiring to import or sell, a narcotic drug;

Third. An individual against whom there is pending a prior charge of a felony which has not been finally determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release, has not been fully served: Provided that an individual on probation, parole, or mandatory release shall be included if the authority authorized to require his return to custody consents to his commitment;

Fourth. An individual who has been convicted of a felony on two or more occasions;

Fifth. An individual who has been civilly committed under this act, under the District of Columbia Code, or any State proceeding because of narcotic addiction on three or more occasions.

It is a tragic oversight that only 1 or 2 percent of addicted or drug-dependent offenders have qualified under the special sentencing provision of NARA. There is great need for legislation to assure that drug rehabilitation programs will be accessible to all Federal offenders who are in need of such treatment.

The bill before us today authorizes an expansion of drug treatment and rehabilitation to those otherwise ineligible Federal offenders who are under community supervision or mandatory release. The community treatment phase authorized by S. 2713 complements the drug abuse programs already undertaken by the U.S. Bureau of Prisons for non-NARA addicts in the institutions located in Lewisburg, Pa.; Terre Haute, Ind.; Petersburg, Va.; El Reno, Okla.; Lompoc, Calif.; and Fort Worth, Tex., under general authority to provide for the treatment, care, rehabilitation, and reformation of Federal offenders.

However, an institutional program cannot fully prepare these individuals for the return to their communities. Aftercare and counseling in the community is essential to assist these non-NARA Federal offenders in establishing a drug-free and crime-free life style. S. 2713 authorizes such aftercare as a necessary adjunct to the supervision already provided by U.S. parole officers.

S. 2713 authorizes, as well, community-based drug treatment for offenders who have not taken part in an institutional drug program. Individuals on Federal probation or those released outright from a Federal prison would be eligible for treatment. U.S. probation officers would be provided an alternative to revocation of probation and incarceration of an addict or drug-dependent person.

Mr. Speaker S. 2713 is similar in intent to a measure which I introduced earlier this session—H.R. 14190, a bill which would amend the eligibility requirements of NARA. I am, therefore, in full support of all the provisions of S. 2713, and urge my colleagues to approve this critical legislation.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill S. 2713.

The question was taken.

Mr. WIGGINS. 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 325, nays 0, not voting 108, as follows:

[Roll No. 130]

YEAS—325

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| Abbitt | Andrews, N. Dak. | Baring |
| Abernethy | Annunzio | Barrett |
| Abourezk | Archer | Begich |
| Abzug | Arends | Belcher |
| Adams | Ashbrook | Bennett |
| Addabbo | Ashley | Bergland |
| Alexander | Aspin | Biaggi |
| Anderson, Calif. | Aspinall | Blackburn |
| Anderson, Ill. | Badillo | Blatnik |
| Andrews, Ala. | Baker | Boggs |
| Bolling | Hansen, Idaho | Peyser |
| Bow | Hansen, Wash. | Pike |
| Brasco | Harrington | Poff |
| Bray | Harvey | Powell |
| Brinkley | Hathaway | Preyer, N.C. |
| Brooks | Hawkins | Price, Ill. |
| Broomfield | Hays | Price, Tex. |
| Brotzman | Hébert | Pucinski |
| Brown, Ohio | Hechler, W. Va. | Purcell |
| Broyhill, N.C. | Heckler, Mass. | Quie |
| Broyhill, Va. | Heinz | Quillen |
| Buchanan | Helstoski | Railsback |
| Burke, Fla. | Henderson | Rarick |
| Burke, Mass. | Hicks, Mass. | Rees |
| Burleson, Tex. | Hicks, Wash. | Reid |
| Burlison, Mo. | Hillis | Reuss |
| Burton | Hogan | Riegle |
| Byrnes, Wis. | Holifield | Robinson, Va. |
| Byron | Horton | Robison, N.Y. |
| Cabell | Hosmer | Rodino |
| Carey, N.Y. | Howard | Roe |
| Carlson | Hull | Rogers |
| Casey, Tex. | Hutchinson | Roncalio |
| Cederberg | Ichord | Rooney, N.Y. |
| Celler | Jacobs | Rooney, Pa. |
| Chamberlain | Johnson, Calif. | Rosenthal |
| Clancy | Johnson, Pa. | Rostenkowski |
| Clausen, Don H. | Karth | Roush |
| Clawson, Del | Kastenmeier | Rousselot |
| Clay | Keating | Roy |
| Colmer | Keith | Roybal |
| Conable | Kemp | Runnels |
| Conte | King | Ruth |
| Conyers | Koch | Ryan |
| Cotter | Kuykendall | Satterfield |
| Coughlin | Kyl | Saylor |
| Crane | Kyros | Scherle |
| Curlin | Landrum | Schneebeli |
| Daniel, Va. | Latta | Schwengel |
| Danielson | Leggett | Scott |
| Davis, Ga. | Lennon | Sebelius |
| Davis, S.C. | Lent | Shipley |
| Davis, Wis. | Link | Shoup |
| Delaney | Lloyd | Shriver |
| Dellenback | Long, Md. | Sikes |
| Denholm | Lujan | Sisk |
| Dent | McClory | Skubitz |
| Derwinski | McCloskey | Slack |
| Devine | McClure | Smith, Calif. |
| Dingell | McCollister | Smith, Iowa |
| Donohue | McCormack | Smith, N.Y. |
| Dorn | McCulloch | Snyder |
| Dow | McDade | Spence |
| Downing | McDonald, Mich. | Springer |
| Drinan | McEwen | Stanton, J. William |
| Duncan | McFall | Steed |
| du Pont | McKevitt | Steele |
| Dwyer | McKinney | Steiger, Ariz. |
| Edwards, Calif. | McMillan | Steiger, Wis. |
| Eilberg | Mahon | Stephens |
| Erlenborn | Mallary | Stratton |
| Esch | Mann | Sullivan |
| Evans, Colo. | Martin | Symington |
| Evins, Tenn. | Mathias, Calif. | Talcott |
| Fascell | Mayne | Taylor |
| Findley | Mazzoli | Teague, Calif. |
| Fisher | Meeds | Teague, Tex. |
| Flood | Melcher | Terry |
| Flynt | Michel | Thompson, Ga. |
| Foley | Miller, Ohio | Thompson, N.J. |
| Ford, Gerald R. | Mills, Ark. | Thomson, Wis. |
| Forsythe | Mills, Md. | Thone |
| Fraser | Minish | Tiernan |
| Frelinghuysen | Mink | Ullman |
| Frenzel | Mitchell | Vander Jagt |
| Frey | Mizell | Vanik |
| Fuqua | Monagan | Vigorito |
| Garmatz | Montgomery | Waldie |
| Gaydos | Moorhead | Ware |
| Gettys | Morgan | White |
| Giaimo | Morse | Whitehurst |
| Goldwater | Mosher | Whitten |
| Gonzalez | Murphy, Ill. | Widnall |
| Goodling | Murphy, N.Y. | Wiggins |
| Grasso | Myers | Williams |
| Green, Oreg. | Natcher | Wilson, Bob |
| Green, Pa. | Nedzi | Winn |
| Griffin | Nelsen | Wolff |
| Griffiths | Nix | Wright |
| Gross | Obey | Wyatt |
| Grover | O'Hara | Wydler |
| Gubser | O'Konski | Wylie |
| Haley | O'Neill | Wyman |
| Hall | Passman | Yates |
| Halpern | Patten | Young, Fla. |
| Hamilton | Pelly | Zablocki |
| Hammer-schmidt | Perkins | Zion |
| Hanley | Pettis | Zwach |
| Bingham | Fulton | Patman |
| Blanton | Galifianakis | Pepper |
| Brademas | Gallagher | Pickle |
| Brown, Mich. | Gibbons | Pirnie |
| Byrne, Pa. | Gray | Poage |
| Caffery | Gude | Podell |
| Camp | Hagan | Pryor, Ark. |
| Carney | Hanna | Randall |
| Carter | Harsha | Rangel |
| Chappell | Hastings | Rhodes |
| Chisholm | Hungate | Roberts |
| Clark | Hunt | Ruppe |
| Cleveland | Jarman | St Germain |
| Collier | Jonas | Sandman |
| Collins, Ill. | Jones, Ala. | Sarbanes |
| Collins, Tex. | Jones, N.C. | Scheuer |
| Corman | Jones, Tenn. | Schmitz |
| Culver | Kazen | Seiberling |
| Daniels, N.J. | Kee | Staggers |
| de la Garza | Kluczynski | Stanton, James V. |
| Dellums | Landgrebe | Stokes |
| Dennis | Long, La. | Stubblefield |
| Dickinson | McKay | Stuckey |
| Diggs | Macdonald, Mass. | Udall |
| Dowdy | Madden | Van Deerlin |
| Dulski | Mailliard | Veysey |
| Eckhardt | Mathis, Ga. | Waggonner |
| Edmondson | Matsunaga | Wampler |
| Edwards, Ala. | Metcalfe | Whalen |
| Edwards, La. | Mikva | Whalley |
| Eshleman | Miller, Calif. | Wilson, Charles H. |
| Fish | Minshall | Yatron |
| Flowers | Mollohan | Young, Tex. |
| Ford, William D. | Moss | |
| Fountain | Nichols | |

NAYS—0

NOT VOTING—108

| | | |
|---|---|---|
| Anderson, Tenn. | Bell | Bevill |
| | Betts | Biester |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dulski with Mr. Hastings.
Mr. Waggonner with Mr. Rhodes.
Mr. Charles H. Wilson with Mr. Bell.
Mr. Staggers with Mr. Gude.
Mr. James V. Stanton with Mr. Carter.
Mr. Yatron with Mr. Biester.
Mr. Fulton with Mr. Whalley.
Mr. Roberts with Mr. Collier.
Mr. Mikva with Mr. Whalen.
Mr. Miller of California with Mr. Mailliard.
Mr. Daniels of New Jersey with Mr. Sandman.
Mr. Corman with Mr. Wampler.
Mr. Carney with Mr. Harsha.
Mr. Chappell with Mr. Ruppe.
Mr. Brademas with Mr. Schmitz.
Mr. Jones of Alabama with Mr. Betts.
Mr. Kluczynski with Mr. Hunt.
Mr. Matsunaga with Mr. Cleveland.
Mr. Moss with Mr. Dennis.
Mr. Nichols with Mr. Minshall.
Mr. Pickle with Mr. Pirnie.
Mr. Stubblefield with Mr. Landgrebe.
Mr. Diggs with Mr. Scheuer.
Mr. William D. Ford with Mr. Kee.
Mr. Stokes with Mr. Gray.
Mr. Clark with Mr. Eshleman.
Mr. Young of Texas with Mr. Camp.
Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.
Mrs. Chisholm with Mr. Madden.
Mr. Blanton with Mr. Fish.
Mr. Anderson of Tennessee with Mr. Jonas.
Mr. Van Deerlin with Mr. Veysey.
Mr. Rangel with Mr. Galifianakis.
Mr. Fountain with Mr. Dickinson.
Mr. Mollohan with Mr. Collins of Texas.
Mr. Mathis of Georgia with Mr. Edwards of Alabama.
Mr. Hungate with Mr. Udall.
Mr. Hanna with Mr. Byrne of Pennsylvania.
Mr. Bevill with Mr. Bingham.
Mr. Jones of Tennessee with Mr. Long of Louisiana.
Mr. Stuckey with Mr. Patman.
Mr. Collins of Illinois with Mr. Podell.
Mr. Dellums with Mr. Eckhardt.
Mr. Randall with Mr. Sarbanes.
Mr. St Germain with Mr. Hagan.
Mr. Flowers with Mr. Gallagher.
Mr. Jones of North Carolina with Mr. Pryor of Arkansas.
Mr. Jarman with Mr. Kazen.
Mr. Caffery with Mr. Gibbons.
Mr. Culver with Mr. Metcalfe.

Mr. McKay with Mr. Seiberling.
Mr. de la Garza with Mr. Pepper.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CIVIL RIGHTS COMMISSION

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12652), to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, as amended.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 635), as amended, is further amended by striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

SEC. 2. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of $100 per day for each day spent in the work of the Commission," and substituting therefor "a sum equivalent to the compensation paid at level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of title 5, United States Code, prorated on a daily basis for each day spent in the work of the Commission,".

SEC. 3. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion" the following: ", sex".

SEC. 4. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor "the last day of fiscal year 1978".

SEC. 5. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $100 per diem," and substituting therefor "as authorized by section 3109 of title 5, United States Code, but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS–15 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 6. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1973, the sum of $6,500,000, and for each fiscal year thereafter through June 30, 1978, the sum of $8,500,000."

The SPEAKER. Is a second demanded?

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

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. May I inquire if the gentleman from Ohio is in opposition to the bill?

The SPEAKER. Is the gentleman from Ohio in opposition to the bill?

Mr. McCULLOCH. I am not in opposition to the bill.

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

The SPEAKER. Is the gentleman from Missouri opposed to the bill?

Mr. HALL. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. Without objection, a second will be considered as ordered.

There was no objection.

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

Mr. Speaker, the first major civil rights legislation enacted following the post-Civil War period was the Civil Rights Act of 1957, legislation to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

A key part of that act created a bipartisan Commission on Civil Rights mandated, in part, to "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution" and to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." The Commission was given 2 years to complete its work.

The quality of the Commission's work as an independent fact-finding agency quickly installed it as one of the most respected agencies of the Federal Government, with strong support from both sides of the aisle. In recognition of the need for such an agency and the caliber of its work, Congress extended the life of the Commission in 1959, again in 1961, again in 1963, again in 1964, and again in 1968—a total of five times.

The investigations, studies, and reports of the Commission have served as the predicates for all of the major civil rights legislation enacted in the last 15 years.

Unlike other agencies in the civil rights field, the Commission on Civil Rights has no enforcement responsibilities and no enforcement powers. Its strength lies in the fact that it has no ax to grind, no vested interests to pursue or protect. It can be and has been completely detached, impartial, and analytical. It can and does point up our progress as well as our shortcomings. It is a mirror for our self-evaluation.

Wisely complementing its own work with some 700 people serving on advisory committees in each of the 50 States and the District of Columbia, the Commission has practical "eyes and ears" from coast to coast assisting in the gathering of the information essential to the fulfillment of its mandate.

Among the more important undertakings of the Commission in recent years is the monitoring of the programs enacted by the Congress. The information it gathers is useful not only to the Congress and its committees, but to the executive branch as well. Its recommendations for correcting deficiencies and strengthening civil rights enforcement efforts have been well received and most effective.

It is important to remember that the mandate of the Commission goes beyond color discrimination. As a result, the Commission has done, and is doing, much work with respect to Mexican-Americans, the American Indian, Puerto Ricans, and others. Civil rights problems of Asian-Americans, religious groups, those with Spanish surnames, and persons in the administration of justice pipeline—from arrest through imprisonment—are within the Commission's program goals for the next 5 years.

In his state of the Union message of January 20, 1972, President Nixon recommended the extension of the life of the Civil Rights Commission and the expansion of its jurisdiction to include discrimination on account of sex.

Thereafter, on January 25, 1972, the able and distinguished Chairman of the Commission, Father Theodore M. Hesburgh, submitted to the Speaker of the House of Representatives draft legislation to carry out the President's recommendations.

My esteemed distinguished colleague from Ohio (Mr. McCULLOCH), always in the vanguard of civil rights advance, joined me in the bipartisan sponsorship of H.R. 12652 on the following day and the bill was referred to the Committee on the Judiciary.

On February 24, 1972, Subcommittee No. 5 held a hearing on the legislation. The measure was vigorously supported in oral testimony by one of the Civil Rights Commissioners, by the Assistant Attorney General who heads the Civil Rights Division of the Department of Justice, and by the president of the National Federation of Business and Professional Women's Clubs. Enthusiastic written support was received from the Executive Office of the President, the Secretaries of HEW and Labor, the Chairman of the Equal Employment Opportunity Commission, the American Civil Liberties Union, the League of Women Voters, the Women's Equity Action League, and Members of Congress. These communications may be found in the printed text of the hearings.

The principal purpose of the bill is, of course, to extend the life of the Civil Rights Commission. Under the bill, its final report will be due the President and the Congress by June 30, 1978, rather than January 31, 1973.

A second major purpose of the bill is to extend the jurisdiction of the Commission to sex discrimination. The President's Task Force on Women's Rights and Responsibilities, in its report entitled "A Matter of Simple Justice," said in April of 1970:

> Perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge of the facts and the lack of a central information bank.

I am as opposed to sex discrimination as I am to discrimination based on color, religion, or national origin, and I am convinced that the Civil Rights Commission can make a great contribution to-

ward the appraisal of the extent of sex discrimination, and toward its elimination. This expansion of the Commission's jurisdiction is consistent with all I have urged on this floor in the past—let us find the facts and pinpoint our remedies.

The bill effectuates three less significant changes in the basic charter of the Civil Rights Commission:

First. Section 1 would provide that the fees and mileage which may be paid witnesses subpenaed to appear before the Commission shall be the same as those paid witnesses in the Federal courts. At present, Commission witnesses receive $6 per day, 10 cents per mile, and $10 per day subsistence when they attend so far from their residences as to prohibit their return home from day to day. Hereafter, witnesses before the Commission will receive $20, 10 cents, and $16, respectively.

Second. Section 2 would increase the compensation of the Commissioners from a flat $100 per day to the daily equivalent of the compensation of a level IV in the Federal Executive Salary Schedule. At present, this is $146.15. Committee investigation and correspondence from the Office of Management and Budget indicate that this conforms with current levels of compensation and with current practice.

Third. Section 5 would increase the maximum compensation which may be paid consultants to the Commission from a flat $100 per day to the daily equivalent of the compensation paid for positions at the maximum rate for a GS–15 of the General Schedule. At present, this is $127.92. Here, too, committee investigation and correspondence from the Office of Management and Budget indicate that this comports with current levels of compensation and current practice.

Section 6 of H.R. 12652 would authorize a maximum appropriation of $6,500,000 for the fiscal year ending June 30, 1973, and $8,500,000 for each succeeding fiscal year through June 30, 1978. As originally introduced it contained an open-ended authorization for appropriations for each year. In reporting the bill, the Committee on the Judiciary has substituted reasonable, specific dollar ceilings based on information submitted to it by the Commission concerning its program plans for the next 5 years.

At present the Civil Rights Commission is operating under an authorization of $4 million for fiscal 1973. Despite this, and in anticipation of the enactment of legislation to extend the life of the Commission, the President, in his budget message this past January, requested $4,821,000 for the Commission for fiscal 1973. This request does not reflect any allowance for the expanded jurisdiction. It is estimated that sex discrimination jurisdiction will require approximately $1 million in fiscal 1973, and an additional $1¼ million in each succeeding fiscal year, for the handling of complaints, revision of Commission publications, evaluation of Federal programs and policies, proposed studies, and serving as a clearinghouse for all pertinent information. Also, the Commission is planning a proposed Asian-American program, which is sorely needed, at an approximate cost of $250,000. Approximately $250,000 would permit the Commission to study major civil rights issues of immediate national concern, that is, emergency situations as they arise.

In succeeding years, it is contemplated that the sex discrimination program would be further developed and expanded, along with the other ongoing and new projects of the Commission. It is also contemplated that the regional offices will be more adequately staffed to permit them fully to serve and work with the State advisory committees, the "grass roots" operations, to reach their fullest potential in ferreting out and reporting on activities in their respective jurisdictions.

This legislation is part of the legislative program of the President. It was reported by subcommittee and full committee without a dissenting vote. It is sorely needed. I urge overwhelming House approval.

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

Mr. CELLER. I am glad to yield to the distinguished gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, I rise in support of the bill before us, dealing with the Commission on Civil Rights, H.R. 12652. The purpose of the bill has been fully and clearly set forth by the chairman of the Committee on the Judiciary, the gentleman from New York, Congressman CELLER.

It is especially fitting that this matter come before the House on this day, May 1, which has been proclaimed as Law Day. Fifteen years ago, by a joint resolution of the Congress and proclamation of the President, the first day of May of each year was set aside as "A Special Day of Celebration by the American People in Appreciation of their Liberties." It was envisioned by the Congress and the President as a day of contemplation and rededication to the ideals of equality and justice under law.

In that same year, 1957, the Commission on Civil Rights was created. While not intentionally designed nor intended to complement Law Day, it seems to have in actuality done so. The Commission has served this country well. Its investigations, studies, and reports have served as the predicates for much of the civil rights legislation enacted in the last 15 years, as well as for executive action taken during this period. Truly the Commission has heretofore fostered the ideals of equality and justice under law. The amendment extending the jurisdiction of the Commission to sex discrimination will enable it to more fully support those ideals.

In considering this bill, I truly believe that we should be persuaded by these matters of concern and not the dollars involved. For we should all agree that if these dollars are needed to support the efforts of the Commission and achieve the ideals as enunciated in our Constitution they are dollars well spent.

Mr. Speaker, there may be some who have reservations concerning this measure—but I for one have not and strongly urge my colleagues to vote for passage.

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

Mr. CELLER. I am glad to yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I rise in support of H.R. 12652, a bill extending the life of the Civil Rights Commission. In the 15 years since its inception, the Commission has shown an unfaltering commitment to equality for all Americans. Granted no enforcement powers, it has shown a unique ability to carry out the purposes for which it was created to collect and study information, investigate complaints, submit reports, appraise Federal laws and policies, and serve as a national clearinghouse for information regarding denial of equal protection of the laws. The Commission's comprehensive reports and substantive recommendations have served as the basis for a great deal of legislative and executive action in the area of civil rights in the past 15 years.

The legislation before us today would not only extend the life of the Commission, but also expand its jurisdiction, to include discrimination because of sex. At present, the Commission is empowered to conduct inquiries into cases of discrimination on the basis of race, color, religion or national origin only. It has exercised its present jurisdiction with thoroughness and dedication. Surely this same diligent effort will be made in connection with any additional responsibilities it assumes in the area of sex discrimination.

Yet, there is another reason for giving the Commission this new area of responsibility. The power to look into cases of sex discrimination is currently distributed among several agencies of the Federal Government. For example, the Equal Employment Opportunity Commission is responsible for administering title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, color, sex or national origin. And indeed, according to William H. Brown, Chairman of the EEOC, of the approximately 81,000 charges of employment discrimination which this agency has received since 1965, about 25 percent have been charges based on sex discrimination. The Department of Labor is also charged with responsibility in this area, in accordance with its duties under the Equal Pay Act and the activities of the Women's Bureau in relation to women's rights.

What is needed is a central coordinating agency to conduct an in-depth analysis of the many aspects of sex discrimination, to evaluate the effectiveness of existing Federal programs as well as to propose alternate ways of combatting this type of discrimination. The Civil Rights Commission has proven itself to be an exceptionally competent fact-finding body and has demonstrated a capacity for utilizing the data which it compiles, for developing concrete plans of action. It is uniquely suited for this additional function.

The magnitude of the problem of sex discrimination has been finally brought center stage; it should be attacked simultaneously on many fronts. The first step was taken by the Congress with the

passage of the equal rights amendment of which I was a cosponsor and which, I am pleased to report, has thus far been ratified by 16 States. Giving the Civil Rights Commission the power to inquire into sex discrimination is another step.

I urge passage of this legislation. The Civil Rights Commission is crucial to the continuing struggle to insure full equality for all Americans.

Mr. HALL. Mr. Speaker, I am glad to yield 5 minutes at this time to my distinguished colleague from Ohio (Mr. McCULLOCH.)

Mr. McCULLOCH. Mr. Speaker, I have served in this body for nearly a quarter of a century. During that time it has been my privilege to participate in some historic developments in our quest to provide equal opportunity for all Americans. We have legislated to open public accommodations, employment, and housing to all regardless of race or color. And we have written into the law strict safeguards protecting the right to vote.

These have been momentous steps on the road to equal opportunity. But we are not at journey's end. We have yet to see whether these laws shall stand as unnoticed monuments to past victories or shall survive as living, working tools of social progress.

The U.S. Commission on Civil Rights has played no small role in this story. Since the time of my arrival in Washington in 1947, there has been a national discussion about the need for a commission on civil rights. For in that year the newly established White House Committee on Civil Rights recommended that Congress establish such a commission.

That happened 10 years later—in 1957. At that time the most pressing problem was discrimination in voting against blacks, which the Commission immediately investigated. Since then, the Commission investigations have focused on other minority groups and other problems. The hearings and reports of the Commission have provided the legislative foundation for the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Equal Employment Opportunity Act of 1972.

As these measures were placed on the statute books, the Commission increased its efforts to monitor enforcement of these laws by the Federal Government in accordance with the congressionally imposed duty to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." Today, this is one of the Commission's most sensitive and necessary undertakings.

In 1957 the Commission was created as a temporary agency. However, the Commission's work has been so indispensible that the Congress, each time the Commission's life was scheduled to expire, has extended its life. This again is such a time.

H.R. 12652, which I have cosponsored, would extend the Commission's life until the close of fiscal year 1978. It would also expand the jurisdiction of the Commission to cover discrimination on account of sex. It would increase the appropriation authorization of the Commission commensurate with its increased duties.

Throughout the quarter of a century that I have served in this body, I have fought many battles for the cause of human rights. Soon I will retire. I trust that I will do so with the assurance that the Civil Rights Commission will continue, its lease on life renewed, to stir the conscience of the Nation so that a divided people, laying aside its prejudices, may become one nation, indivisible, with liberty and justice for all.

Mr. HALL. Mr. Speaker, I yield at this time 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in enthusiastic support of H.R. 12652 which would extend the life of the U.S. Civil Rights Commission for 5 years through June 30, 1978, and expand its jurisdiction to include inquiries into sex discrimination. The bill authorizes a $6.5 million appropriation in fiscal year 1973, of which $4 million has already been authorized, and an $8.5 million annual authorization for fiscal years 1974 through 1978. I think it is important to emphasize that this bill has the full backing of the administration. In his state of the Union message of January 20, 1972, President Nixon urged both a 5-year extension for the Commission and the broadening of its jurisdiction to encompass sex-based discrimination. The bill also has the endorsement of the Leadership Conference on Civil Rights which comprises some 128 national organizations including civil rights, labor, religious, and civic organizations. In a letter addressed to all Members of Congress, Leadership Conference Legislalative Chairman Clarence Mitchell stated, and I quote:

> During the 14 years of its existence, the Commission has proved its value many times. Its investigations into the discrimination suffered by the nation's minorities groups, its many reports and statements have done much to focus national attention on injustices and to help Congress formulate programs for correcting those injustices.

I would especially want to second Mr. Mitchell's comment on the value of the Commission to the Congress. Since its inception in 1957, the Civil Rights Commission has earned a first-class reputation for its thorough investigations and its high-quality studies and reports. And these investigations and reports have in turn helped to lay the groundwork for much of the civil rights legislation passed during this period. They have also proved of invaluable assistance to four successive administrations in shaping the goals, policies, and programs in the area of civil rights.

Mr. Speaker, permit me to address myself briefly to the major new feature of this legislation—the extension of the Commission's jurisdiction to sex discrimination. At the very moment the equal rights amendment to the Constitution approved by this Congress is working its way through the State legislatures in the ratification process. There has been a heightened awareness in the Congress and in the Nation in recent years of pervasive and persistent sex discrimination in all walks of life. Approximately 25 percent of the 81,000 employment discrimination complaints received by the Equal Employment Opportunity Commission since 1965 have been charges based on sex discrimination, and the number of charges and cases are growing steadily. In a letter to the House Judiciary Committee dated February 22, 1972, EEOC Chairman William H. Brown III endorsed this expansion of the Civil Rights Commission's jurisdiction with the following words:

> Since the problem of sex discrimination continues as one major aspect of the entire concept of civil rights in this country, and since the Civil Rights Commission is the agency best qualified to examine and provide guidance in this complex and subtle area of civil rights, it should be granted jurisdiction to examine problems of sex discrimination along with its studies of other forms of discrimination.

In a letter addressed to all Members of this body, Osta Underwood, National President of the Business and Professional Women's Clubs of America, put it this way, and I quote:

> Discrimination on the basis of sex is a fact of life for the American woman, but the extent of this discrimination is not fully known. We believe that, because of its position of independence and impartiality, the Commission can explore all areas of sex discrimination and can contribute greatly toward making equality under the law for men and women a reality.

Mr. Speaker, I am in full agreement on the rationale and need for delegating to the Civil Rights Commission the additional responsibility of making inquiries into sex-based discrimination. Such information will be of immeasurable benefit to all three branches of government as together we move to eradicate the last vestiges of discrimination based on sex.

In conclusion, Mr. Speaker, I urge my colleagues to join me in approving this most important legislation to extend the life and broaden the jurisdiction of the U.S. Civil Rights Commission. On five separate occasions the Congress has given its vote of confidence to the Commission by extending its life. I am confident we will do so again today.

Mr. HALL. Mr. Speaker, I yield 2 minutes to our colleague from Illinois (Mr. McCLORY), a member of the Committee on the Judiciary.

Mr. McCLORY. Mr. Speaker, in expressing my support for a 5-year extension of the Commission on Civil Rights and for expanding the jurisdiction of the Commission to include the subject of sex discrimination, I would like to add the hope that the Commission will investigate and report on areas of progress in reducing discrimination and will, from time-to-time, highlight examples for others to emulate in working toward the ultimate goal of eliminating all discrimination in human relationships.

A most flagrant practice of many who seek to end discrimination is to lump all human beings together on the basis of race, color, sex, or other identifiable characteristic—and to charge deficiencies or other human inadequacies on such a broad general scale. In my opinion, the Commission has yielded to this

practice—particularly in its so-called "clearing house" function. While the explanation is given that such broadsides are leveled for purposes of "discussion" and do not necessarily reflect the views of the Commission or its individual members, still, the failure to balance progress with inaction, and the good with bad, must tend to exacerbate tensions and frustrate many positive efforts toward harmonizing human attitudes notwithstanding differences in color, race, and—now—sex.

There is an alarming tendency toward separatism which can only gain headway if groups particularly identified by some distinct physical characteristic are encouraged to be set apart or remain separate. How much better to level our attack against discrimination by working consistently for equality of opportunity in housing, employment, education, and all other human experiences.

The Civil Rights Commission has excellent opportunity to provide the broad framework within which our American society can become totally integrated with greatly expanded opportunities for women and for the various racial and ethnic minorities to enjoy the full benefits of citizenship through better education, better housing, and better job opportunities—including far broader participation in executive and professional positions. With such a goal, the role of the Civil Rights Commission could be greatly enhanced—and dramatically converted to become the main catalyst for a truly egalitarian society in which narrow attitudes born of discrimination are reduced to an inconsequential minimum.

Mr. HALL. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I have not always agreed with the legislative proposals of the great Committee on the Judiciary on this subject, or with the action of the Civil Rights Commission itself, and would strongly associate myself with the remarks of the gentleman from Illinois concerning the need for a more positive approach of encouragement by the Commission rather than one which is punitive and negative.

I rise in support of this legislation, however, because, whatever deficiencies the Commission may have, it is both an indication and an instrument of this Nation's continuing commitment to the cause of equal rights.

This is a Nation that was founded on the proposition that there are inalienable rights of man which cannot lawfully be taken away or abrogated by any level of government. The guarantees of the Bill of Rights and of the Constitution of the United States as amended do and must apply to every individual in this society without exception.

Mr. Speaker, North, South, East, and West we must make sure that every child born in this country, regardless of race or sex, is given his or her fair chance to rise to that child's full stature, and is encouraged to fulfill whatever gift God has placed within him. Until we do so we rob ourselves as well as our children. We cannot know what child in this society may discover the cure for cancer if he or she is given a chance.

We do know with certainty, however, that the Nation is filled with human resources which constitute its greatest wealth. America can only fulfill her own great dream when every American can find his place in the sun and is permitted and encouraged to become the most and the best it is in him to be.

Nor are such basics as equal and exact justice before the law or equal employment opportunity benefits to be bestowed or withheld by government. Rather, they are rights to be recognized, honored and protected at any cost.

The protection of the constitutional rights of the people is a Federal responsibility and a national concern. Discrimination and injustice are national, not regional, problems.

The local government and the community leadership of my own city of Birmingham, Ala., recognize our obligation to work together across ethnic and racial lines toward a better life for all our people. We are determined to help lead the way toward a solution to the problems which divide our country and its people. The biracial efforts of my city toward this end figured importantly in its being named an All-America City by Look magazine and the National League of Municipalities in 1970. And in this centennial year, as we begin our second century, many of us look forward to building in Birmingham, Ala., an alabaster city undimmed by human tears. Some of us believe there is virtually no limit to what American citizens living in freedom and striving toward justice can accomplish together.

Mr. Speaker, the Constitution is precious to the people I represent—and whoever loves or would uphold the Constitution must honor the constitutional rights of the people. tOherwise, our whole system of law becomes a whited sepulchre filled with dead men's bones and all the fine words about "liberty and justice for all" become "a tale told by an idiot, full of sound and fury, signifying nothing."

There must be a continuing national commitment to the unalienable rights of man, with which he was endowed by his Creator. It is for this reason I rise in support of this legislation.

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

Mr. Speaker, first let us set the record straight. This is no longer a debate on civil rights, nor even of adding the question of sexual discrimination which has been outlawed by the law of the land, or thereunto under the prerogatives of this Commission.

The question and only issue is whether or not, purely and simply, we shall continue for 5 years and 5 months the Civil Rights Commission, or any other commission to which has been farmed out the duty of existing committees of the legislature, and the duties of the Department of Justice downtown, for some unknown reason at greatly increased rates.

Mr. Speaker, I submit that the functions of the Civil Rights Commission have been extended five times for 2-year periods, and they have not rendered substantive reports that have had an effect on the Nation and by definition is a failure. I think it is time that we took this in hand. I can see no reason for extending the life of the Commission for 5 years and 5 months while enhancing and adding increased travel and witness fees for those harbingers of doom, and bleeding hearts, that travel across the country at the taxpayers' expense in order to cause trouble and raise the nitty-gritty and ofttimes inconsequential views, and produce harassment and repetitive insults to the function of good government.

This would not happen if the proper people were taking care of and overseeing the laws passed by the Congress. So I say, why 5 years and 5 months? Why level off at an increased plateau of up to $8.5 million a year for a commission that has not yet produced a report? It would be much better if we would come in here with a bill and with legislative fiat enact it into the statutes saying, "Complete your job in 6 months, and get the report in, or get out, and you are dissolved therewith."

That is the way to end government by commission instead of government by law.

I am amazed that it takes a nonlawyer from the Ozarks to make this point.

I cannot imagine why we should presume that as long as the civil rights law is working that we should expend more in fiscal year 1973 than the $4 million that we have already authorized, and why we should "guessticulate" or speculate that we are going to need $8.5 million each subsequent year through 1978. I know that one of the reasons is that the Commissioners themselves have not and do not do their work, and they are hiring consultants to the Commission, just as the Judiciary has had the Commission appointed to do its work, and the Department of Justice the same way. I can see no reason why we should further subsidize all department and interest groups as we did in the Poverty Corps where all of the funds go to the warriors, and none go to the stricken. So, we have here a failure by definition, a nonlegislative authority, and hence again a government by referral. I say the Commission has lasted long enough already, and that it is time we pull the string on this legislative enactment, and cut off the funds therefor.

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

Mr. HALL. I am glad to yield to the gentleman.

Mr. MIZELL. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, I rise in opposition to this appropriation. I do it because I have very strong feeling that this Commission is not carrying out its responsibility in the spirit or in the manner for which it was established.

I refer to the CONGRESSIONAL RECORD of March 6, page 6986, and a statement that I inserted in the RECORD which questioned the testimony of the

director of the Commission of Civil Rights before the Committee on the Judiciary while the committee was hearing testimony on a proposed constitutional amendment to prohibit forced busing. In his testimony he left the impression that in the Winston-Salem school district in North Carolina, everything was going just great. He based that on the Commission's investigation of the Winston-Salem school system.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HALL. Mr. Speaker, I yield myself 1 additional minute and continue to yield to the gentleman.

Mr. MIZELL. When it was checked out, we found the investigation by the Commission totaled four telephone calls to individuals in Winston-Salem. His testimony was completely misleading to the committee about the situation that exists in the Winston-Salem school system.

I understand since the Commission testimony, they have sent some of their personnel down to Winston-Salem to investigate. It is apparent to me, they did not want to be confused with the facts before they presented their erroneous testimony.

Mr. HALL. Mr. Speaker, I thank the gentleman for his astute observation.

The record is replete with the actions of the functionaries created by this legislative Commission adverse to the national interest, and I say it is time that we put a stop to it, Mr. Speaker.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker and my colleagues, as this discussion moves on, it becomes clear why we are asking for a 5-year extension of the Civil Rights Commission. Because what is at issue is what has been at issue during the 14 years that the Commission has been in existence—that is the attainment of civil rights for all Americans.

This Commission is not a failure. It has not been causing the troubles that it has reported. We have used the Commission as a basis for gathering factual information on all of the civil rights legislation that was presented here in 1964 when public accommodations were in question and in 1965 in reference to the voting rights act and a couple of years back on the extension of the voting rights act.

It has brought to us completely independent information, from members of a commission who have each consistently displayed the highest integrity.

The chairman, Father Hesburgh, the president of Notre Dame University, I think has done a remarkable job. He is independent. He is fair. He has been thoughtful and constructive. The information provided by this Commission has been extremely important to us. It is not a failure.

Maybe some day we will not need a Civil Rights Commission, but we needed it far longer than the 14 years that we have had it. I cannot even foresee us not still needing it at the end of these 5 years. That is some measure of the enormity of the racial questions still unresolved in America today.

The question then is whether we are going to pull this country together and the Congress shares that responsibility. The very minimum that we can do is to ask for a body that will furnish us without fear or favor and without partisan consideration the information that is necessary for us to legislate.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I rise in support of this legislation. I think the existence of the Commission has been extremely important in looking into all aspects of discrimination, and after marshaling the facts, making recommendations to correct them.

The power of the Commission is the power of persuasion that those facts have exerted. I think the work the Commission has done in past years has been significant. The Commission's efforts will be considerably strengthened by the inclusion of jurisdiction over discrimination against sex. We need information about women who are the sole support of their families and who have been prevented from obtaining mortgage loans simply because they are women. We need a thorough-going investigation of the credit and banking industry and its loan housing and real estate practices in regard to women. We need to know about the nature of the access to public accommodations. We need to examine discriminatory practices against women—students, professors, and administrators—in educational institutions. We need an industry-by-industry, union-by-union examination of where women are in employment.

I hope that this legislation will considerably strengthen the efforts that have been made in this country to expose discrimination and will create a society in which both men and women can participate equally.

Mr. Speaker, the evolution of the new American woman has begun. For me, the most remarkable development in the past decade has been the way in which women from so many different backgrounds and occupations have begun to fight and organize for their rights. Hundreds of thousands of women are stirring and becoming involved in all aspects of political and social change to a degree that has never before occurred in our culture. Thousands of women are in law and medical schools today where formerly there were only hundreds. Twenty-nine million women currently work full time or part time, and more are entering the labor market daily—at a far greater percentage than men.

All over America, women are getting together to challenge a way of life that has made them an oppressed majority. The discrimination which operates against women is of a qualitatively different sort than that inflicted upon blacks and other minorities. It is far more subtle and pervasive, penetrating the experience of women of all races: Preventing us from obtaining jobs and earning equal pay for equal work; preventing us from going on to graduate education; preventing us from rising through the ranks of a profession—and thereby effectively vitiating the great American myth that hard work and perseverance alone can carry a person from rags to riches.

The decisive, winning battle in our fight for our rights—to obtain equality in jobs, education and professions—is still a long way off.

We must enlist all the resources of our Nation to bring to light and eliminate all discrimination practices against women, just as we have been doing for racial minority groups.

One of the most important tools we could have would be the resources and spirit of the Civil Rights Commission. Since 1957, the U.S. Commission on Civil Rights had researched and reported on the Federal Government's civil rights enforcement efforts. Discrimination and attendant abuses in the areas of housing, voting, education, and employment as well as the administration of justice, which have a direct or indirect repressive effect on our minorities have been carefully documented and detailed in reports beginning in 1959. The chief function of the Commission has been to gather the facts that can lead to changes in the abusive patterns found. The Commission cannot prosecute or cut off funds. It cannot file suits or remove officeholders. The power of the Commission is the power of persuasion that the facts exert. They are an independent agency with unlimited scope—they are free to look into any aspects of the discrimination problem, and after marshaling the facts, make recommendations to correct it.

In the past 13 years, of 185 formal recommendations made, action in one form or another has been taken on 118—63.8 percent. This is a commendable record. But the glaring omission is the lack of facts and recommendations to combat sex discrimination. If H.R. 12652 is passed, it will be a positive mandate by Congress directing the Commission to undertake studies and reports similar to those which have proven so successful in combating racial discrimination.

For example, we need information about women who are the sole support of their families, and who have been prevented from obtaining mortgage loans simply because they are women. We need a thorough investigation of the credit and banking industry and its loan practices in regard to women. We need an investigation into housing and real estate practices. We need to examine access to public accommodations. We need to explore the more subtle aspects of employment discrimination, and we need massive studies on an industry-by-industry and union-by-union basis in this area.

I hope that Congress will extend the jurisdiction of the Civil Rights Commission so that we will be able to ferret out and expose that discrimination which precludes women from being effective members of a free and equal society, and I urge the enactment of this bill.

I yield back the balance of my time.

Mr. HALL. Mr. Speaker, I yield 3

minutes to my friend from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I want to commend my colleague from Missouri for the excellent statement he made in opposition to this bill and the outrageously increased spending it provides. What this country needs as badly as anything else and certainly needs far more than a continuation of the Civil Rights Commission is a commission to stop the discrimination against the taxpayers of this country. They are the people who are going to have to pay the bill, this doubly costly bill for the perpetuation of this outfit. They are the people who are going to have to pay for the increase to $128 a day for consultants hired by the Commission. They are the people who are going to have to pay for the doubled witness fees.

Yes, we need a commission in behalf of the taxpayers to stop the discrimination against them. I know of no reason for a continuation of this particular Commission, and I would like to ask the chairman of the committee on what basis of justification the cost of the Commission was practically doubled. It will be more than doubled, from $4 million a year at present to $8.5 million in the last 4 of the 5 years of its operation. On what basis was this kind of figure arrived at? What is the justification for it?

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

Mr. GROSS. Yes, of course I yield.

Mr. CELLER. I can give the gentleman an answer, but I am not sure I can give him understanding.

Mr. GROSS. The gentleman has told me that before. Try it on for size and see what you can accomplish.

Mr. CELLER. I will say to the gentleman the President's budget already provides for $4,821,000 for the Commission's operation in fiscal year 1973.

To this we must add the cost of the sex discrimination program, $1 million, the specific costs of the bill—including increased compensation for Commissioners, increased witness fees, an increased consultant fee maximum—a proposed Asian-American program, and funds for responses to civil rights emergencies.

I say to the gentleman from Iowa that all these figures will be passed on by the Appropriations Committee. These are only authorizations. Whether the Commission will get these funds depends upon the recommendations of the Appropriations Committee and the actions of this Congress. So the amount of money is not final.

For fiscal year 1974 and the succeeding fiscal years the sex discrimination program will continue to develop and expand, along with the other ongoing and new projects of the Commission.

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

Mr. HALL. Mr. Speaker, I yield the gentleman from Iowa 2 additional minutes.

Mr. GROSS. Mr. Speaker, I think I get the general idea. There was no reasonable justification.

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

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

Mr. HALL. Mr. Speaker, I would say to my distinguished friend, the gentleman from Iowa, in response to his question, it says in the report on page 2, under paragraph 3:

> 3. Section 5 would increase the maximum compensation which may be paid consultants to the Commission from a flat $100 per day to the daily equivalent of the compensation paid for positions at the maximum rate for a GS–15 of the General Schedule. At present, this is $127.92.

We are trying to "keep up with the Joneses," and coupled with that is the fact that we are extending the life of this Commission and not allowing it to die, all of which is causing the increase.

Mr. GROSS. And there is no more on the part of the Judiciary Committee and others who support this bill to consider a commission to study the demands on the taxpayers of the country.

I will say to my friend, the gentleman from Missouri, that I wonder when some consideration is going to be given to the taxpayer.

Mr. HALL. I will say in answer to the gentleman that if there ever was a commission that proved that nothing persists like once legislated delegation of authority in Washington, this proves the case. The taxpayer or a commission in his behalf will never be recognized as long, as under the sacred name of rights, we continue to give away individual freedoms and liberties for greater security or for the delegation of the process to someone else, which we do regularly in this Congress and in these bureaus by constitution of authority, and spending the other fellow's moneys.

Mr. CELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as to the consultants, I wish to state that the bill increases the maximum which may be paid consultants from $100 a day to $127.92 per day. The estimated cost will be $2,500 for a whole year for all consultants. That is what we are arguing about. It is a trifling sum.

Mr. Speaker, agencies which pay the same maximum to consultants as is contemplated in this bill namely the $127.92 per day include the General Services Administration, the National Labor Relations Board, the Equal Employment Opportunity Commission, and the Department of Justice.

Agencies which pay more than that provided in the bill include the Department of Commerce, the Cabinet Committee on Opportunities for Spanish Speaking People, and the National Commission on Libraries. Also, Economic Stabilization Act consultants may be paid at the higher rate.

I might also say to the distinguished gentleman from Missouri (Mr. HALL) that this is not the first time we have extended the life of the Commission for 5 years. We did that very same thing in 1967, when we extended the life of the Commission for 5 years.

Beyond that, as to the statement that the Commission is a law unto itself, that certainly is contrary to fact. The Commission is not a law unto itself. It makes recommendations which are passed on by this Congress. We must determine whether those recommendations are sound or whether they are unsound. We must determine whether we are going to convert those recommendations into law or not. We are the final arbiters, not the Commission, so it is fallacious to say the Commission in a law unto itself. It is not a law unto itself.

Mr. Speaker, for these and a great many other reasons, I do hope we will get the sufficient two-third majority to pass this bill.

Mr. DRINAN. Mr. Speaker, the arguments pro and con on the issue of equal rights for women and men have been previously made in this House in the context of the Equal Rights amendment which we passed by an overwhelming vote last October.

In furtherance of the objectives of that amendment, we have before us today a proposal, which I support enthusiastically, to extend the jurisdiction of the Civil Rights Commission to sex discrimination.

I share the view of my colleagues on the Judiciary Committee, as expressed on our report on this bill, that—

> There is a continuing need for an agency to gather the facts necessary to an independent, impartial appraisal of where we are in the civil rights field and the directions in which we should head. The record of the Civil Rights Commission justifies the previously demonstrated confidence of the Congress in it as that agency.

The Civil Rights Commission has well served a necessary function in identifying the racial injustices in our society. I am entirely persuaded that such a function must be served with respect to sex discrimination.

Injustice is not susceptible to amelioration until it is specifically located. With respect to discrimination against women—as so much current literature indicates—we are now at the stage of social development we were at with respect to racial injustice a generation ago.

Women have had the right to vote for 52 years. Progress comes slowly in the matter of human rights, but this bill is, in my judgment, real progress. I urge its enactment.

Mrs. HICKS of Massachusetts. Mr. Speaker, I support H.R. 12652, a bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission.

At the annual dinner of the Massachusetts Association of Women Lawyers, NettaBell Girard Larson, president-elect of the National Association of Women Lawyers delivered an address dealing with discrimination which I would like to share with my colleagues as being most timely with regard to H.R. 12652:

THE CONCEPT OF EQUAL RIGHTS

(By NettaBell Girard Larson)

Good evening, distinguished ladies and gentlemen. It's indeed a pleasure to be in your lovely city of Boston once again. It's a

double pleasure to have the opportunity to speak to you on my favorite subject—women and the concept of Equal Rights for Women! The last time I was in Boston, Senator Barry Goldwater was here campaigning for the Presidency. I was delighted to have the opportunity to vote for him. I was, and still am, an avid Goldwater fan. I will admit it was a disappointment to me when he was among the eight Senators who voted against adoption of the Equal Rights Amendment, as was my Senator from Wyoming, Clifford Hansen. However, because to me the concept of Equal Rights embodies the right of choice, I would defend their right of choice in this regard.

And—speaking of choice, I have worked with women and for women since I was old enough to tell the difference between the sexes, and I have loved every minute of it. I should say at the outset that in addition to the joy I have experienced in working for and with women, I have also enjoyed working for and with men and have learned to *love* them in the process, for the very things they do that we do not or would not want to do—many of which are so obvious they need not be mentioned.

The first exposure I had to feminism was the jingle I heard as a pre-school child which goes something like this: "Reuben, Reuben, I've been thinking what a grand world this would be, if all the men were transported, far beyond the Northern Sea". Reuben, of course counters with the same jingle directed at Rachel. And this expresses very well the strict equality of the sexes at about age 4 before the idea of inequality is ever conceived or any reality thereof ever experienced. Little girls think such of little boys at age 4 that it does not seem incongruous to them to recommend their transportation to way beyond the Northern Sea. I might add that many radical feminists seem to share this feeling. I would not, however, wish to cast the men out of society or wish to place them in inferior or distant position. And I suspect that most of you would not recommend such drastic action either. What I would hope for though is that I might, and you might and every woman and every person as well, might have the right to choose her or his course of action on a purely voluntary basis in a society which does not unduly restrain that right. To me, this is what the concept of "Equal Rights" is all about—the opportunity for every person, regardless of color, birth, religion or sex (or regardless of any other differential, such as wealth) to have the right of free choice.

You are all familiar with the history of the 19th Amendment—how women first began voting on an equal basis with men in 1869 in the territory of Wyoming and how, by 1919, the Woman's Suffrage Amendment was ratified by the last state, Tennessee; so I do not need to add my comments in that area. With the adoption of the Equal Rights Amendment on March 22, 1972 (which if ratified by 37 states within the next seven years will become the 27th Amendment to the U.S. Constitution) it is more important to examine the "concept" of equal rights and to trace its evolution and development. (I might add in passing that Tennessee became the 10th state last week—Hawaii was the first—to ratify the ERA. Connecticut refused—the legislature apparently concluded that women had enough rights already since they evidenced strong opposition in giving them more.)

In discussing the concept of equal rights, it is not difficult to pinpoint its origin. The concept of equal rights for women was never present in the violent eras of our history. In primitive caveman cultures the woman was dragged bodily into the cave by the man who captured her. She was a possession, a chattel, if you will. Even when the violence is not so outwardly obvious, if its principles exist—woman belongs to man. The prevailing morals of any particular time are held not only by those whom they benefit but by those, too, who appear to suffer from them. Their domination is expressed in that fact—that the people from whom they claim sacrifice also accept them. Under the "principle of violence", woman is the servant of man. And, under that principle, she shares the attitude to which the New Testament has given the most terse expression in I Cor. vi, 9: "Neither was the man created for the woman; but the woman for the man." The principle of violence recognizes only the male. Thus the right to choose a man does not belong to the woman. The basic change from the servant basis for woman has evolved, interestingly enough not from the efforts and rebellions of woman but through an increased awareness by man. The principle of violence and the great dominion of man has in these eras come into conflict with the nature of sexual intercourse and for sheer sexual reasons, man must, in his own interest, eventually weaken this dominion. For it is against nature that man should take woman as a will-less thing.

The sexual act is a mutual give and take, and a merely suffering attitude in the woman diminishes man's pleasure. Therefore, to satisfy himself, he must awaken her response. The victor who has dragged the slave into his marriage bed, the buyer who has traded the daughter from her father must court for that which the violation of the resisting woman cannot give. To this is added a second factor—the sexual act gradually becomes an extraordinary psychic effort which succeeds only with the assistance of special stimuli. This becomes more and more so in proportion as the individual is compelled by the principle of violence—which makes all women owned women and thus renders more difficult sexual intercourse—to restrain his impulses and to control his natural appetite. The sexual act now requires a special psychic attitude to the sexual object. This is love—unknown to the primitive man and to the man of violence, who used every opportunity to possess without selection. The characteristic of love, the overvaluation of the object, cannot exist when women occupy the position of contempt which they occupy under the principle of violence. For under this system she is merely a slave—but it is the nature of love to conceive her as a queen by her king.

Where the principle of violence dominates, polygamy is universal. Every man has as many wives as he can defend or afford. By its nature, polygamy was never an institution for the poor man; the wealthy and the aristocratic could alone enjoy it. But with the latter, it became increasingly complex to the extent to which women entered marriage as heiresses and owners, were provided with rich dowries, and were endowed with greater rights in disposing of the dowry. Thus, monogamy has been gradually enforced by the wife who brings her husband wealth. In order to protect legally the property of wives and their children, a sharp line is drawn between legitimate and illegitimate connection and succession as evidenced by the evolution of the theory at common law that the wife retains control of all property she owned prior to her marriage and by the often complicated laws specifying descent and distribution. The relation of husband and wife through this evolution process from violence to mutual need and respect is more and more becoming acknowledged in the concept of a contractual relationship.

As the idea of contract enters the Law of Marriage, it breaks the rule of the male, and makes the wife a partner with equal rights. From a one-sided relationship resting on force, marriage has thus become a mutual agreement; the servant becomes the married wife entitled to demand from the man all that he is entitled to ask from her. Step by step she has won the position in the home which she holds today. Nowadays the position of the woman differs from the position of the man only in so far as their peculiar ways of earning a living differ. This evolution of marriage has taken place by way of the law relating to the property of married persons. Woman's position in marriage was improved as the principle of violence was thrust back; and as the idea of contract advanced in other fields of the Law of Property it necessarily transformed the property relations between the married couple. The wife was freed from the power of her husband for the first time when she gained legal rights over the wealth which she brought into marriage, and which she acquired during marriage, and when that which her husband customarily gave her was transformed into allowances enforceable by law. This, marriage, as we know it has come into existence entirely as a result of the contractual idea penetrating into this sphere of life.

All our cherished ideals of marriage have grown out of this idea. That marriage unites one man and one woman, that it can be entered into only with the free will of both parties, that it imposes a duty of mutual fidelity, that a man's violations of the marriage vows are to be judged no differently from a woman's, that the rights of husband and wife are "essentially" the same; these principles develop from the contractual attitude to the problem of marital life. No people can boast that their ancestors thought of marriage as we think of it today. Science cannot judge whether morals were once more severe than they are now. We can establish only that our views of what marriage should be are different from the views of past generations and that their ideal of marriage seems immoral in our eyes.

I differ most strongly with the radical wing of Femininism which holds firmly to the standpoint that women must fight for liberation from the "yoke of marriage" so that she might be free to satisfy her sexual desires and to develop her individuality. The reason that I differ with this standpoint is because it overlooks the fact that the expansion of woman's powers and abilities is inhibited not by marriage, not by being bound to man (because he is also bound to her) or not by being bound to children and household, but by the more absorbing form in which the sexual function affects the female body. Pregnancy and the nursing of children claim the best years of a woman's life, the years in which a man may spend his energies in great achievements. One may believe that the unequal distribution of reproduction is an injustice of nature, or that it is unworthy of woman to be child-bearer and nurse, but to believe this does not alter the fact that physiologically, man cannot bear children—there is no choice involved! A woman may be able to choose whether or not to bear children. But—the fact remains that when she does become a mother, with or without marriage, she is prevented from leading her life as freely and as independently as man.

The evolution which has led from the principle of violence to the contractual principle has based the relations of marriage on free choice in love. The woman may deny herself to anyone, she may demand fidelity and constancy from the man to whom she gives herself. Only in this way is the foundation laid for the development of woman's individuality.

So far as Feminism seeks to adjust the legal position of woman to that of man, so far as it seeks to offer her legal and economic freedom to develop and act in accordance with her inclinations, desires and economic circumstances—it is not just or only part of a

"woman's" movement. It is part and parcel of the great liberal or liberation movement, which advocates the opportunity of free choice through peaceful and free evolution and toward which many Americans have been striving throughout the history of our great country.

"Woman's struggle to preserve her personality in marriage is part of that struggle for personal integrity which characterizes the rationalist society of the economic order based on private ownership of the means of production. All mankind would suffer if woman should fail to develop her ego and be unable to unite with man as equal, freeborn companions and comrades. Thus the meaning of the feminist question is essentially woman's struggle for personality. But the matter affects men not less than women, for only in cooperation can the sexes reach the highest degree of individual culture.

The surge of the feminist movement toward the passage of the Equal Rights Amendment has played an important part in the liberation movement. And, although the application of the Equal Rights Amendment has limitations—the movement toward equality of treatment under the law has created a new awareness of the psychology of equality and its ratification should be instrumental in the development of the female ego.

Now that you know where I stand in this area, let's take a look at where the law stands and then consider what laws and practices might be affected by ratification of the Equal Rights Amendment.

With the recent adoption of the 27th Amendment by the United States Congress, the 70's indeed look as though they will be the decade of women and for women, but hopefully not to the exclusion of the men.

The Equal Rights Amendment reads "equality of rights under the law will not be denied or abridged by the United States or by any State on account of sex". The basic reason for the necessity of such an amendment is that in the present legal structure some laws exclude women from legal rights, opportunities or responsibilities; some are framed as legislation conferring special benefits or protection on women; others create or perpetrate a separate legal status without indicating on their face whether the positions of women rank below or above the positions of men. The fundamental legal principle underlying the Equal Rights Amendment then, is that the law must deal with particular attributes of individuals not with the classification based on the broad and impermissible attribute of sex. There presently exist in the various states over one thousand state laws as well as innumerable restrictions and practices, that discriminate against women, according to information presented at Hearings on the Equal Rights Amendment.

These present laws and restrictions can be broken down into some 15 categories as follows:

1. State laws placing special restrictions on women with respect to hours of work and weightlifting on the job.

2. State laws prohibiting women from working in certain occupations.

3. Laws or practices operating to exclude women from state colleges and universities (including higher standards required for women applicants to institutions for higher learning and in the administration of scholarship programs).

4. Discrimination in employment by state and local governments.

5. Dual pay schedules for men and women public school teachers.

6. State laws providing for alimony to be awarded under certain circumstances to ex-wives but not to ex-husbands.

7. State laws placing special restrictions on the legal capacity of married women or on their right to establish a legal domicile.

8. State laws that require married women but not married men to go through a formal procedure and obtain court approval before they may engage in an independent business.

9. Social Security and other social benefits legislation which give greater benefits to one sex than to the other.

10. Discriminatory preferences based on sex in child custody cases.

11. State laws providing that the father is the natural guardian of the minor children.

12. Different ages for male and female in (a) child labor laws, (b) age for marriage, (c) cut-off of the right to parental support and (d) juvenile court jurisdiction.

13. Exclusion of women from the requirement of the military selective service act of 1967.

14. Special sex-based exemptions for women in selection of state juries.

15. Heavier criminal penalties for female offenders than for male offenders committing the same crime.

Of these categories the area, as you might imagine, which interests me the most and one in which the Amendment will have considerable impact is the area of marriage relations. Although the last hundred years have seen a tremendous change in marriage law, there are still some such laws that do not apply equally to husbands and wives. The state laws in this area which are discriminatory relate to: women's right to property, inheritance, guardianship, management of earnings, the control of a family's wealth, payment of alimony, the retention of the wife's maiden name and the retention of her original domicile for voting and payment of taxes. For example, the common law decrees that in addition to the control of property acquired *before* marriage, the incoming property acquired by each spouse *during* marriage remains separately owned, but there is a catch rather like the classic "Catch 22" which is, that since most women after marriage do not have the opportunity to acquire much earnings and property of their own, they often don't end up with much. In seven of the eight community property states, Arizona, California, Idaho, Louisiana, Nevada, New Mexico and Washington, although the wealth is shared, the husband has the conclusive right to manage and control the estate. Only Texas has eliminated this inequity by amending its community property law to provide that "each spouse shall have sole management, control and disposition of that community property which he or she would have owned if a single person". California, Florida, Nevada and Pennsylvania require wives to obtain the Court's approval to set up their own businesses. Other states still place some type of restrictions on married women's contractual capacity. Under Kentucky law for example, though a married woman generally has full contractual capacity, she is, with some exceptions, prohibited from being a joint maker on a note or surety on a bond or obligation of another unless her husband joins with her. No such restriction is imposed, however, upon her spouse. There are only four states which recognize a married woman's right to acquire her own domicile, independently of her husband for all purposes without limitations.

So called crimes of passion, murder or manslaughter provoked by adultery, provide bias in favor of husbands. For example, in Texas, where what is called the "unwritten law defense" still applies, a husband who kills his wife's lover has under this a complete defense, but a wife who kills her husband's mistress has no similar justification. In North Carolina, if a wife kills her husband, half the property passes immediately to the husband's estate. The other half is held by the wife during her lifetime, but on her death passes to the estate of the husband. On the other hand, if the husband kills his wife, he holds all the property during his life although it goes to the wife's estate on his death.

Only fifteen states prescribe the same minimum age for marriage for males and females where parental consent is not required. The remaining states permit girls to be married without parental consent three years earlier than boys. Even at the lower ages where parental consent is necessary, statutes maintain a comparable differential between irreducible marriage ages of the sexes, with only ten states, prescribing a uniform age for boys and girls under these circumstances.

That is a quick thumb nail sketch of some of the marriage laws which might be affected by ratification of the Equal Rights Amendment.

In short, the effect that ratification of this Amendment would have on women would be substantial. It would be a giant step forward in the great liberation movement which advocates, as I mentioned earlier, the opportunity of free choice for all individuals.

There can be no doubt that women lawyers have come a long way since 1872! That was the year that the United States Supreme Court (in *Bradwell* v. *Illinois*, 16 Wall. 130 (1872)) upheld a state statute barring women from the practice of law, stating: "Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life." In the future, the legal profession can expect to see an increase in the number and percent of women. By way of illustration: In Massachusetts for example, there are 12,905 lawyers, 392 of which are women, or 3.5%, as determined by the "1971 Lawyer Statistical Report" published by the American Bar Foundation in 1972. That report also states that although there was a population decline in Massachusetts over the last five years, of 5.69%, the percentage of lawyers increased 6.54%. Boston, with a population of 641,071 has 5,277 lawyers with 172 women or approximately 3.4%. Just for fun, I want to mention for a comparison basis some of the figures for another state, in fact my home State of Wyoming. Wyoming, which has 475 lawyers in the entire state, with a population of 310,000, 13 of which are women, for 2.9%. In 1961, there was a total enrollment in law schools of 41,499, of which 1,497 were women. In 1971, the total enrollment in law schools was 94,468, of which 8,114 were women. In the entire country, according to the American Bar Foundation Report, there are 355,242 lawyers, of that, 9,103 or 2.8% are women. These figures show the enrollment figure of women law students to be almost as high as the total number of women lawyers. I think it would be obvious to all of us that the increase in enrollment of women in law schools all over the country indicates that the number as well as the percent of women lawyers will soon be rising.

So where does this put women lawyers in the seventies? It definitely puts us in a position of active participation. No longer are we, as American women, complacent or just aware of the problems. Now that the 60's have created an awareness of the problems concerning Equal Rights for women, we are now working to do something about them. As women lawyers through active participation in the legislative and judicial process, we can help insure that every woman has the opportunity to make a choice as to the type of work she wants to pursue and the type of life she wants to lead. The adoption of the Equal Rights Amendment has created the thrust of the 70's—we must carry it forward. It is my prediction that we will, as women lawyers and as concerned Americans, and that the Decade of the 70's will indeed be the decade *of* women and the decade *for* women to most enjoy being people.

The SPEAKER. The question is on the motion offered by the gentleman from New York, (Mr. CELLER) that the House suspend the rules and pass the bill H.R. 12652, as amended.

The question was taken.

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

The SPEAKER. 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 265, nays 66, not voting 102, as follows:

[Roll No. 131]

YEAS—265

| | | |
|---|---|---|
| Abourezk | Fascell | McKinney |
| Abzug | Findley | Mallery |
| Adams | Flood | Mann |
| Addabbo | Ford, Gerald R. | Martin |
| Alexander | Forsythe | Mathias, Calif. |
| Anderson, Calif. | Fraser | Mayne |
| | Frelinghuysen | Mazzoli |
| Anderson, Ill. | Frenzel | Meeds |
| Andrews, N. Dak. | Frey | Melcher |
| | Fuqua | Miller, Ohio |
| Annunzio | Garmatz | Mills, Ark. |
| Arends | Gaydos | Minish |
| Ashley | Giaimo | Mink |
| Aspin | Goldwater | Mitchell |
| Aspinall | Gonzalez | Monagan |
| Badillo | Grasso | Moorhead |
| Barrett | Gray | Morgan |
| Begich | Green, Oreg. | Morse |
| Bennett | Green, Pa. | Mosher |
| Bergland | Griffiths | Murphy, Ill. |
| Biaggi | Grover | Murphy, N.Y. |
| Boggs | Gubser | Myers |
| Boland | Halpern | Natcher |
| Bolling | Hamilton | Nedzi |
| Bow | Hanley | Nelsen |
| Brasco | Hansen, Idaho | Nix |
| Bray | Hansen, Wash. | Obey |
| Brooks | Harrington | O'Hara |
| Broomfield | Harsha | O'Konski |
| Brotzman | Harvey | O'Neill |
| Brown, Mich. | Hathaway | Patten |
| Brown, Ohio | Hawkins | Pelly |
| Broyhill, N.C. | Hays | Perkins |
| Buchanan | Hechler, W. Va. | Pettis |
| Burke, Mass. | Heckler, Mass. | Peyser |
| Burlison, Mo. | Heinz | Pike |
| Burton | Helstoski | Poff |
| Byrnes, Wis. | Hicks, Mass. | Preyer, N.C. |
| Carey, N.Y. | Hicks, Wash. | Price, Ill. |
| Carlson | Hogan | Pucinski |
| Casey, Tex. | Holifield | Quillen |
| Cederberg | Horton | Rangel |
| Celler | Hosmer | Rees |
| Chamberlain | Howard | Reid |
| Clancy | Hutchinson | Reuss |
| Clausen, Don H. | Ichord | Riegle |
| | Jacobs | Robison, N.Y. |
| Clay | Johnson, Calif. | Rodino |
| Collins, Ill. | Johnson, Pa. | Roe |
| Conable | Karth | Rogers |
| Conte | Kastenmeier | Roncalio |
| Conyers | Keating | Rooney, N.Y. |
| Cotter | Keith | Rooney, Pa. |
| Coughlin | Kemp | Rosenthal |
| Curlin | King | Rostenkowski |
| Danielson | Koch | Roush |
| Davis, S.C. | Kuykendall | Roy |
| Davis, Wis. | Kyl | Roybal |
| Delaney | Kyros | Ruppe |
| Dellenback | Latta | Ryan |
| Denholm | Leggett | Saylor |
| Dent | Lent | Schneebeli |
| Derwinski | Link | Schwengel |
| Diggs | Lloyd | Sebelius |
| Dingell | Long, Md. | Shipley |
| Donohue | Lujan | Shoup |
| Dow | McClory | Shriver |
| Downing | McCloskey | Sikes |
| Drinan | McClure | Sisk |
| Duncan | McCollister | Skubitz |
| du Pont | McCormack | Slack |
| Dwyer | McCulloch | Smith, Calif. |
| Edwards, Calif. | McDade | Smith, Iowa |
| Eilberg | McDonald, Mich. | Smith, N.Y. |
| Erlenborn | | Springer |
| Esch | McEwen | Staggers |
| Evans, Colo. | McFall | Stanton, J. William |
| Evins, Tenn. | McKevitt | |
| Steed | Ullman | Winn |
| Steele | Vander Jagt | Wolff |
| Steiger, Wis. | Vanik | Wright |
| Stratton | Vigorito | Wyatt |
| Sullivan | Waldie | Wydler |
| Symington | Ware | Wylie |
| Talcott | White | Wyman |
| Teague, Calif. | Whitehurst | Yates |
| Thompson, N.J. | Widnall | Young, Fla. |
| Thomson, Wis. | Wiggins | Zablocki |
| Thone | Williams | Zion |
| Tiernan | Wilson, Bob | Zwach |

NAYS—66

| | | |
|---|---|---|
| Abbitt | Gettys | Price, Tex. |
| Abernethy | Goodling | Purcell |
| Andrews, Ala. | Griffin | Rarick |
| Archer | Gross | Robinson, Va. |
| Ashbrook | Hagan | Rousselot |
| Baker | Haley | Runnels |
| Baring | Hall | Ruth |
| Belcher | Hammer-schmidt | Satterfield |
| Blackburn | | Scherle |
| Brinkley | Hébert | Scott |
| Broyhill, Va. | Henderson | Snyder |
| Burke, Fla. | Hull | Spence |
| Burleson, Tex. | Landrum | Steiger, Ariz. |
| Byron | Lennon | Stephens |
| Cabell | McMillan | Stuckey |
| Clawson, Del | Mahon | Taylor |
| Colmer | Mathis, Ga. | Teague, Tex. |
| Daniel, Va. | Michel | Terry |
| Davis, Ga. | Mills, Md. | Thompson, Ga. |
| Devine | Mizell | Waggonner |
| Dorn | Montgomery | Whitten |
| Fisher | Passman | |
| Flynt | Powell | |

NOT VOTING—102

| | | |
|---|---|---|
| Anderson, Tenn. | Fish | Mollohan |
| | Flowers | Moss |
| Bell | Foley | Nichols |
| Betts | Ford, William D. | Patman |
| Bevill | | Pepper |
| Biester | Fountain | Pickle |
| Bingham | Fulton | Pirnie |
| Blanton | Galifianakis | Poage |
| Blatnik | Gallagher | Podell |
| Brademas | Gibbons | Pryor, Ark. |
| Byrne, Pa. | Gude | Quie |
| Caffery | Hanna | Railsback |
| Camp | Hastings | Randall |
| Carney | Hillis | Rhodes |
| Carter | Hungate | Roberts |
| Chappell | Hunt | St Germain |
| Chisholm | Jarman | Sandman |
| Clark | Jonas | Sarbanes |
| Cleveland | Jones, Ala. | Scheuer |
| Collier | Jones, N.C. | Schmitz |
| Collins, Tex. | Jones, Tenn. | Seiberling |
| Corman | Kazen | Stanton, James V. |
| Crane | Kee | |
| Culver | Kluczynski | Stokes |
| Daniels, N.J. | Landgrebe | Stubblefield |
| de la Garza | Long, La. | Udall |
| Dellums | McKay | Van Deerlin |
| Dennis | Macdonald, Mass. | Veysey |
| Dickinson | | Wampler |
| Dowdy | Madden | Whalen |
| Dulski | Mailliard | Whalley |
| Eckhardt | Matsunaga | Wilson, Charles H. |
| Edmondson | Metcalfe | |
| Edwards, Ala. | Mikva | Yatron |
| Edwards, La. | Miller, Calif. | Young, Tex. |
| Eshleman | Minshall | |

So the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Mikva and Mr. Miller of California for, with Mr. Long of Louisiana against.

Mrs. Chisholm and Mr. Daniels of New Jersey for, with Mr. Jones of North Carolina against.

Mr. Van Deerlin and Mr. Moss for, with Mr. Fountain against.

Mr. Stokes and Mr. James V. Stanton for, with Mr. Roberts against.

Mr. Brademas and Mr. Foley for, with Mr. Bevill against.

Mr. Matsunaga and Mr. Fulton for, with Mr. Chappell against.

Mr. Charles H. Wilson and Mr. Hanna for, with Mr. Jones of Alabama against.

Mr. Macdonald of Massachusetts and Mr. Yatron for, with Mr. Collins of Texas against.

Mr. Kluczynski and Mr. Podell for, with Mr. Nichols against.

Mr. Hunt and Mr. Gude for, with Mr. Flowers against.

Mr. Biester and Mr. Quie for, with Mr. Schmitz against.

Mr. Sandman and Mr. Eshleman for, with Mr. Camp against.

Until further notice:

Mr. Byrne of Pennsylvania with Mr. Rhodes.

Mr. Madden with Mr. Hastings.

Mr. Carney with Mr. Whalen.

Mr. Hungate with Mr. Hillis.

Mr. Blatnik with Mr. Cleveland.

Mr. Stubblefield with Mr. Jonas.

Mr. Pepper with Mr. Pirnie.

Mr. Pickle with Mr. Betts.

Mr. Randall with Mr. Wampler.

Mr. Udall with Mr. Rhodes.

Mr. Anderson of Tennessee with Mr. Bell.

Mr. Clark with Mr. Railsback.

Mr. Corman with Mr. Mailliard.

Mr. Dulski with Mr. Crane.

Mr. William D. Ford with Mr. Veysey.

Mr. Mollohan with Mr. Minshall.

Mr. Metcalfe with Mr. McKay.

Mr. Kazen with Mr. Dellums.

Mr. Young of Texas with Mr. Collier.

Mr. Scheuer with Mr. Galifianakis.

Mr. Jones of Tennessee with Mr. Whalley.

Mr. Bingham with Mr. Fish.

Mr. St Germain with Mr. Dennis.

Mr. Patman with Mr. Edwards of Alabama.

Mr. Sarbanes with Mr. Eckhardt.

Mr. Gallagher with Mr. Edmondson.

Mr. Culver with Mr. Landgrebe.

Mr. Seiberling with Mr. Pryor of Arkansas.

Mr. Blanton with Mr. Jarman.

Mr. Caffery with Mr. Dickinson.

Mr. Gibbons with Mr. de la Garza.

The result of the vote was announced as above recorded. The title was amended so as to read: "A bill to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills S. 2713 and H.R. 12652.

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

There was no objection.

## LAND TRANSFER TO THE STATE OF TENNESSEE

Mr. PURCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee, as amended.

The Clerk read as follows:

H.R. 9676

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of General Services is authorized and directed to convey, without consideration, to the State of Tennessee for the use of the University of Tennessee, Knox County, Tennessee, all right, title, and interest of the United States in and to the real property referred to as the United States Cot-

ton Field Station, Knox County, Tennessee, containing 90.45 acres, more or less, more specifically described in section 2 of this Act.

SEC. 2. The real property referred to in the first section of this Act is more specifically described as follows:

Beginning at a point in the forks of Tipton Pike and the new road, the southwest corner of a tract of land conveyed by J. H. Lewis to Harriet H. Lay by deed dated January 18, 1932, and registered in Deed Book 519, page 468, in the Register's Office of Knox County, Tennessee; thence with the center of the Tipton Pike south 53 degrees 30 minutes west 964 feet to a point in the center of said pike; thence with same south 55 degrees 30 minutes west 353 feet to a point in the center of said pike; a corner of the tract of lands of Hall and Gibson; thence with the lands of said Hall, north 27 degrees 25 minutes west 1,867 feet to the center of the main line of the Southern Railway, north 31 degrees, east 1,955 feet to a point at the intersection of said main line and spur track thereof; thence with said spur track north 33 degrees 45 minutes east 115 feet; north 35 degrees 10 minutes east 258 feet; north 48 degrees 35 minutes east 276 feet to the center of an old road; thence with said old road south 4 degrees 45 minutes east 957 feet; south 11 degrees 45 minutes east 1,261 feet to a point at the junction of said old road and the new road and a lane leading east therefrom; thence with said new road south 10 degrees 50 minutes east 875 feet to the beginning, containing 90.45 acres, more or less.

SEC. 3. The real property conveyed pursuant to this Act shall be used consistent with the purposes of the University of Tennessee, including but not limited to, the promotion of the breeding of livestock (including the right to lease such property for such purposes to East Tennessee Artificial Breeders Association, or to any other nonprofit organization chartered by the State of Tennessee).

SEC. 4. The University of Tennessee shall pay the cost of such surveys as may be necessary to carry out this Act and shall bear all other expenses in connection with the preparation and recording of the legal documents necessary to carry out this Act.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PURCELL. Mr. Speaker, the purpose of this bill, H.R. 9676, is to authorize and direct the Secretary of Agriculture to convey, without consideration, to the State of Tennessee, for the use of the University of Tennessee, all right, title, and interests of the United States in and to real property referred to as the U.S. Cotton Field Station, located in Knox County, Tenn. It would require that the property be used in a manner that is consistent with the purposes of the university, specifically including its purpose to promote the breeding of livestock. The bill would also specifically authorize the university to lease the property to the East Tennessee Artificial Breeders Association, or any other nonprofit organization chartered by the State of Tennessee, for breeding purposes. There are about 90 acres involved.

Since January 29, 1935, the tract of land included in this bill was owned by the U.S. Department of Agriculture. It was used by the Department as a cotton field station until 1968, and on September 23, 1970, was reported as "excess" property. General Services Administration accepted the property on March 3, 1971, and assumed full responsibility on April 1, 1972.

Since the land has been transferred to the General Services Administration the bill was amended to authorize the Administrator of General Services Administration to convey the property in question.

During the hearings before the Subcommittee on Department Operations of the Committee on Agriculture, which were held on December 15, 1971, the University of Tennessee assured the subcommittee that the property would be used for very valuable public use. The committee found that not only would a livestock breeding facility be of benefit to the State of Tennessee, but also would be of great benefit to the entire region and eventually to producers and consumers throughout the Nation. It was also felt that the university could use portions of this tract for other university uses as well.

The General Services Administration opposed the transfer as a matter of principle but did not offer any concrete alternative use. Accordingly, the subcommittee unanimously approved the bill as did the full committee.

As to the amount of money involved, the Department of Agriculture and the U.S. Government paid $6,000 for the property when it was purchased in 1935. The Department of Agriculture spent $40,665 on subsequent improvements, making a total investment of $46,665.

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

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

Mr. HALL. Mr. Speaker, inasmuch as in my official capacity as chairman of the minority objectors to the Consent Calendar, I did ask that this bill be put over without prejudice. I want to say I appreciate the gentleman's lucid statement, and I have three questions. No. 1, if the gentleman stated it, I failed to perceive why this should not go through the regular GSA routine of priorities for assignment of Federal surplus properties, since the University of Tennessee would have the very highest priority, second only to the Federal agencies, over anyone else?

Mr. PURCELL. The University of Tennessee has an urgent need for the land. It was the belief of the Committee on Agriculture that by this measure the area agriculture, as well as general industry of agriculture, would keep the use of this property and not have some other entity that would be less effective, in terms of agricultural use, and less needy than the University of Tennessee might have.

The gentleman from Tennessee (Mr. DUNCAN) may have an explanation in addition to this, and if he does, I will be glad to yield to him for that purpose.

Mr. HALL. If the gentleman will continue to yield for the other questions, I will say the gentleman from Tennessee has met with me and supplied in writing, part of the answers to this question in the hopes it could go through on the Consent Calendar.

However, one of the criteria agreed to by the entire House on the Consent Calendar is that bills must not only be unanimously reported by the committee and also less than $1 million, but also have favorable departmental reports.

That leads to my second question, before the gentleman from Texas yields to the gentleman from Tennessee. I do understand from reading the report that there are adverse departmental reports. Is this true?

Mr. PURCELL. On that I can answer the gentleman's question. There is, as a matter of procedure, inasmuch as this property had been declared surplus, and the General Services Administration had assumed some degree of jurisdiction over it, I understand as a matter of principle or a matter of course that GSA formally opposes any transfer out of their jurisdiction, but they did not make any actual material objection. The property has been declared surplus. There was no true significant objection to the transfer. GSA made no alternative suggestions regarding the use of the property.

Mr. HALL. Regardless of the GSA "attitude," the Committee on Agriculture favors this transfer, as I understand it.

Mr. PURCELL. By a unanimous vote; yes.

Mr. HALL. May I ask, finally, why should not this exchange be at fair market value, instead of an outright gift from the taxpayers' possessions?

Mr. PURCELL. A good question. This procedure follows the policy of most committee actions with which I am familiar, when another Federal or State governmental agency is involved. The beneficiary here is a State university, which certainly is a nonprofit institution, and it will be used for a nonprofit purpose. This practice has been found to be in the general best interests of the Nation. We thought there would be more good accomplished if the property were used for named purposes.

Mr. HALL. I thank the gentleman.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. MURPHY of New York. Is this transfer in the nature of a transfer of property from GSA to the University of Tennessee or to the State of Tennessee?

Mr. PURCELL. The transfer would be from the U.S. Government. The property has been under the jurisdiction of the Department of Agriculture, although GSA technically has taken over the use of it. It would be transferred from the U.S. Government to the University of Tennessee.

Mr. MURPHY of New York. Did the State of Tennessee intercede at all on this transfer of property?

Mr. PURCELL. I am not aware of it, if it did. The representative of the University of Tennessee appeared before the committee. There was no representative of the State as such, that I am aware of.

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

Mr. PURCELL. I yield to the gentleman from Tennessee.

Mr. DUNCAN. The transfer would be to the State of Tennessee. Of course, the

University of Tennessee is an arm of the State. The U.S. Department of Agriculture would transfer this to the State of Tennessee for use by the University of Tennessee.

Mr. MURPHY of New York. The State did cooperate and ask for the property from the Federal Government for the use of the University of Tennessee.

Mr. DUNCAN. The State has a program and is providing thousands of dollars to set up this artificial breeding facility with other facilities of the university.

Mr. MURPHY of New York. I should like to compliment the gentleman from Tennessee and the gentleman from Texas on what I believe is a very fine transfer of property to a university of a State for educational purposes.

I have been trying for the past 3½ years to get the General Services Administration to assist in transferring 200 acres in my district for the health and education and recreational use of citizens in my district. The property was formerly known as Miller Field on Staten Island. Instead, the General Services Administration is persisting in going through with a land transfer for a ramshackle hotel in downtown Washington, and the city of New York and the State of New York will not even help the local people ask for this property that has been public property for the past 80 years.

I should like to compliment the Governor of Tennessee and also the Members of Congress from Tennessee and also the Members of Congress from Texas for assisting a community to benefit from lands that are public lands and that will be certainly dedicated to a public purpose, whereas in the district in which I am located they are going for a special and private interest.

I thank the gentleman.

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

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

Mr. GROSS. Do I correctly understand that there is no reverter clause in the bill?

Mr. PURCELL. In the deed, or in the bill?

Mr. GROSS. In other words, if this nonprofit institution, which would be the beneficiary of the transaction, should not use it for that purpose, or abandon it at sometime in the future, there is no provision for its reversion back to the Federal Government?

Mr. PURCELL. For the answer to that I will yield to the gentleman from Tennessee, in whose district this is located.

Mr. DUNCAN. The university representative at the hearing indicated and said that they would have no objection to a reverter clause in the transfer. Of course, the bill itself sets out it will be used consistent with purposes of the University of Tennessee. There is no objection to a reverter clause being placed in the deed.

Mr. GROSS. I would have liked to have been assured that there is a reverter clause in it.

Let me ask this question: Why should this cost the Federal Government, as I understand it does on page 2 of the report, $130,000?

Mr. PURCELL. This is the appraised value of the property. There is no new money of any kind of the U.S. Government going into it. The Government has spent about $46,600 over a period of over 30 years. They paid $6,000 for the property and paid the balance for improvement, but there is no new money of the Government going into it.

Mr. GROSS. Then, the gentleman is saying there is no additional cost to the Federal Government as a result of this legislation?

Mr. PURCELL. There is no additional cost to the Federal Government as a result of this bill.

Mr. GROSS. I thank the gentleman.

Mr. TEAGUE of California. Mr. Speaker, I support this bill and yield such time as he may desire to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, on March 22 of this year, H.R. 9676 was reported favorably to the House by the unanimous consent of a full House Committee on Agriculture.

This bill is a land conveyance measure which provides that the property conveyed pursuant to this act shall be solely for educational and other purposes consistent with the purposes of the University of Tennessee, including, but not limited to, the promotion of the breeding of livestock. This includes the right, if the University so desires, to lease the property for this purpose.

The committee report recognized that the public interest would be served through passage of this bill when it stated:

> The University of Tennessee demonstrated to the Committee that it would and could put this property to a very valuable public use. The Committee found that not only would a livestock breeding facility be of benefit to the state of Tennessee, but also would be of great benefit to the entire region and eventually to producers and consumers throughout the nation.

The State of Tennessee and its university have employed their technical and managerial resources to plan for the most valuable and productive use of this land. I am convinced that as a result the Congress in years to come will point with pride to the benefits derived by the public through the conveyance of this property.

This bill will include a reverter clause in the conveyance deed so that if the land were used for something other than public purposes by the university, it would revert back to the United States.

Our future is tied to the availability and proper use of our land. H.R. 9676 makes land available to our citizens in a way which will bear fruit for future generations. Your favorable vote today will help insure that well planned land use is the key to America's future growth.

Mr. BADILLO. Mr. Speaker, I am voting against this legislation today not because I do not believe it seeks to achieve a legitimate purpose, but rather because it authorizes a transfer of land to the University of Tennessee without an adequate determination whether there are other potential applicants who might make better use of the property.

The committee report indicates that while the land involved has been declared excess, it has not been declared surplus. Had the latter declaration been made, the Department of Health, Education, and Welfare would have been in a position to determine whether there were other qualified applicants. Enactment of this bill precludes that process and clearly gives the University of Tennessee an unfair advantage.

We in Congress usually place great emphasis on open, competitive bidding for Federal contracts and property. That principle should be applied in this case, and since the bill before us contradicts that principle, I am voting against it.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PURCELL), that the House suspend the rules and pass the bill H.R. 9676, as amended.

The question was taken.

Mr. ANNUNZIO. 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 319, nays 9, not voting 105, as follows:

[Roll No. 132]

YEAS—319

| | | |
|---|---|---|
| Abbitt | Chappell | Grasso |
| Abernethy | Clancy | Gray |
| Abourezk | Clausen, | Green, Oreg. |
| Adams | Don H. | Green, Pa. |
| Addabbo | Clawson, Del | Griffin |
| Alexander | Clay | Griffiths |
| Anderson, | Collins, Ill. | Grover |
| Calif. | Colmer | Gubser |
| Anderson, Ill. | Conable | Hagan |
| Andrews, Ala. | Conte | Haley |
| Andrews, | Conyers | Halpern |
| N. Dak. | Cotter | Hamilton |
| Annunzio | Coughlin | Hammer- |
| Archer | Crane | schmidt |
| Arends | Curlin | Hanley |
| Ashley | Daniel, Va. | Hansen, Idaho |
| Aspin | Danielson | Harrington |
| Aspinall | Davis, Ga. | Harsha |
| Baker | Davis, S.C. | Harvey |
| Baring | Davis, Wis. | Hathaway |
| Barrett | Delaney | Hawkins |
| Begich | Dellenback | Hays |
| Belcher | Denholm | Hébert |
| Bennett | Dent | Hechler, W. Va. |
| Bergland | Derwinski | Heckler, Mass. |
| Biaggi | Devine | Heinz |
| Blackburn | Diggs | Helstoski |
| Blatnik | Dingell | Henderson |
| Boggs | Donohue | Hicks, Mass. |
| Boland | Dorn | Hicks, Wash. |
| Bolling | Dow | Hogan |
| Bow | Downing | Holifield |
| Brasco | Drinan | Horton |
| Bray | Duncan | Hosmer |
| Brinkley | du Pont | Howard |
| Brooks | Edwards, Calif. | Hull |
| Broomfield | Eilberg | Hutchinson |
| Brotzman | Erlenborn | Ichord |
| Brown, Mich. | Evans, Colo. | Jacobs |
| Brown, Ohio | Evins, Tenn. | Johnson, Calif. |
| Broyhill, N.C. | Fascell | Johnson, Pa. |
| Broyhill, Va. | Findley | Jonas |
| Buchanan | Fisher | Karth |
| Burke, Fla. | Flood | Kastenmeier |
| Burke, Mass. | Flynt | Keating |
| Burleson, Tex. | Ford, Gerald R. | Keith |
| Burlison, Mo. | Forsythe | Kemp |
| Burton | Frelinghuysen | King |
| Byrnes, Wis. | Frenzel | Koch |
| Byron | Frey | Kuykendall |
| Cabell | Fuqua | Kyl |
| Carey, N.Y. | Garmatz | Kyros |
| Carlson | Gaydos | Landrum |
| Casey, Tex. | Giaimo | Latta |
| Cederberg | Goldwater | Leggett |
| Celler | Gonzalez | Lennon |
| Chamberlain | Goodling | Lent |

| | | |
|---|---|---|
| Link | Pelly | Smith, Iowa |
| Lloyd | Perkins | Smith, N.Y. |
| Long, Md. | Pettis | Snyder |
| Lujan | Peyser | Spence |
| McClory | Pike | Springer |
| McCloskey | Poff | Staggers |
| McClure | Powell | Stanton, |
| McCollister | Preyer, N.C. | J. William |
| McCulloch | Price, Ill. | Steed |
| McDade | Price, Tex. | Steele |
| McDonald, Mich. | Pucinski | Steiger, Ariz. |
| | Purcell | Steiger, Wis. |
| McEwen | Quie | Stratton |
| McFall | Quillen | Stuckey |
| McKevitt | Railsback | Sullivan |
| McKinney | Rangel | Symington |
| McMillan | Rarick | Talcott |
| Mahon | Rees | Taylor |
| Mallary | Reid | Teague, Calif. |
| Martin | Reuss | Teague, Tex. |
| Mathias, Calif. | Riegle | Terry |
| Mathis, Ga. | Robinson, Va. | Thompson, Ga. |
| Mayne | Rodino | Thomson, Wis. |
| Meeds | Roe | Thone |
| Melcher | Rogers | Tiernan |
| Michel | Roncalio | Ullman |
| Miller, Ohio | Rooney, N.Y. | Vander Jagt |
| Mills, Ark. | Rooney, Pa. | Vanik |
| Mills, Md. | Rosenthal | Vigorito |
| Minish | Rostenkowski | Waggonner |
| Mink | Roush | Waldie |
| Mitchell | Rousselot | Ware |
| Mizell | Roy | White |
| Monagan | Roybal | Whitehurst |
| Montgomery | Runnels | Whitten |
| Moorhead | Ruppe | Wiggins |
| Morgan | Ruth | Williams |
| Morse | Sandman | Wilson, Bob |
| Mosher | Satterfield | Winn |
| Murphy, Ill. | Saylor | Wolff |
| Murphy, N.Y. | Scherle | Wright |
| Myers | Schneebeli | Wyatt |
| Natcher | Schwengel | Wydler |
| Nedzi | Scott | Wylie |
| Nelsen | Sebelius | Wyman |
| Nix | Shipley | Yates |
| Obey | Shoup | Young, Fla. |
| O'Hara | Shriver | Zablocki |
| O'Konski | Sikes | Zion |
| O'Neill | Sisk | Zwach |
| Passman | Skubitz | |
| Patten | Slack | |

NAYS—9

| | | |
|---|---|---|
| Abzug | Gross | Robison, N.Y. |
| Ashbrook | Hall | Ryan |
| Badillo | Mann | Smith, Calif. |

NOT VOTING—105

| | | |
|---|---|---|
| Anderson, Tenn. | Foley | Minshall |
| | Ford, William D. | Mollohan |
| Bell | | Moss |
| Betts | Fountain | Nichols |
| Bevill | Fraser | Patman |
| Biester | Fulton | Pepper |
| Bingham | Galifianakis | Pickle |
| Blanton | Gallagher | Pirnie |
| Brademas | Gettys | Poage |
| Byrne, Pa. | Gibbons | Podell |
| Caffery | Gude | Pryor, Ark. |
| Camp | Hanna | Randall |
| Carney | Hansen, Wash. | Rhodes |
| Carter | Hastings | Roberts |
| Chisholm | Hillis | St Germain |
| Clark | Hungate | Sarbanes |
| Cleveland | Hunt | Scheuer |
| Collier | Jarman | Schmitz |
| Collins, Tex. | Jones, Ala. | Seiberling |
| Corman | Jones, N.C. | Stanton, James V. |
| Culver | Jones, Tenn. | |
| Daniels, N.J. | Kazen | Stephens |
| de la Garza | Kee | Stokes |
| Dellums | Kluczynski | Stubblefield |
| Dennis | Landgrebe | Thompson, N.J. |
| Dickinson | Long, La. | Udall |
| Dowdy | McCormack | Van Deerlin |
| Dulski | McKay | Veysey |
| Dwyer | Macdonald, Mass. | Wampler |
| Eckhardt | | Whalen |
| Edmondson | Madden | Whalley |
| Edwards, Ala. | Mailliard | Widnall |
| Edwards, La. | Matsunaga | Wilson, Charles H. |
| Esch | Mazzoli | |
| Eshleman | Metcalfe | Yatron |
| Fish | Mikva | Young, Tex. |
| Flowers | Miller, Calif. | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Matsunaga with Mr. Gude.
Mr. Bevill with Mr. Dickinson.
Mr. Moss with Mr. Mailliard.
Mr. Nichols with Mr. Edwards of Alabama.
Mr. Macdonald of Massachusetts with Mr. Minshall.
Mr. Charles H. Wilson with Mr. Stokes.
Mr. Stubblefield with Mr. Carter.
Mr. James V. Stanton with Mr. Biester.
Mr. Jones of Alabama with Mr. Schmitz.
Mr. Kluczynski with Mr. Rhodes.
Mr. Mazzoli with Mr. Hillis.
Mr. Pickle with Mr. Betts.
Mr. Flowers with Mr. Fish.
Mr. Foley with Mr. Cleveland.
Mr. Gettys with Mr. Camp.
Mr. Roberts with Mr. Esch.
Mr. William D. Ford with Mrs. Chisholm.
Mr. Podell with Mr. Metcalfe.
Mr. Daniels of New Jersey with Mr. Hunt.
Mr. Corman with Mr. Bell.
Mr. Culver with Mr. Collier.
Mr. Anderson of Tennessee with Mr. Long of Louisiana.
Mr. Hanna with Mr. Veysey.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Van Deerlin with Mr. Wampler.
Mr. Yatron with Mr. Eshleman.
Mr. Young of Texas with Mr. Collins of Texas.
Mr. Dulski with Mr. Hastings.
Mr. Fountain with Mr. Dennis.
Mr. Fulton with Mr. Landgrebe.
Mr. Randall with Mr. Pirnie.
Mr. Mollohan with Mr. Whalen.
Mr. Mikva with Mr. Dellums.
Mr. Jones of Tennessee with Mr. Whalley.
Mr. Clark with Mr. Kee.
Mr. Brademas with Mr. Jones of North Carolina.
Mr. Blanton with Mr. Kazen.
Mr. Hungate with Mr. Scheuer.
Mr. Byrne of Pennsylvania with Mr. Bingham.
Mr. Caffery with Mr. Miller of California.
Mr. Patman with Mr. Udall.
Mr. St Germain with Mr. Sarbanes.
Mr. Stephens with Mr. Seiberling.
Mr. de la Garza with Mr. Edmondson.
Mr. Fraser with Mr. Eckhardt.
Mr. Gallagher with Mr. Galifianakis.
Mr. Pepper with Mr. McKay.
Mr. Gibbons with Mr. McCormack.
Mr. Madden with Mr. Jarman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.

## TREASURY DEPARTMENT POSITIONS

Mr. MILLS of Arkansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13334) to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13334

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) so much of the Act of February 17, 1922, as amended, as relates to the Under Secretary, and the Under Secretary for Monetary Affairs, in the Department of the Treasury (31 U.S.C. secs. 1004 and 1005), is amended to read as follows:

"There shall be in the Department of the Treasury a Deputy Secretary, an Under Secretary, and an Under Secretary for Monetary Affairs, each to be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing the Under Secretary, designate him as 'Counselor'.

"The Deputy Secretary of the Treasury, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease."

(b) There shall be in the Department of the Treasury two Deputy Under Secretaries who shall be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury. The President may, in appointing any Deputy Under Secretary, designate him as "Assistant Secretary of the Treasury". Any person designated as Assistant Secretary of the Treasury under the preceding sentence shall not be taken into account in applying section 234 of the Revised Statutes, as amended (31 U.S.C. sec. 1006).

(c) Section 234 of the Revised Statutes, as amended (31 U.S.C. sec. 1006), is amended by striking out "four" and inserting in lieu thereof "five".

(d) Section 3 of Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280) is hereby repealed.

SEC. 2. (a) Section 5313 of title 5 of the United States Code is amended by inserting as paragraph (6) the following:

"(6) Deputy Secretary of the Treasury."

(b) Paragraph (10) of section 5314 of such title 5 is amended to read as follows:

"(10) Under Secretary of the Treasury (or Counselor)."

(c) Section 5315 of such title 5 is amended as follows:

(1) By striking "(4)" at the end of paragraph (23) and inserting in lieu thereof "(5)".

(2) By adding at the end thereof the following new paragraph:

"(96) Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2)."

(d) Section 5316 of such title 5 is amended by striking out paragraphs (28) and (64).

SEC. 3. (a) Except as otherwise provided in this section, this Act shall take effect on its date of enactment.

(b) Any officer holding an office when this Act takes effect shall not be required to be reappointed to such office by reason of the enactment of this Act. Subsection (d) of the first section of this Act and subsection (d) of section 2 of this Act shall take effect upon confirmation by the Senate of Presidential appointees to fill the successor positions created by this Act.

(c) Until January 21, 1973, no person within the Treasury Department who has been occupying a position under the Executive Schedule and who is hereafter appointed to a position created or authorized by this Act shall receive an increase in basic pay by virtue of such appointment.

The SPEAKER. Is a second demanded?

Mr. BYRNES of Wisconsin. 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 Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of the pending bill, H.R. 13334, is to establish certain positions in the Department of the Treasury and to fix the compensation for those positions. The bill deals exclusively with official positions in the Treasury Department, and its enactment has been requested by that Department.

Specifically, the principal feature of this bill would create a new position of Deputy Secretary of the Treasury, to be classified as a level II position in the executive schedule. The incumbent of this position would be the Acting Secretary in the absence or disability of the Secretary. This is consistent with proposals made by the President for other departments. This new position would be filled by appointment by the President by and with the advice and consent of the Senate.

Additionally, the proposed legislation would provide that: first, the President in appointing an individual to the present level III position of Under Secretary of the Treasury may designate such individual 'Counselor"; second, the present position of Assistant Secretary for Administration is to be filled in the future by Presidential appointment by and with the advice and consent of the Senate, rather than as at present by appointment of the Secretary with the approval of the President; and third, two other Treasury positions now filled by appointment by the Secretary are to be filled in the future by appointment by the President by and with the advice and consent of the Senate. These latter positions will be entitled Deputy Under Secretary of the Treasury, or, at the option of the President, Assistant Secretary of the Treasury, and will replace the current positions of Deputy Under Secretary for Monetary Affairs and Special Assistant to the Secretary for Congressional Relations.

The proposed legislation recognizes the increasing importance of some of the top Treasury positions, and the inadequacy of the amount of support available to the Secretary of the Treasury. Secretary Connally has said that he needs these top-level positions to be able to properly perform his duties as Secretary of the Treasury. There has been no change in top-level Treasury positions for several years, and in many instances its positions are below the levels of other major cabinet positions. In the meantime, the responsibilities of the Secretary of the Treasury have steadily increased.

It is provided under the bill that no Treasury employee occupying a position under the executive schedule is to receive an increase in basic pay by virtue of being appointed to any of these new positions until January 21, 1973.

Mr. Speaker, enactment of this legislation will strengthen the top-level staff in the Treasury Department thus enabling the Secretary of the Treasury to perform his duties more effectively and efficiently. The Committee on Ways and Means is unanimous in urging its favorable consideration by the House.

Mr. GROSS. Before yielding his time, will the gentleman yield for a question?

Mr. MILLS of Arkansas. I will be glad to yield.

Mr. GROSS. This means the addition of one top-level official. Is that correct?

Mr. MILLS of Arkansas. That is true; the bill provides one new level II position in the executive schedule.

Mr. GROSS. And it means pay increases for practically all the top level, does it not?

Mr. MILLS of Arkansas. The gentleman has not followed my statement. I pointed out there is no pay increase involved in any of these positions prior to January 21, 1973.

Mr. GROSS. All right. It still means a pay increase.

Mr. MILLS of Arkansas. The pay increase that would be possible for the new Deputy Secretary, if a present Under Secretary is selected, is from a job that now pays $40,000 to one which pays $42,500. However, this increase could not go in until after January 21, 1973.

Mr. GROSS. So that implicit in this shuttling process, this addition to the members of top-flight officials in the Treasury Department—implicit in this is pay increases for practically all of the other top officials.

Mr. MILLS of Arkansas. No.

Mr. GROSS. And the Deputy Secretary himself.

Mr. MILLS of Arkansas. It is my recollection there are only three positions involved where there would be an increase in pay as of January 21, 1973.

Mr. GROSS. And the only justification for this is that the Secretary of the Treasury says his officials are lagging behind?

Mr. MILLS of Arkansas. No. That is not the only reason. If it had been the reason, the Committee on Ways and Means would not have reported it. Presently the Treasury Department is about the only major department that comes to my mind where there is no level II position holder who can serve as acting Secretary in the absence or disability of the Secretary. They now have two Under Secretaries, one charged with responsibility over monetary matters and the other with responsibility over administration and tax matters.

Mr. GROSS. Will the gentleman yield further?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. GROSS. The Treasury Department has been lobbying for a Federal Financing Bank which they claim will provide better management of the Government's debts, among other things.

Is this beefing up and salary increase business in the Treasury Department for the purpose of providing a nucleus for this new bank that they would like to have created?

Mr. MILLS of Arkansas. I wish to assure the gentleman, as did Mr. Charles E. Walker in a letter to you dated April 27 that there is no connection whatsoever between the bill now pending and the administration's proposed legislation to establish a Federal Financing Bank, and no action has been taken on this latter proposal.

I can assure the gentleman that there is no connection between these two proposals.

Mr. GROSS. Let me point out something to the gentleman in connection with the creation of this new bank in the Treasury Department. It provides for the appointment of a board of directors but it does not provide for a single staffer, not one, not even an executive director. Where does the gentleman suppose they intend to get the warm bodies to man this new bank for financing and better management of the debt?

Mr. MILLS of Arkansas. As the gentleman knows, this bill to establish a Federal Financing Bank is pending in our Committee on Ways and Means. However, there has been no committee consideration of it whatsoever.

I do not recall anyone in the administration talking to me personally about it and urging its consideration.

Frankly, I have not yet had an opportunity to study the proposal. However, I am sure there is no connection whatsoever between that proposal and the one that is pending before us at this time.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think it may be of interest to the gentleman from Iowa to recognize that, for instance, what we are talking about here and what the administration is proposing is a new set up dealing with debt management in a sense, but no change is made by this particular legislation in the situation as far as personnel involved in that management is concerned.

We do not make any change in the special assistant for the Secretary in charge of debt management. That does not change.

Mr. MILLS of Arkansas. That is right.

Mr. BYRNES of Wisconsin. So, it seems to me that it is perfectly clear that this bill has no direct relationship to the other.

Mr. MILLS of Arkansas. That is right.

Mr. BYRNES of Wisconsin. This bill has no direct relationship to what is being proposed in that field whatsoever.

Mr. MILLS of Arkansas. I think the gentleman is completely correct.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 3 additional minutes.

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

Mr. MILLS of Arkansas. Yes, I yield further to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Now, I notice that the gentleman from Wisconsin said there was no "direct connection." The point I am trying to make is that I am convinced there is an indirect connection.

Mr. MILLS of Arkansas. There is no direct, indirect, or any other connection between these two proposals; none at all.

Mr. GROSS. I have never in my life seen a bill that called for the creation of a new banking institution or any other kind of institution in the Federal Government that did not provide for some people to operate it.

Mr. MILLS of Arkansas. I appreciate the gentleman calling my attention to these defects in that proposal, because I have not had a chance to look at it.

Mr. GROSS. We are being called upon to vote on it this afternoon and I still insist there is a connection between the two.

Mr. MILLS of Arkansas. The bill which we are being called upon to vote is H.R. 13334 and not the other bill to which reference has been made.

Mr. GROSS. I wonder why this bill, H.R. 13334, went to the Ways and Means Committee?

It is the Post Office and Civil Service Committee that ordinarily handles legislation of this kind.

Mr. MILLS of Arkansas. That was my thought when it came to our committee initially. I thought it was within the jurisdiction of the Post Office and Civil Service Committee. However, I was told by the Speaker, who presumably sought the advice of the Parliamentarian, that it was within the jurisdiction of our committee.

It is now my understanding that the Ways and Means Committee has always handled bills dealing with top policy-making positions in the Department of the Treasury.

Mr. GROSS. So, the Post Office and Civil Service Committee only takes care of the peons and peasants; is that correct?

Mr. MILLS of Arkansas. I do not know about that. However, I have heard of no objection from the other committee because the bill was referred to our committee.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, did I understand the gentleman to quote the Secretary of the Treasury as saying he could not do his job right without these additional positions?

Mr. MILLS of Arkansas. I did not quote him, but I gathered from discussions that it was more difficult for him to do his job in the way he wanted to do it without these positions in his Department.

Mr. JACOBS. I might say that with inflation and recession at the levels that they are in this country I knew he was not doing his job right. I think it would be admirable for him to acknowledge the reason for that, and maybe this is important legislation.

Mr. MILLS of Arkansas. I think it is important legislation.

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

Mr. MILLS of Arkansas. I yield to the gentleman from North Carolina.

Mr. LENNON. I thank the gentleman for yielding to me, and I think the gentleman knows I have great respect for him as the chairman of the important Committee on Ways and Means, but I would ask the gentleman did he, as a member of the Committee on Ways and Means, as a result of these hearings, become convinced of the necessity of these positions in these new slots in the Department of the Treasury?

Mr. MILLS of Arkansas. The committee was unanimous in this opinion.

Mr. LENNON. No; I asked the gentleman did he become so convinced?

Mr. MILLS of Arkansas. Yes, absolutely.

Mr. LENNON. Did you get the impression that the other members of the Committee on Ways and Means were convinced of the necessity of the creation of these new slots?

Mr. MILLS of Arkansas. I did.

Mr. LENNON. I thank the gentleman.

Mr. MILLS of Arkansas. The committee was unanimously of that opinion.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is a simple and straight-forward bill providing for a new executive level II position of Deputy Secretary of the Treasury.

The Treasury Department, with all of the important responsibilities that it has, is one of the few agencies of government that does not have a Deputy Secretary to act in the capacity of the Secretary in case of his absence, sickness, resignation, or death. The Departments of States, Justice, Defense, and Transportation all have comparable positions, and such a position will facilitate coordination of the fiscal and monetary responsibilities of the Treasury Department.

In addition to the four Assistant Secretaries under present law that are executive schedule IV levels, there is presently an Assistant Secretary of the Treasury for Administration, a Deputy Under Secretary for Monetary Affairs, and a Special Assistant to the Secretary for Congressional Relations. The latter three positions are not subject to Senate confirmation. While the Special Assistant to the Secretary for Congressional Relations is also a level IV executive position, the Assistant Secretary for Administration and the Deputy Under Secretary for Monetary Affairs are level V positions.

The committee felt that the assignments all of these officers are charged with are sufficiently comparable in complexity and responsibility that all of the positions should be level IV positions in the executive schedule subject to Presidential appointment and confirmation by the Senate. The bill makes these changes providing that these seven positions will all be executive level IV positions—two of the seven are now level V positions—designated as Assistant Secretaries.

I want to emphasize that the bill also provides that no Treasury employee occupying a position under the executive schedule is to receive an increase in basic pay by virtue of being appointed to any of these positions until January 23, 1973.

Let me say at this point that I disagree completely with the statement made by the gentleman from Indiana (Mr. JACOBS) with respect to the competence and the ability of the Secretary of the Treasury, Mr. Connally. I want to say on this floor that I think he is doing an admirable job in a very difficult position, with very serious responsibilities. The outstanding performance of the Secretary is in spite of the differences in organizational structure this bill is designed to correct. He is able, and I will stand up here and defend him even though he is not necessarily of my political party.

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

Mr. BYRNES of Wisconsin. Certainly, since I have used the gentleman's name.

Mr. JACOBS. Mr. Speaker, I think the gentleman from Wisconsin stated it very accurately when he said the Secretary was not necessarily of the gentleman's party. But let me ask the gentleman, when was the last time that the gentleman went to the grocery store to buy things, and if he did, whether he thinks that the Secretary of the Treasury is doing an exceptionally good job?

Mr. BYRNES of Wisconsin. Let me suggest that I think the Secretary of the Treasury, Mr. Connally, and Mr. Kennedy who preceded him, have set a better example of trying to promote fiscal responsibility and prevent inflation than has been set by the majority party in this Congress. I think there is plenty of responsibility for all to bear.

Mr. JACOBS. Mr. Speaker, if the gentleman will yield further, let me say that this Congress, if I am correctly informed, has reduced the President's current budget by literally $5 billion, so that we are doing our part.

Mr. BYRNES of Wisconsin. This bill provides an important but limited change in the organizational structure of the Treasury that is in no way related to the irrelevant opinions expressed by the gentleman from Indiana. In my remaining remarks, I would like to address myself to the legislation before the House, and issues germane to the bill.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 1 additional minute.

This housekeeping legislation does not have any relationship to any other bills pending before the committee or before the Congress. We are simply dealing with an administrative problem that the Department faces. We want at least to make the housekeeping problems the Treasury Department faces in discharging its immense responsibilities as small as they can be.

The amendments were recommended by the Secretary of the Treasury and, anybody who has any knowledge of the administrative problems that the Treasury has to deal with is completely in support of this legislation.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Speaker, let me just say this about this whole operation.

I do not know of any department of government that has more onerous responsibilities right now than does the Treasury Department—not only in the managing of the debt but as to our dealing in international affairs and monetary affairs and all of these things together.

I do know that at this top level, of the policy level, the Secretary of the Treas-

ury is undermanned. All of the other Departments of Government have what we are asking for the Treasury Department.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I would like to express my complete confidence in the present management of the Treasury Department.

I think any effort to pin higher grocery prices on Treasury is rather specious.

Personally, I would like to see the House support the requested organizational change. Secretary Connally is entitled to a modest realinement of this sort which he feels will improve operation of the Department. We should give him a vote of confidence in this way.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have no further requests for time.

Mr. MILLS of Arkansas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. MILLS) that the House suspend the rules and pass the bill H.R. 13334, as amended.

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 271, nays 56, not voting 106, as follows:

[Roll No. 133]

YEAS—271

| | | |
|---|---|---|
| Abbitt | Cederberg | Goldwater |
| Abernethy | Chamberlain | Gonzalez |
| Abourezk | Chappell | Grasso |
| Adams | Clancy | Gray |
| Addabbo | Clausen, | Green, Oreg. |
| Alexander | Don H. | Green, Pa. |
| Anderson, Ill. | Clawson, Del | Griffin |
| Andrews, Ala. | Clay | Griffiths |
| Andrews, | Collins, Ill. | Grover |
| N. Dak. | Colmer | Gubser |
| Annunzio | Conable | Hagan |
| Archer | Conte | Haley |
| Arends | Cotter | Halpern |
| Ashley | Coughlin | Hamilton |
| Aspin | Curlin | Hammer- |
| Aspinall | Daniel, Va. | schmidt |
| Badillo | Danielson | Hanley |
| Baker | Davis, Ga. | Hansen, Idaho |
| Baring | Davis, S.C. | Harrington |
| Barrett | Davis, Wis. | Harvey |
| Begich | Delaney | Hathaway |
| Belcher | Denholm | Heckler, Mass. |
| Bergland | Donohue | Heinz |
| Blackburn | Dorn | Helstoski |
| Boggs | Downing | Henderson |
| Bolling | Drinan | Hicks, Mass. |
| Bow | Duncan | Hogan |
| Brasco | du Pont | Holifield |
| Brinkley | Edwards, Calif. | Horton |
| Brooks | Eilberg | Hosmer |
| Broomfield | Erlenborn | Howard |
| Brotzman | Evans, Colo. | Hull |
| Brown, Mich. | Evins, Tenn. | Jarman |
| Brown, Ohio | Fascell | Johnson, Calif. |
| Broyhill, N.C. | Findley | Johnson, Pa. |
| Broyhill, Va. | Fisher | Jonas |
| Buchanan | Flood | Karth |
| Burke, Fla. | Flynt | Keating |
| Burke, Mass. | Ford, Gerald R. | Keith |
| Burleson, Tex. | Forsythe | Kemp |
| Burlison, Mo. | Fraser | Kluczynski |
| Burton | Frelinghuysen | Koch |
| Byrnes, Wis. | Frenzel | Kuykendall |
| Byron | Frey | Kyl |
| Cabell | Fuqua | Kyros |
| Carey, N.Y. | Garmatz | Landrum |
| Carlson | Gettys | Leggett |
| Casey, Tex. | Giaimo | Lennon |
| Lent | Patten | Spence |
| Lloyd | Pelly | Springer |
| McClory | Perkins | Staggers |
| McCloskey | Pettis | Stanton, |
| McClure | Peyser | J. William |
| McCollister | Poff | Steed |
| McCormack | Powell | Steele |
| McCulloch | Preyer, N.C. | Steiger, Wis. |
| McDade | Price, Ill. | Stephens |
| McDonald, | Purcell | Stratton |
| Mich. | Quie | Stuckey |
| McEwen | Quillen | Sullivan |
| McFall | Railsback | Symington |
| McKevitt | Rangel | Talcott |
| McKinney | Rees | Taylor |
| McMillan | Reid | Teague, Calif. |
| Mahon | Reuss | Teague, Tex. |
| Mallary | Riegle | Thompson, Ga. |
| Mann | Robinson, Va. | Thompson, N.J. |
| Martin | Robison, N.Y. | Thomson, Wis. |
| Mathias, Calif. | Roe | Thone |
| Mazzoli | Rogers | Tiernan |
| Meeds | Rooney, N.Y. | Ullman |
| Miller, Ohio | Rooney, Pa. | Vander Jagt |
| Mills, Ark. | Rosenthal | Vanik |
| Mills, Md. | Rostenkowski | Vigorito |
| Minish | Roush | Waggonner |
| Mizell | Rousselot | Ware |
| Monagan | Roy | White |
| Montgomery | Ruppe | Whitehurst |
| Moorhead | Ruth | Widnall |
| Morgan | Saylor | Wiggins |
| Morse | Schneebeli | Williams |
| Mosher | Schwengel | Wilson, Bob |
| Murphy, Ill. | Sebelius | Winn |
| Murphy, N.Y. | Shipley | Wright |
| Myers | Shoup | Wyatt |
| Natcher | Shriver | Wydler |
| Nedzi | Sikes | Wylie |
| Nix | Sisk | Wyman |
| O'Hara | Slack | Young, Fla. |
| O'Konski | Smith, Calif. | Zablocki |
| O'Neill | Smith, Iowa | Zion |
| Passman | Smith, N.Y. | Zwach |

NAYS—56

| | | |
|---|---|---|
| Abzug | Hechler, W. Va. | Price, Tex. |
| Anderson, | Hicks, Wash. | Pucinski |
| Calif. | Hutchinson | Randall |
| Ashbrook | Ichord | Rarick |
| Bennett | Kastenmeier | Roncalio |
| Biaggi | King | Roybal |
| Bray | Latta | Runnels |
| Conyers | Link | Ryan |
| Crane | Long, Md. | Sandman |
| Dent | Lujan | Satterfield |
| Derwinski | Mathis, Ga. | Scherle |
| Devine | Mayne | Scott |
| Dow | Melcher | Skubitz |
| Gaydos | Michel | Snyder |
| Goodling | Mink | Steiger, Ariz. |
| Gross | Mitchell | Waldie |
| Hall | Nelsen | Whitten |
| Harsha | Obey | Wolff |
| Hays | Pike | Yates |

NOT VOTING—106

| | | |
|---|---|---|
| Anderson, | Edwards, Ala. | Metcalfe |
| Tenn. | Edwards, La. | Mikva |
| Bell | Esch | Miller, Calif. |
| Betts | Eshleman | Minshall |
| Bevill | Fish | Mollohan |
| Biester | Flowers | Moss |
| Bingham | Foley | Nichols |
| Blanton | Ford, | Patman |
| Blatnik | William D. | Pepper |
| Boland | Fountain | Pickle |
| Brademas | Fulton | Pirnie |
| Byrne, Pa. | Galifianakis | Poage |
| Caffery | Gallagher | Podell |
| Camp | Gibbons | Pryor, Ark. |
| Carney | Gude | Rhodes |
| Carter | Hanna | Roberts |
| Celler | Hansen, Wash. | Rodino |
| Chisholm | Hastings | St Germain |
| Clark | Hawkins | Sarbanes |
| Cleveland | Hébert | Scheuer |
| Collier | Hillis | Schmitz |
| Collins, Tex. | Hungate | Seiberling |
| Corman | Hunt | Stanton, |
| Culver | Jacobs | James V. |
| Daniels, N.J. | Jones, Ala. | Stokes |
| de la Garza | Jones, N.C. | Stubblefield |
| Dellenback | Jones, Tenn. | Terry |
| Dellums | Kazen | Udall |
| Dennis | Kee | Van Deerlin |
| Dickinson | Landgrebe | Veysey |
| Diggs | Long, La. | Wampler |
| Dingell | McKay | Whalen |
| Dowdy | Macdonald, | Whalley |
| Dulski | Mass. | Wilson, |
| Dwyer | Madden | Charles H. |
| Eckhardt | Mailliard | Yatron |
| Edmondson | Matsunaga | Young, Tex. |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Stubblefield with Mr. Dickinson.
Mr. Bevill with Mr. Esch.
Mr. Nichols with Mr. Dennis.
Mr. Daniels of New Jersey with Mr. Gude.
Mr. Mikva with Mr. Whalen.
Mr. Miller of California with Mr. Mailliard.
Mr. Moss with Mr. Dellenback.
Mr. Pickel with Mr. Collins of Texas.
Mr. Roberts with Mr. Ashbrook.
Mr. St Germain with Mr. Fish.
Mr. Fulton with Mr. Hillis.
Mr. Foley with Mr. Collier.
Mr. Dulski with Mr. Terry.
Mr. Dingell with Mrs. Dwyer.
Mr. Corman with Mr. Bell.
Mr. Clark with Mr. Whalley.
Mr. Carney with Mr. Dellums.
Mr. Brademas with Mr. Cleveland.
Mr. Anderson of Tennessee with Mr. Carter.
Mr. Jones of Alabama with Mr. Betts.
Mr. Macdonald of Massachusetts with Mr. Hastings.
Mr. Matsunaga with Mr. Diggs.
Mr. Rodino with Mr. Hunt.
Mr. Sarbanes with Mr. Metcalfe.
Mr. James V. Stanton with Mr. Minshall.
Mr. Van Deerlin with Mr. Pirnie.
Mr. Charles H. Wilson with Mr. Schmitz.
Mr. Yatron with Mr. Biester.
Mr. Blanton with Mr. Wampler.
Mr. Madden with Mr. Landgrebe.
Mr. Mollohan with Mr. Camp.
Mr. Flowers with Mr. Edwards of Alabama.
Mr. William D. Ford with Mr. Stokes.
Mr. Fountain with Mr. Veysey.
Mr. Gibbons with Mr. Hungate.
Mr. Hawkins with Mr. Bingham.
Mr. Hanna with Mr. Scheuer.
Mr. Jones of North Carolina with Mr. Udall.
Mr. Young of Texas with Mr. Long of Louisiana.
Mr. Caffery with Mr. Jacobs.
Mr. Byrne of Pennsylvania with Mr. Kee.
Mr. Celler with Mr. Kazen.
Mr. Patman with Mr. Seiberling.
Mr. Edmondson with Mr. Eckhardt.
Mr. Pepper with Mr. Podell.
Mr. Gallagher with Mr. Galifianakis.
Mr. McKay with Mrs. Chisholm.
Mr. Culver with Mr. de la Garza.
Mrs. Hansen of Washington with Mr. Jones of Tennessee.
Mr. Pryor of Arkansas with Mr. Eshleman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ADDITION TO LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce an addition to the legislative program for Wednesday, when we will call up H.R. 14655, authorization for the Atomic Energy Commission to issue temporary operating licenses for nuclear power reactors. The bill will be considered under an open rule with 1 hour of debate.

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

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

Mr. GROSS. Mr. Speaker, when did the gentleman say the bill will be called up?

Mr. BOGGS. It will be called up on Wednesday next.

Mr. GROSS. I thank the gentleman.

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

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

Mr. GERALD R. FORD. Mr. Speaker, as I understand, this is a bill that is really to follow on with the bill we considered and approved a week or so ago, and that this bill would give the AEC the permit authority to do what the EPA legislation authorized a week or so ago?

Mr. BOGGS. The gentleman is correct. I might add in connection with that that those in charge of this program say that it is very desperately needed legislation.

## PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, I was absent when the bill S. 2713 was taken up today. Had I been present and voting I would have voted "yea."

## THE GROWING AND SERIOUS ENERGY CRISIS

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

Mr. BURLESON of Texas. Mr. Speaker, in recent days, innumerable articles in the papers have discussed the growing and serious energy crisis confronting our Nation. There have been several important hearings before Senate and House Committees outlining the problem. Unfortunately, our Nation has been too slow in recognizing this situation. The cornerstone of the prosperity of our Nation is adequate energy resources that have been available to our people. Consequently, the problem of an adequate energy supply must be a matter of deepest concern to this Congress and the solution to our energy crisis must have high priority in the work of the Congress.

I am informed that several major pipeline suppliers of natural gas to the eastern part of the United States are currently unable to deliver their contractual obligations. They have proceedings pending before the Federal Power Commission for authorization of proposed methods of curtailing deliveries below contract obligations. I am informed that unless substantial new domestic reserves of gas are found and dedicated to the many pipelines that originate in the gulf coast area of our Nation, within a few years these pipelines will be operating at substantially below their present levels of delivery. This will mean widespread unemployment and possibly it could mean that many existing users of natural gas for domestic use will be curtailed in the amount of gas they can use to heat their homes and their water and to cook their food.

The Columbia Gas System, a large integrated natural gas system who supplies much of the gas that is consumed in the greater metropolitan area of Washington, Baltimore, and Richmond, has developed an "action program." I request permission that this action program be incorporated in my remarks.

I would urge my colleagues insofar as action is required by this Congress to consider and act promptly on certain key legislation. The Columbia Action Program specifies that the legislation in H.R. 2513 and S. 2467 is urgently needed. This legislation has been pending in this Congress since early last year. I would hope that it would be reported promptly out of the committees in the House and Senate so that it could be considered and acted upon in this session of Congress.

Heretofore, it has been very tempting for some Members of Congress and spokesmen for consumer-minded groups to criticize the Federal Power Commission for granting higher rates to producers. I have been assured by people in whose judgment I have great confidence that substantially higher prices must be paid for gas in the field in order to provide the necessary economic incentives for undertaking the vast domestic exploratory program that is necessary.

I am advised that in 1956, approximately 16,000 wells were drilled in this country. Since that time, there has been a steady decline in the number of wells drilled and in 1971 less than half of that amount of wells were drilled. Clearly, unless you drill for oil and gas, you will not find it, and you will not produce it. During the same period of time, the demand for gas was sharply rising.

The expansion of domestic exploration for and development of both oil and gas reserves must be a key objective of Congress effort during the next several months. In the meantime, Congress should be examining carefully those further steps such as adequate funding of the necessary research that will produce adequate reserves of energy in the future.

The oil and gas industry have put this Congress on notice of the crisis confronting our Nation. They have indicated some of the steps that must be taken, and taken now. We must recognize the urgency for action. Congress can do no less than act with deliberate haste on the various programs that have been suggested to us.

Mr. Speaker, the following is a proposal by the Columbia Gas System, Inc., which outline makes a lot of practical sense to me.

### An Action Program To Help Correct the National Energy Crisis

Although this Action Program is directed to correcting the gas shortage, it will alleviate the total energy crisis by contributing, directly and indirectly, to adequate supplies of other energy—nuclear, coal, oil and electricity.

#### NATIONAL ENERGY CRISIS FACTS

1. The welfare of the nation and its citizens is directly dependent upon an adequate availability of energy fuels.

2. The nation is in the beginning stages of an energy crisis with increasing shortages of all forms of energy.

3. The situation is worsening day by day and unless the public recognizes the problem and urges government to cooperate with industry for early solution, it could go from crisis to disaster as early as the winter of 1973–74. Industries could be shut down because of lack of energy, resulting in great unemployment; homes and commercial establishments could be without sufficient energy for their daily needs.

4. The day of low cost energy is past. The prices of all forms of energy must increase sharply if the nation is to have the supplies it needs. Congress, the Administration and the public must be prepared for such higher energy costs and greater efforts must be exerted to conserve energy by stopping wasteful practices.

These facts are evident from an abundance of studies and official energy reports. They lead to the inescapable conclusion that early development of adequate supplies of energy must have the highest priority among our national goals.

Following first in summary and then in detail is an Action Program for achieving such priority as to gas, which presently provides almost one-third of the nation's energy needs and is already unable to meet current demands.

#### SUMMARY OF AN ACTION PROGRAM TO HELP CORRECT THE NATIONAL ENERGY CRISIS

I. Domestic exploration and development must be greatly expanded as soon as possible.

A. Higher producer rates must be approved.

B. Sale of U.S. leases for exploration must be expanded and accelerated.

C. Sanctity of contract legislation must be enacted.

II. Nonhistoric sources of gas must be made available promptly.

A. Oil and gas from Prudhoe Bay in Alaska must be brought to market without further delay.

B. Practical import policies for LNG and synthetic gas feedstocks must be established.

C. Coal gasification research and development must be accelerated.

D. A joint U.S.-Canadian Energy Board must be created.

III. The National Environmental Policy Act must be amended for clarification and more orderly administration.

IV. A Department of Natural Resources must be established.

V. The Administrative Process must be streamlined so as to provide more timely responses to issues.

#### EXPLANATION

*I. Domestic Exploration and Development Must Be Greatly Expanded*

For the last four years more gas has been used in the lower 48 states than has been found. This trend must be reversed as quickly as possible.

A. Producer rates

The Federal Power Commission should allow substantially higher rates than those presently in effect to insure an expanded exploratory program on the North American Continent. The Administration, as well as Congress, and the public must understand the inevitability of the increasing cost of exploration.

Under heavy pressure from consumer representatives, the FPC set the price for producers' natural gas at levels which have proved to be not only below its economic value but wholly inadequate to justify exploratory efforts. This underpricing perhaps more than any other single factor is the basic cause of the gas shortage today. It had a two-fold result—it increased demand for gas and it discouraged exploration for gas to meet such demand. Thus, between 1956 and 1971, the number of exploratory wells drilled declined over 50% leading directly to an inadequate development of new reserves.

New reserves will also be costly since the less costly reserves have already been developed. The cost of offshore wells and deeper wells is of a different magnitude (in 1969—average onshore well—$68,726; average offshore well—$559,309; average cost of Alaskan well—$2,087,000!). The capital requirements of the petroleum industry (oil and gas) in the 1971–1985 period for exploration, development and production needed to meet U.S. demands is over $100 billion.

We urge immediately substantially higher

producer rates. In recognition of the severe gas supply shortage, the Federal Power Commission has proposed in its Rule-making at Docket R–441 a procedure whereby prices higher than existing area rates can be paid for gas. This is a major procedural step toward achieving the objective of higher producer rates.

We urge that in an orderly but relatively prompt manner the Federal Power Commission phase out the concept of "vintaging" of gas, i.e., different prices for old gas and new gas.

Until such time as vintaging of gas prices has been phased out and higher field prices can be realized, we urge FPC to permit pipelines to continue to assist in financing "development" of gas reserves.

B. Lease Sales

The amount of federal land made available for exploratory efforts must be substantially increased, both in the Gulf of Mexico and on the continental shelf off the Atlantic Coast. Federal lease sales must be held more frequently with greater areas of land involved.

Lease sales in the Gulf of Mexico must involve a minimum of 450,000 acres annually through the balance of the decade if there is to be any hope of even holding production of gas from that area at its present level. As older fields in the Gulf decline in production, new fields must be developed to replace their production. Expanding delivery of gas from offshore waters will require a program of leasing in the Atlantic and the first steps must be taken in the near future to provide necessary lead time for exploration and development.

It is urged that the Department of Interior relax its efforts to maximize bonuses received for leases and implement the President's pledge to make more public land available for exploration. Currently there is a contradiction of federal policy—keep prices of gas low, but obtain high prices for leases.

C. Sanctity of Contract Legislation

Congress should pass the bills now before it which will: first, assure producers that approved contract prices and other economic terms of contracts will not subsequently be changed by Federal Power Commission order; and, second, set more realistic standards for determining gas prices. These measures (H.R. 2513 and S. 2467), known as the Sanctity of Contract bills, can contribute significantly in providing the economic incentive that producers must have to undertake costly drilling programs.

This comprehensive legislation is responsive to the great need to assure producers of their contract prices, the lack of which assurance is a substantial deterrent to producers; this lack is compounded by the fact that under present conditions a producer whose rate has been retroactively reduced has no choice but to continue the sales he committed to make at a higher rate. This legislation has widespread industry support; it has widespread Congressional support; it has strong support from the Administration. Its prompt enactment would remove significant barriers in fixing realistic amounts of natural gas to the interstate pipelines. It is an essential part of a total program for increasing incentives for exploration and production of gas. This legislation is needed to attract desperately needed amounts of natural gas to the interstate market. Without it there will be increasing inequities in the distribution of available gas and inefficiencies in its use by encouraging intrastate, as distinguished from interstate sales.

*II. Nonhistoric sources of gas must be made available promptly.*

Historic domestic sources of gas cannot fully satisfy the nation's growing requirements, therefore, the prompt development of nonhistoric sources of gas is essential.

A. Oil and Gas from Alaska

Construction of the trans-Alaskan oil line must be permitted to move forward at the earliest possible date. Not only is the high quality oil from the North Slope of Alaska needed to supplement present domestic supplies, but the gas associated with this oil must be added to the nation's supply total by the latter half of this decade. The gas from Alaska cannot be produced until oil production begins, so that the line needed to bring out the oil must be built. Only after this work begins can the project of constructing a gas pipeline from the area get under way. Both projects will be extremely costly and require some four to five years to complete. The environmental benefits of the clean energy to come from development of Northern Alaska oil and gas will far offset any possible minimal adverse impact on the vast Alaskan wilderness.

The gas industry will also need assistance and cooperation from the national administration and Federal Power Commission to make possible the delivery of gas by pipeline from Alaska through Canada to the lower 48 states.

B. Import Policies for LNG and Synthetic Gas Feedstocks

Practical import policies for liquefied natural gas (LNG) and feedstocks for synthetic pipeline quality gas should be promulgated as soon as possible. There are problems of national security and balance of payments, which can and must be reconciled with the fact that synthetic pipeline quality gas and LNG are the quickest means of expanding the nation's gas supply.

C. Coal Gasification Research and Development

Research and development of the gasification of coal must be pursued vigorously in the years immediately ahead. Coal gasification offers one of the most promising sources of gas in the 1980's and thereafter. Thus, adequate funds should be appropriated each year for coal gasification research. The existing joint industry-government program for accelerating the construction of pilot plants for gasification of coal should be funded promptly. The industry portion of $10 million for the first year of the program has already been committed; the government portion of $25 million for the next fiscal year is still pending before Congress.

This appropriation should be approved promptly and measures taken to assure continuation of the funding in the future.

D. Joint U.S.-Canadian Energy Board

The National Administration should seek to create as soon as possible a joint U.S.-Canadian Energy Board to help coordinate programs which would make Alaskan and Canadian natural gas available to the United States market. The joint Board should be a clearinghouse for expediting all matters necessary for the development and delivery of such gas.

*III. Clarification of the National Environmental Policy Act*

The National Environmental Policy Act (NEPA), passed in 1970, had as its objective the improvement of the environment and quality of life. *This objective must be achieved.* However, because of the vague standards set forth in NEPA and because of unwieldly procedures often used by administrative agencies to implement the Act, the initial actions under NEPA have paradoxically obstructed efforts to supply the American people with clean burning natural gas. The result is not only a serious imbalance between the ecological and energy needs of the nation, but, in the ultimate analysis, an imbalance between different environmental considerations. Congress should promptly review the Act, including current administrative and judicial interpretations thereof, and amend the Act to clarify certain of its provisions and administrative procedures.

Recent Court decisions and dissents to those court decisions point up the need for Congressional review so that environmental considerations will be placed in their proper perspective in terms of the nation's overall goals. Indicated procedural requirements have already delayed many needed energy projects, and unless modified, they could delay many more for indeterminate periods.

As NEPA is interpreted and administered, any private citizen can in effect stall in the courts virtually any energy project, without regard to the directness of his interest in the project, the need of vast numbers of others for it, or the added costs inherent in such delay. The Alyeska Pipeline, needed to bring oil and gas from North Alaska to the lower 48 states, and the Southern Louisiana Offshore lease sales, particularly needed to maintain existing gas service to the northeastern states, are tragic examples of how the nation's severe energy shortage is hostage to procedural exploitation of NEPA by environmental activisits of limited perspectives.

*IV. A Department of Natural Resources*

The President's Departmental Reorganization Program, contained in his Message to Congress dated March 29, 1971 and embodied in S. 1431, should be enacted; amended, however, in accordance with S. 1025, to include the Environmental Protection Agency in the Department of Natural Resources.

The objective of organizing federal efforts more effectively is essential to needs of the 1970's. The cause of much malfunction of government machinery is the fragmented structure for solving the complex problems confronting the nation. This is particularly true with respect to energy problems.

There are over 60 federal agencies sharing responsibility for gas and oil matters. The result is a lack of overall energy direction; e.g., (a) contrary to the overriding need for providing incentives for exploration, the Interior Department's federal lands leasing policies are designed to maximize the bonuses paid to the government with the dual adverse effect of increasing the cost of gas to producers and so to consumers, and of draining away from producers capital they could better use in exploration and development, (b) the contrast between enormous research funds appropriated for civilian atomic energy and the relatively trifling funds for coal gasification and other mineral research, (c) the absence of well-defined policy as to importing supplemental gas, such as LNG and feedstock for synthetic gas, and (d) the lack of any priority for energy needs in fixing national goals.

A single Department of Natural Resources would enhance the possibility of broadening the scope and accelerating the industry-government research effort beyond the present coal gasification efforts.

The proposed amendment placing environmental administration in the new Department is essential so that all environmental factors can be recognized and evaluated as part of a natural resource program. Inclusion of this function in the new Department will permit such evaluation in a more orderly fashion and in a manner consistent with national goals.

Current studies looking toward sound energy programs for our nation are now under way in both Houses of Congress. It is essential that such studies promptly concentrate on necessary governmental actions, such as those proposed in this document, to alleviate the growing energy crisis. A single Department of Natural Resources could more efficiently and effectively implement the Action Programs developed from such studies.

*V. Timely response in the administrative process*

The Administrative Process has not and is not responding quickly enough. For example:

The Permian Basin Proceeding, instituted in 1961, was not completed for nearly seven

years. A second layer of proceedings is now in process.

The Southern Louisiana Area Rate Proceeding, also instituted in 1961, was decided in early 1969, but at that time it was clear that the prices arrived at were inadequate and the Commission initiated AR69–1 to determine a new price. It took over two years for the Commission to fix a new price. This price is already wholly inadequate.

Efforts to correct the gas supply situation are being thwarted by delay. No one would deny the right of due process, but neither should anyone be permitted to exploit the adversary process for tactical reasons unrelated to the merits, which is now possible in view of the virtually unlimited rights of intervention, hearings, and judicial review. Congress, the National Administration, Administration agencies, and the Court must help establish procedures for quickly considering, reconciling or resolving the conflicting interests of all parties in the energy scene. Administrative procedures must be streamlined so as to provide fair consideration of all points of view without thwarting completely the timing of programs and projects directed to correcting the gas supply situation.

In line with this suggestion, Congress should resist introducing further conflict and delay such as are inevitably involved in the enactment of various provisions of the Consumers Protection Act.

THE OVERALL ENERGY SITUATION

While the shortage is becoming dramatically clear as to natural gas, it is by no means limited to natural gas.

a. Natural gas which in 1971 provided 33% of the nation's energy requirements is not available in sufficient volume to meet today's demands, and its reserves are increasingly deficient to meet new demands. FPC Staff Report No. 2 shows a natural gas shortage of 0.9 trillion cubic feet in 1971, projected to 9 trillion in 1980 and to 17 trillion in 1990.

b. Oil which in 1971 supplied 44% of the nation's energy needs is also in short supply. The nation is increasingly dependent on foreign oil imports, with all its related uncertainties.

c. Coal in 1971 supplied 18% of our energy needs. While the nation has substantial reserves, environmental requirements limit their utilization. Substantial research and development programs are needed to develop new technology to make these vast reserves available, e.g., coal gasification and programs to remove pollutants so coal can be used directly. Such projects are long-term, so coal cannot be counted on as an immediate or short-term alternative to other energy fuels.

d. Hydropower provided about 4% of energy needs in 1971 and is being counted on to continue to supply an even smaller portion of total energy needs in the future.

e. Nuclear energy, which in 1971 provided less than 1% of our energy needs, is being counted on to provide a substantial portion of the nation's future energy needs, but not significantly so before around 1985; in the meantime it is already far behind schedule and more costly than expected because of environmental delays.

It is thus clear that energy in any of its forms is in short supply. Unless we face up to the problem immediately, the more than 41 million present customers of natural gas (roughly equivalent to 150 million users), and many prospective new consumers, including householders and employees of businesses that depend upon gas, will find their service and jobs increasingly endangered. As the same situation applies or soon will apply to all energy fuels, the nation's economy, in fact the whole level of our civilization, will suffer, unless affirmative action is promptly and incisively taken. The American people can no longer take for granted, and they must recognize they can no longer take for granted, an adequate supply of energy.

## PARIS PEACE TALKS

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

Mr. O'HARA. Mr. Speaker, like most Americans, I applaud President Nixon's decision to resume the Paris peace talks—negotiations which this administration had broken off prior to the massive North Vietnamese invasion of the South. I am pleased that the President has receded from his earlier insistence that we would participate in no further talks until the present offensive was ended.

I likewise applaud the President's continued troop pullout, even though the withdrawal of our land-based forces has been accomplished by a buildup of U.S. naval personnel in the waters off Vietnam.

But I am dismayed that the President, in bellicose fashion, insists that "we will not be defeated," and that the North Vietnamese "cannot be allowed to win" a battlefield victory—for this is the kind of thinking that led us deeper and deeper into the quagmire of war in Indochina.

Without regard to what justifications there may have been for our initial presence in South Vietnam, the United States has long since discharged whatever obligation we may have had to the people and the government of that tragedy-riddled nation. We have already invested more than we have a right to invest: We have expended the lives of 50,000 young Americans; we have spilled the blood, mutilated the flesh, and shattered the bones of a hundred thousand other Americans; and we have poured untold treasure down the rathole of that war.

President Nixon said: "Let us end the war in Vietnam." I know the American people share this sentiment. But the President has talked of ending the war before, yet it still drags on.

The time has come to substitute deeds for words. Let us call a halt to this senseless war and set a date for the ending of all U.S. involvement in and over Indochina, subject only to the release of our men held prisoners of war and a strict accounting of the men listed as missing in action.

I intend to work vigorously for legislation to accomplish this goal. I will not be deterred by the President's rhetoric which denies the constitutional role of the Congress in waging war and seeking peace, and which seeks to impugn the patriotism of those of us who are alarmed by his continued show of bravado at this late date.

## ONE NEED NOT BE JEWISH TO LOVE FREEDOM BUT—

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

Mr. KOCH. Mr. Speaker, yesterday, Sunday, April 30, more than 100,000 Americans marched down Fifth Avenue in New York City in support of Solidarity Day for Soviet Jews—to give a visible support to the Soviet Jews now suffering cultural genocide in the U.S.S.R. Through the ages when freedom has been extinguished in any land the first victims of oppression have been the Jews. Unfortunately there are very few countries which at some stage in their history have not persecuted its Jewish citizens. At the present time the largest Jewish minority suffering from state persecution live in the Soviet Union. The cry of that oppressed people is "Let those of us who wish to live in Israel leave and to treat equally with every other nationality living within the U.S.S.R.'s borders those of us who remain."

At the demonstrations held yesterday in Dag Hammerskjold Plaza I met two more Soviet Jews whose lives had touched mine. One was Serafinma Kaminskaya, wife of Lassal Kaminsky, now a prisoner in a Soviet prison camp and Boris Kochubiyevsky, one of the first Soviet Jews to speak out against the U.S.S.R.'s oppression of its Jewish minority and to ask leave to emigrate to Israel. The Soviet Government's response to his protest and request was to send him to prison.

I first met Serafinma Kaminskaya in Leningrad in April, 1971 when I went to the U.S.S.R. for the express purpose of talking with the families of Soviet Jews then in prison and awaiting trial. Never did I expect to see Serafinma Kaminskaya again. Her last words to me as I left her Leningrad home were unforgettable—"do not forget us". Her plight and that of the family of Lev Yagman, with whom I also met, represent for me the plight and danger in which so many Soviet Jewish families find themselves.

I first became aware of Boris Kochubiyevsky when I carried a sign about 2 years ago in front of the Soviet Mission in New York City demonstrating against the Soviet government's arrest and imprisonment of that young man. The sign I carried bore his name and the similarity of our names made the demonstration for me, even more meaningful.

These two courageous people spoke at yesterday's rally calling those who believe in freedom for all people—Jews and non-Jews alike—to speak out against the Soviet Union's refusal to allow all who wish to leave the U.S.S.R. to do so and against the Soviet Union's special restrictions imposed on those Jews who wish to practice their religion.

Yes, Mr. Speaker, one need not be Jewish to love freedom but when you have suffered more than others from discrimination on the part of governments, through the millennia, one does learn to love it more than others who accept it as common place.

## THE VOICE OF AMERICA

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

Mr. BOGGS. Mr. Speaker, the House will soon be considering the appropriation bills for fiscal year 1973. Among

them will be the appropriations bill for the Departments of State and Justice which includes, among other things, funds for the U.S. Information Agency.

In this regard, I must say that I share the concern of many of my colleagues with respect to the recommendations coming to us from the other body for the funding of the USIA and, more particularly, the Voice of America. The other body is recommending that appropriations for USIA be cut by 23 percent and that the level of funding for the Voice of America be reduced by about 30 percent.

The USIA assists our Government in carrying out its role as the chief spokesman for the Western World. The USIA and the Voice of America, by and large, I believe are doing a good job of telling the story of events and life in our country.

When compared with the programs of other nations, it becomes apparent that the USIA and the Voice of America are relatively modest programs. At its present level of 780 broadcast hours weekly, the Voice of America trails badly behind the Soviet Union, the People's Republic of China, and even Egypt.

The Soviet Union today speaks to the world in 84 languages for 1,900 hours a week. The United States, by comparison, speaks in 35 languages for 1,400 hours a week. If the recommendations of the other body become final, the United States will speak to the world 454 hours in only 11 languages. This would be about one-third the weekly programing of Radio Cairo, to say nothing of Moscow and Peking. The USIA itself would be forced to close its doors in 30 countries around the world.

Since 1968, the level of funding for the USIA has been declining, and the operating budget request for fiscal year 1973 of $200 million on a constant dollar basis is 14 percent below the 1968 total.

For these reasons, I believe it would be a mistake if the recommendations of the the other body prevail.

The need for the USIA is not diminishing. Other nations are increasing their international broadcasting. The need to present a balanced view of life in America is greater now than ever before. If anything, the need to tell America's story is greater than ever before. For the Congress to adopt the course recommended by the other body, I believe, would be a shortsighted policy indeed.

An excellent article in the New York Times of April 30, 1972 bears reading by all of us:

[From the New York Times, April 30, 1972]

USIA: WILL THE VOICE BECOME A WHISPER?

(By Ted Szulc)

WASHINGTON.—A normal week has 168 hours. But the radio broadcasting week has, cumulatively, about 20,000 hours, having nearly doubled in volume in the last 10 years as big, medium and small powers filled the airwaves around the clock in a babel of uncounted foreign tongues to harangue, threaten, condemn, cajole, praise, educate, amuse and inform in an unending carousel of international electronic propaganda.

The United States, in its role as the West's chief spokesman, has been the second loudest voice in this contest for the attentions of hundreds of millions of people, though it has ranked far behind the Soviet Union. The Russians speak to the world in 84 languages for 1,900 hours a week, the Americans in 35 languages for some 1,400 hours.

The American voice in the airwaves may, however, be sharply lowered in the next few months unless the United States Senate changes its present view that this Nation's propaganda efforts must be drastically curtailed.

The three official United States broadcasting organizations—the Voice of America, Radio Free Europe and Radio Liberty—may be crippled in varying degrees by June 30, the end of the current fiscal year, if Congress does not authorize new funds for them. Separate legislation and different problems are involved in each case, but the common denominator is the growing sentiment in the Senate that policies of détente toward the Communist powers are turning propaganda programs into "cold war relics," as Senator J. William Fulbright put it—and that propaganda costs too much anyway.

The Voice in its world-wide English and foreign-language programs concentrates on newscasts, news commentaries and analyses of United States and international events as well as on special programing such as live reports on the moon flights and the well-known jazz sessions.

Radio Free Europe, broadcasting in five Eastern-European languages, and Radio Liberty, in 18 of the languages spoken in the Soviet Union, are tailored specifically to discuss internal events in the listeners' countries, often providing detailed information on situations that the local controlled media do not provide. They are, for example an important element in keeping listeners in the area apprised of developments concerning intellectual dissent there.

For years the fiction has been maintained in Washington that Radio Free Europe and Radio Liberty were private institutions supported by public contributions. In fact they were financed by the Central Intelligence Agency. To end the fiction—and to keep the broadcasts going—the Nixon Administration has asked Congress for a specific $40-million appropriation for the stations. If this request is denied, the two outlets will presumably vanish.

As for the Voice of America, its parent organization, the United States Information Agency, warned last week that unless a 30 per cent cut in the agency's radio budget ordered by Senator Fulbright's Foreign Relations committee is restored, the worldwide American broadcasting program will be slashed to 454 hours weekly in 11 languages. That is about one-third of the output of Radio Cairo, to say nothing of Moscow and Peking.

Under the Senate committee's recommendations, the over-all U.S.I.A. budget would be cut by about 25 per cent—from $200-million to $154-million. The cuts would mean the firing of 2,360 of 9,877 agency employes here and abroad and the closing of information operations in 30 foreign countries. All the agency's propaganda functions would be affected but the Voice of America, stated to receive $36-million instead of the $52-million it asked, would be the hardest hit. The more so since the U.S.I.A. is not permitted to shift funds within its budget to help the Voice.

Mr. Fulbright's annoyance with United States propaganda programs—but especially the broadcasting—seems to stem from what he sees as the contradiction between President Nixon's trips to Peking and Moscow and the Administration's requests for money to denounce Communism and its works. Senator Fulbright and a number of his colleagues also tangled with top U.S.I.A. officials on several specific operational topics and finally ordered the budget cut when President Nixon invoked "executive privilege" to deny the committee access to the agency's operational projections on a country-by-country basis.

The Administration must now carry the fight to the floor of the Senate and then the House of Representatives where those favoring the status quo are likely to ask these questions: Should the United States embark on unilateral "propaganda disarmament" when the other powers are increasing their efforts? Would the world's political balance really be served by a half-silence on the part of the United States when millions of transistor radios are tuned to foreign broadcasts? Would even relative impartiality be aided by shrinking the Voice of America news reports and having the British Broadcasting Corporation almost alone as a Western spokesman?

On the other hand, critics of the U.S.I.A.'s operations under the Nixon Administration were especially annoyed by the expenditure of public funds to produce for foreign showing controversial cinema and television films on topics like the Vietnam war and the "Silent Majority," by the apparent waste in the commissioning by the U.S.I.A. of virtually secret public opinion surveys in foreign countries; and by the frequently sanctimonious tone of the agency's output, possibly suggesting to the listener overseas that the opinions of the White House are the opinions of all Americans.

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

Mr. BOGGS. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. I compliment the distinguished majority leader for bringing this matter to the attention of the House. I congratulate him on what obviously is going to be a strong position he has taken. I fully support it and totally endorse it.

Mr. BOGGS. I thank the gentleman. So far as I know the USIA has always been a bipartisan operation.

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

Mr. BOGGS. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO. I thank my esteemed majority leader for yielding. I hope we will not concur in the Senate USIA cut. I should like to direct the attention of Members to my remarks just inserted in the RECORD regarding the tremendous record of the USIA. I believe the program has served a great purpose over the years, and we need it now more than ever. I hope the Members will read my statement in the CONGRESSIONAL RECORD above.

Mr. BOGGS. I thank the gentleman.

## PERSONAL EXPLANATION

Mr. BOLAND. Mr. Speaker, I was not recorded on the rollcall vote No. 133 having been detained on account of official business with a Massachusetts delegation.

Mr. Speaker, if I had been here, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. HAGAN. Mr. Speaker, on rollcall No. 130 I was unavoidably detained because of attending to some important business with my constituents. Had I been here, I would have voted "yea."

## TRIBUTE TO THE LATE ARTHUR E. SUMMERFIELD—A FORMER POSTMASTER GENERAL OF THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, it is with great sadness and regret that I note the death of the former Postmaster General of the United States, Mr. Arthur E. Summerfield.

A dedicated public servant, a highly successful businessman, and a tireless worker on behalf of the Republican Party, Arthur Summerfield was also known to many of us on Capitol Hill as simply a good friend who was never too busy to extend a helping hand where needed.

He served as Postmaster General during the 8 years of the administration of President Dwight D. Eisenhower, and worked at modernizing and improving postal services. He changed the Nation's drab green mailboxes to the now familiar red, white, and blue—introduced the ballpoint pen in place of the not infrequently empty or leaky pens once prevalent in post offices—and revived the custom of issuing memorial stamps bearing the likenesses of former Government officials.

He fought a successful battle against mail-order pornography and obscenity, and through his continued efforts hundreds of would-be purveyors of filth were arrested and put out of business.

Arthur Summerfield entered politics in 1940, working for the Wendell Willkie campaign of that year. He was named chairman of the Republican National Strategy Committee in 1949, and in 1952 he helped nominate Dwight D. Eisenhower for President of the United States.

It was characteristic of Arthur Summerfield that, although he left school at age 13 to take an office boy's job, he had the motivation and drive necessary to become the head of one of the largest automobile dealerships in the country—Summerfield Chevrolet, which he founded in 1929.

Dedication is a quality associated with those gifted individuals who point their lives in one direction—and who strive to remain true to their beliefs and values, never swerving from their sense of direction and purpose.

Mr. Speaker, Arthur E. Summerfield was such a man, and the direction he followed led him to a full lifetime of service to his community, his State, and to our great Nation.

## LAW DAY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, this being Law Day I think it would be worthwhile to reflect on the writings of Frederic Bastiat, a French parliamentarian, who in 1850 wrote a treatise on the role of government entitled "The Law." Mr. Bastiat wrote in the France of the Second Republic, when the nation was experiencing the continuing turmoil of the Revolution of 1848—a nation in which the rule of the mob had replaced the rule of law.

In defining the role of law Bastiat writes:

> The law is the organization of the natural right of lawful defense. It is the substitution of a common force for individual forces. And this common force is to do only what the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to maintain the right of each, and to cause justice to reign over us all.

We, as lawmakers, would be well advised to remember this definition. This is the spirit of the law embodied in the Constitution. It was the general acceptance of the idea that the only function of the law is to protect the freedom of the individual that has accounted for America's greatness. It is this definition which we must vigorously defend if we as citizens are to remain able to think, act, worship, and trade as we desire. We must see to it that the law protects the freedom of the individual and is not used as an instrument of moral, economic, social, or political coercion.

Law, as Bastiat points out, is a defensive concept. Its purpose is to defend the rights and property of the individual. When a law is enacted that is designed to alter the beliefs of a man or deny him the right to act as he desires, it is not a defensive law. Laws such as this attempt to coerce the individual and thus are inherently inimical to his right to freedom. The law can be the instrument of oppression—but law should be the defender of freedom.

I think on Law Day we should remember that we owe our liberty to a legal system that is designed to prevent coercion of the individual by either government or other individuals. For Law Day I think it appropriate to remember Frederic Bastiat's comments on the relation between liberty and law:

> In short, is not liberty the freedom of every person to make full use of his faculties, so long as he does not harm other persons while doing so? Is not liberty the destruction of all despotism—including, of course, legal despotism? Finally, is not liberty the restricting of the law only to its rational sphere of organizing the right of the individual to lawful self-defense; of punishing injustice?

## MOUNTAIN BROOK HIGH SCHOOL SUPPORTS THE PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, the war in Vietnam is tragic. The wanton aggression of the North Vietnamese in their invasion of South Vietnam is a drive to perpetuate the war and to force down the throats of the South Vietnamese a government they do not want.

President Nixon has responded to this wanton aggression of North Vietnam with bombing attacks on major military installations and supply routes.

The reasons for this response are many. First, it is necessary to protect the lives of the remaining American forces there. Second, the people of the Republic of Vietnam have a right to self-determination. Third, the memories of the massacres at Hue when North Vietnam seized that city in 1968 dictate that we attempt to prevent another tragedy of this type.

Prior to this invasion, President Nixon's Vietnamization program was making headway toward disengaging the United States militarily from Vietnam while leaving that country in better position to defend itself and to determine its own future.

These efforts were making headway toward peace in South Vietnam.

The invasion by North Vietnam imperiled all of these goals—troop withdrawal, self-determination, and peace. There have been some in this country who have decried the bombing without recognizing the actions which prompted it, specifically the massive attack by virtually the entire North Vietnamese Army into South Vietnam.

In my judgment, the majority of the American people, however, do realize the necessity for the bombing and the President's reasoning in taking such a step at this time. Included in this group are 500 young people and faculty of Mountain Brook High School in Birmingham, Ala.

A resolution recently passed by this group in support of the President's efforts in South Vietnam toward peace and self-determination is contained in the following telegram which I include in the RECORD for the edification of the House:

BIRMINGHAM, ALA.,
*April 25, 1972.*

Congressman JOHN BUCHANAN,
*Washington, D.C.:*

Be it resolved that the following students and faculty of Mtn. Brook High School congratulate President Nixon on his willingness to stand behind his commitment to the people of South Viet Nam and the American troops as they withdraw and protect this action through the use of force. The North Vietnamese have shown they are not willing to talk peace by their aggression in the country of South Viet Nam. We believe, as do most Americans, that we need a generation of peace. Until our enemy realizes that we are going to stand behind the commitments we have made, we should continue measures to gain a lasting peace.

Marian McClure, Michael Koslin, Cynthia Stein, Susan Mazer, Peck Horton, Leigh Stephenson, Pat Hays, Paul White, Becky Rice, Lisa Schiffman, Carter Morris, Lane Friedman, Virginia Ladd, Fred Crawford, Marshall Hyatt, Louise Tate, Dot Kitchings, Linda Baldwin, Robin Lewis, Lynn Turnbrell, Susan Little, Paul Greevy, Glenn Estess.

Richard Dewberry, Liz McDavid, David Freedman, Robbie Anderson, Francis Devore, Frank Russell, Ellen Mears, Phil Roberts, Trey Smith, Dave Lanford, Marlene Fern, Hal Roberts, Steve Kallman, Becky McCary, Debbie Johnson, Beth Gundersen, David Hawkins, Sessions Dickson, Owen Gray, Tip Mitchell, Chris McGahee, Tim Kilec, Robert Andrews.

Joe Gravlee, Bob Thim, Jim Abernathy, Robin Byrne, Terry Izen, Lee Bartlett, Marty Wilson, Deryl Moss, Debbie Roberts, Dan Elliott, Langdon Nelson, Mike Collinsworth, David Dixon, Janne Quinn, J. Howell, Mur-

ray Liehter, Elizabeth Morrow, Jeanne Attkisson, Susan Weaver, Rosa Harvill, Bobby Humphreys, Michele Raffel.

Barbara Hale, Mary Garron, Billy Eastwood, Will Harrison, Francie Seibels, Ken Stone, Greg Womack, Andy Black, Frank Mapes, James Dick, Patricia Brown, Daniel Word, Bill Peerson, Jackie McSwain, Anne Terry, Laurie Lynch, Jim Cooper, Ann Mason, Claire Williams, Jay Cohen, Beverly Reecks, Liz Beattie.

Jane Blackwell, Alma Jones, Jane Gray, Dan Elliott, Sally McCormack, Barry Pearson, Mason Dillard, Chip Braswell, Hank Poellnitz, Bedford Smith, Dan Carmichael, Virginia Cox, Betsy Hicks, Sam Baker, Phil Mulkey, David Hall, Laura Holt, Ben Davis, Mike Yeilding, Amy Weil, Dian Cook, Lee Davis, John Buchanan.

Laurie Barker, Lee Ofeman, Bob Abele, Stuart Coleman, Barbara Finch, Bob Hendrix, Malcolm Crittenden, Gordon Mowery, Mark Hilly, Robert Morast, Millanie Marcus, Ida Altelan, Randy Beech, Mike Evans, Dian Gillespy, Janet Striplin, Kathy Akin, Leigh Turner, Eve Jackson, Marcia Blacks, Don Horne.

Bert Owens, Ben Davis, Don Tineannon, Fred L. Roberts, Paul Pinkerton, Mike Alyson, Bill Fineberg, Ruth Bastor, Cathy Vaughan, Renee Roisse, Stephen Crawford, Bill Strange, Jr., Wood Wilson, Jr., Lisa Stern, Susan Smith, Leslie Luck, Randy Padawer, Andy Gant.

Mims Maynard, Lynne Anderton, Steve Hardwick, Mark Jaffe, Sheldon Sokol, Tootie Wood, Peyton Sherrord, Gail Gunter, Miles Hazzard, Monroe Jones, Judy Mills, Helen Ratcliff, Wayne Nelson, Tommy Tucker, Lee Brantley, Barbara McTerrin.

Lisa Large, Dwight DuBois, Fletcher Hukkios, Sandy King, Jay Johnson, Lynn Head, Bet Piess, Rob Saunders, Franklin Spear, Cindy Sherrell, Jim Schmaskey, Kathy Reiser, Betsy Denton, Ed Moore, Steve Layarus, Wade Geisking, Keith Lovell, John Yeilding, Cassie Crow, Doug Foust, Byron Howells.

Chip Whitehead, Fred Moore, John Schienurt, Wes Hamilton, Chris Dennis, Stuart Mosh, Graham Tayloe, Tommy Burns, Pat O'Sullivan, Conrad Rayfield, Kimberly Goeff, Gary Glasgow, Jay Weatherly, Lee Clark, Judy Cockrell, Betty Eich, Margie Stewart, Sandy Friedman, Susan Tilson, Dian Cook, Amy Thomas.

Jim Chenowett, Julie Thomas, Georgia Mapes, Dara Adams, Jim Wesson, Marias Eysaud, Robin Waltall, Emily Slappey, Ray Watkins, Andy Rochester, Brooks Yeilding, Dan Blount, Bill Forsyth, Kim Ratliff, Marcia Brewer, Lisa Stern, Dale Rice, Debbie Belton, Marcia Cotton, Goode Price, Judy Kimberling.

Linda Hutchins, Ginger Spencer, Ray Watkins, David Howard, Clyde Jones, Bary Eagleson, Allen Boggs, Bill Fincannon, Charlie Willson, Elaine Dollar, Helen Hacker, Michelle Poppletan, John Cox, Dorothy Alford, Peggy McDaniel, Susan Hennigan, Jan Hindhoret, Cathy Palmer, Jeanie Alexander, Denise Findlay, Jackie Curtis.

Stephanie Zinder, Ken Bruno, Susan Reed, Ann Lennion, Deborah Traylor, Cherryl Mullins, Teresa Hart, Liza Orrell, Linda Jefferson, Rhonda Kerlin, Lauren Walker, Gary Musick, Barbara Schreter, Grag Coe, Patty Scott, Mike Yielding, Lawrence Burnetts, David Schley, Owen Scott, Alan Barton.

Dan Bryan, Stevens Oberm, Charlie Lurie, Beverly Penfield, George Moss, Kelly Straken, Patti Jones, Becky Green, Mike Price, Douglas Cook, Jonne Hoverton, Max Roseman, Ken Seals, Winston Gilmore, Kathy Button, Susan Houpt, Julian Davis, Bobby Davis, Girann Barnes, Louise Price.

Margaret Dick, Ronnie Rict, Jim Gray, Hewart Young, Nancy Johnson, Billy Wood, Sally Grace, Graham Taylor, Cobbdwyan Hagan, George Matthews, Susan Hartsfield, Jean Hill, Hollis Davis, Buffer Drennen, Frank Fowlkes, Tony Luckie, Louis Montgomery, Jack Benners, Tynes Stringfellow, George Kontos, Jimbo Head.

Rob Conolly, Kay Conaway, Jane Rast, Sue Koehn, Emor Lawrence, Dave Camp, Emeel Safern, Carolinda Lanford, Dan Whitaker, Augusta Slaem, Genie Ray, Leesa Lewis, Jon McDonald, Ken Kingerly, Jeff Clayton, Richard Schnan, Mac Edwards, Mark Miller, Mike Randle, Lisa Paden, Melynda McNeil.

Mike Thompson, Ray Collins, Porter Hall, Billy Pritchard, Cy Beasley, Mike Webb, Susie Welden, Laney Norred, Holland Cox, Harold Bowron, Vivian Lokey, Gin Jordan, Brooks Henerson, Lou Ann Davis, Tom Mardway, Peggy Trafton, Ken Pack, Keith Morgan, Barbara Baneradt, Paul Mitts, Lillie East, Beth Hargrove, Lynne McCaleb.

Suzanne Bowron, Trisha Whitehead, Janis Zeanah, Betsy Skelton, Ann Cushing, Ben Feryer, David Hall, Allen Thomberry, David Stein, Charles Hoken, Donny Patton, Holman Head, John Zancrofs, Carolyn Foster, Didd Head, Lillie Parker, Margaret Hughes, Ginny Perkins, Marian Simms.

Janet White, Frank Pritchard, Leon Hamrick, Steven Shirley, Harvey Dickson, Nan Carley, David Kelpe, Kelly Ireland, Billy Noles, John Bretz, Kathy Green, Mark Biggens, Stewart Perlman, Charles Muse, Allen Hammack, Babette Norman, Judy Stewart, Karen Williamson.

Frank Kreis, Tommy Mayfield, Steve Shaw, David Kanter, Carole Howard, Alvin Atlas, Alan Routman, Donald Goldstein, Michael Sparks, David Broda, Cindy Shapiro, Michael Seligman, Malenie McCoy, Dotty Still, David Williamson, Sandra Collier, Cathy Wilson, Ted Bostwick, Sheryl Johnson, Eddie Humphrey.

Susan Wood, Glenda Ritchie, Renee Hyatt, Nancy Lazarus, Denny Marcus, Devan Ard, Anette Watson, Mike Mayer, Sheri Lapidus, Amy Cherner, Jeff Padawer, Derby Dorsky, Dorothy Renneker, Kenny Esrig, Vivian Yeilding, Joel Benners, Ed Saeven, Linda, Wittichen, Doug Call, Paul Green.

Robin Lurie, Debra Snow, Brian Larson, Johnny Kelsoe, Oscar Price, F. Stephens, Billy Blair, Mike Graham, Walter Kennedy, John Levine, Lise Tapidus, Nancy Goldberg, Jane Brewer, Paul Nagrodzlin, Alan Waintraub, Betsy Cooper, Judy Kimerling, Edward Levin, Ann Mason, Cassandra Golden.

Amy Isefield, Wayne Nelson, Tommy Fox, Phil Roberts, Laird Barrett, David Faulkinberry, Ty Limbaugh, Henry Teel, Tommy Scott, Bettie Bromberg, Butch Busby, Linday Schulhafer, Debbie Kiessner, Enar Hoff, Mary Lyll, George Ann Parker, Keith Womack, Malia Crayar, Delois May, Addie McGriff, Cathy Bowers.

Patty Trafton, Philip Holt, Kathy Cox, Gordon Paul, Tande Barnes, Annie Stein, Joel Barasch, Chris Venus, Mowry Musgrove, Wally Bromberg, Rod Scott, Ellen Thim, Marlea Itchings, Hortevel Smith, Bobby Franklin, Emory Ellis, Eddie Dorn, Steve Breckenridge, Susan Bancroft, Beverly Penfield, Hal Manly, Al Garver.

Petti Stumpf, Mike Anderton, Rob Ballard, Elsie Sparrow, Beverly Morrow, Mary B. Williams, Lynne McCaleb, Jim Gates, James Dent, John Burroughs, Greg Echols, Coke Matthews, Jim Rowe, Holly Coates, Jeff Preston, Lowry Drennen, Dianne Smith, Jeff Porterfield, Susan Metcalfe.

Lanny De Lapp, Richard Stone, Graham Myll, Beth Kesmodel, Elaine Arbucke, Elaine Fowler, Sarah Johnson, Mike Munger, Julie Edwards, Ann Price, Beth Frello, Jack Inglis, John Nickols, Bill Johnson, Billy Wood, Anne Brackman, Marie Miller, Penny Taylor, Annell Haughton, Betsy Winfree, Carol Lee Dell.

Debbie Bennett, Marie Diffa, Mary Stewart, Dawn Winkler, Carol Frew, Ruth Morrow, Cornelia Wingate, Kelly Roobi, Don Duffee, Rosalyn Pritchie, Neil Tyson, David Metzel, Alfred Stewart, Bill Watson, Dot Morast, Laura Brickman, Dianne Minger, Bob Stephenson, Fran Smyer, David Jones.

Donny Plosser, Porter Mitchell, Dianna Sell, Leslie Hunter, Mark Collinsworth, Robby Taylor, Annetta Seyler, Patricia Jaffe, Garry Rickard, Walter Fletcher, Greg Cox, Burgin Kent, Leigh Gary, Debbie Guthrie, Martha Nall, Bill Greene, Jack Barttlett, Dickie Simmons, Hunter Price, Debbie Ward, Mark Schneider.

Susan Andrews, Marsha Wilborn, Julie Jessup, Brandie Jordan, Hallie Head, Les Porterfield, Betty Schneider, Margaret Burg, Pattie Hammond, Caldwell Berry, Bill Leny, Kathie Taylor, Karen Edwards, Carol Owen, Chuck Just, Steve Wright, Biddy Miller, Mark Kialland, Paul Yacko, Nelson Weaver, Lisa Robinson.

Jam Gravlee, Danny Woodson, Lynn Peterson, Ann Tutwiler, Salia Posey, Vivian B. Yeilding, Carlisle Jones, Carol Perkins, Mike Conway, Merrie Yeager, Lesa Anderson, Alice Maring, Robin Tant, Jimmy Cooke, Boo Mason, Brian Judd, Connie Porter, Coach Lasson, Melissa Morris, Tana Groover, Margaret Wiggins, Sally Lanch, June Wood, David Clark, Bill Pate, Jay Norris, Deanna Owens.

Chip Hayelrig, Chip Phillips, Ann Cochran, Claude Rhee, Janet Boyd, Collelay Cleille, Merritt Burgin, David Evans, Marion Simmons, Sue Wiggul, Dendy Burgaine, Doug Dewitt, Gwen Hendrix, Max Breckenridge, Judy Spira, Tom Frye, Miller Kennedy, James Cook, Jim Kennedy, Howard Holbert, Susan Schiffle, Scott Scholl, Cindy Hamilton, Lynn Watson, Arch Long.

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## ANNUAL LAW DAY OBSERVANCE

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, today is Law Day. I was privileged to make a speech this afternoon before the Federal Bar Association and the Judge Advocates Association at the Pentagon in commemoration of Law Day.

Mr. Speaker, the speech is as follows:

A SPEECH BY REPRESENTATIVE LAWRENCE J. HOGAN AT THE ANNUAL LAW DAY

As the resolution designating this as Law day says, this is a time to pause and rededicate ourselves to the ideal of equality and justice under the law and to cultivate that respect for law which is so vital to a civilized society. It is also an opportunity to pause and review what kind of progress we are making toward those goals.

While there is evidence of a prevalent disrespect for the law today, paradoxically, interest in the legal profession is booming.

Consider the experience of Washington area law schools for a moment.

Georgetown, which has facilities for about 600 new students, has received between about 6,000 applications for the 1972–73 academic year. This is roughly the same number as last year when applications virtually doubled. George Washington University's National Law Center has received over 5,000 applications for 400 places. Catholic University's Columbus School of Law has approximately 2,200 applications for 210 openings.

But, unfortunately, a great many of our law students today have little understanding of how our system works. Either because they are impatient with your progress toward a fully just society or because they misunderstand the proper role of the legal profession—many of our law schools and an ever growing number of lawyers have embarked on a false and dangerous course which threatens the

critical balance of power between the legislative and judicial functions in our society.

The new breed of lawyers who see themselves as social activists is, in many cases, trying to short circuit the constitutional process that has served us so well for nearly 200 years. They are trying to usurp the function of the legislative branch. In short, they want the courts to make the law as well as interpret and define it.

The perils of this course are obvious. If the courts make laws as well as interpret and define them, there is virtually no check on their power. What some view as a short cut to a social utopia could well become a social nightmare and bring an end to our governmental system of checks and balances.

Usurping the legislative function by the courts is the first giant step toward a society run by legal technocrats who would write their own laws, pass on their validity and then monitor their implementation. Such power would be disturbingly similar to that wielded by the high priests in ancient Egypt.

I am not trying to suggest we are on the verge of such a society, only that we have been pushed down that path and it is time to plant our feet firmly before we go any farther.

I believe our law schools share part of the blame for this situation because they have failed to teach many of their students the proper function of the law and the lawyer.

One example comes to mind immediately—the group of law students who picketed the law firm representing the Dow Chemical Company for making napalm which was being used in Vietnam. Their action demonstrated an appalling lack of knowledge of the American legal process. Under our system everyone has the right to the best possible legal representation. That principle holds for a welfare recipient, an indigent criminal and the Dow Chemical Company. The fact that law students would picket a law firm for defending *any* client is incomprehensible to me and indicates total disrespect for, and lack of understanding of, our system of justice and the role of a lawyer in our society.

I think the law schools have failed their students in another way—by diluting the quality of the offerings in the traditional and vital disciplines in order to meet the demands for so-called "socially relevant" courses.

Many of the courses being offered might be relevant for a social scientist, but they are not relevant in a law school curriculum when they direct a student's energy and intellectual pursuit away from the law itself before he has even learned the rudiments of legal thinking and legal principles.

In addition, the vast smorgasbord of courses and the specialists who teach them have increased the cost of law school tremendously. In fact, the skyrocketing costs of legal education have pushed such education out of the reach of millions of Americans and created the very real possibility that legal education will become almost exclusively the province of a privileged elite. When I graduated from Georgetown Law School in 1954, my recollection is that tuition was $12 per credit hour. Today it is $80 per credit hour and is increasing to $88 this fall.

Of course, the distortion of the proper roles of the legal profession and the courts is not confined to some law schools and students.

We have only to look to the recent Richmond school busing decision which ignored legal boundaries and ordered consolidation of suburban school districts with the Richmond School District to see a classic example of a judge overreaching his authority to achieve what he—not the legislature (or the people who speak their will through the legislature)—what he construes to be a socially desirable course of action. The busing of 78,000 students will be the result if his decision stands.

To my mind, the court there has literally tried to make its own law. The judge, in fact, first suggested to the Richmond school system that an appropriate method to achieve the proper racial mix in the schools would be to strip away the legally established political boundaries and consolidate the school districts.

Then, when such a proposal was submitted to him, he ordered its implementation. The court, in effect, wrote its own law and is now trying to impose it without any regard to the separate function of the legislative side of government.

All of us recognize that the legislative process is frequently slow—frustratingly slow—in responding to the needs of the people, especially the oppressed and disadvantaged. But that is the nature of the process, of the push and shove, pull and tug, as the people make their feelings known to their elected representatives.

The making of new laws ought to be a slow, deliberate, painstaking process. That's why our legislatures debate issues so comprehensively and weigh all points of view. When we're dealing with the rights, property and lives of our people we should proceed carefully and cautiously, and the laws which are enacted should and usually do represent a good consensus of what the people want and need.

The individual might personally disagree with the result, but, under our democratic system, we are all obliged to obey the law until it is repealed or changed. To do otherwise leads to anarchy and the total breakdown of an orderly, people-run society.

The success of our system of government depends upon the consent of the governed. The people know they have a full voice in the shaping of our laws, and they know that their legislators, their elected representatives, must be directly responsive to their will. Under those circumstances they have shown themselves willing to submit to the will of the majority and our system has survived and flourished.

But, on the other hand, Federal judges, are responsible to no electorate. They are not subject to removal by the ballot box. And that is as it should be if the judiciary is to function properly and independently as a check on the legislature. But the system falls apart when the courts seek to assume a legislative role. When this happens, you will have not the rule of the people, but rule by fiat. Then the people will have no voice, no power and democracy will be dead!

When the courts usurp the legislative role and rob the people of their right to influence the making of laws, we see a growing loss of respect for the law. The public will not stand for "legislation without representation."

While preserving the respective, independent roles of our three branches of government, we must direct the energies of our legislative and executive branches toward solving our social problems and eradicating the injustices and inequities in our system.

Among other things that means we must find ways to insure the equal protection of the law for the poor, the forgotten, the oppressed and the disadvantaged. And that means the dedication of lawyers in government to that cause.

In particular I would like to see programs go forward which make the legal talents of government lawyers available to the indigent in their full time.

Unfortunately, at the present time, as members of the Federal Government these government lawyers may not participate in court-appointed counsel programs.

Obviously, government attorneys should be barred from participating in trials in which there is an actual conflict of interest between service to a client and the Government, but the blanket exclusion of a Federal criminal case creates a category that is too broad and denies the indigent accused access to a wealth of talent.

Primary emphasis in appointed-counsel systems has necessarily been directed toward criminal cases where counsel is constitutionally required. But justice also demands that the poor be represented in our civil courts as well and that means we must make certain our current legal assistance programs are truly helping the poor as they were designed to do.

The other most serious problem of concern to the bar is, of course, the inability of our courts to meet basic constitutional "speedy trial" requirements. Most courts are plagued by huge and unmanageable backlogs of cases which, while delaying justice on the civil side of the docket, are most serious on the criminal side. Not only does long delay between arrest and trial make a fair trial more difficult, but such delay is a major contributing factor to our high rate of recidivism. Such delay, invites plea-bargaining, and encourages potential criminals to continue careers in crime since there is a good chance they will never be apprehended, or, even if they are apprehended, they may never have to face trial.

Thanks to Congress' reform of the District of Columbia court system, in which I was privileged to play a leadership role, trial delays are no longer a court trademark here. In February, the first anniversary of the establishment of the Superior Court was celebrated with the release of statistics showing that:

Misdemeanor cases are now tried within four weeks instead of seven.

Felony cases are tried within five to six weeks instead of two years.

Civil cases are tried within seven months instead of two years.

Misdemeanor suspects who waive their right to a jury trial are usually tried within seven days.

That's the kind of court reform that's needed in every judicial system in the country.

Only through effective reorganization of our court systems can we meet the new challenges that are placed upon our judicial system today. Only if all citizens can be provided with real and ready access to the courts will we be able to maintain confidence in our legal system.

Another factor which affects confidence in our legal system is insisting that all laws be obeyed. In this context, I'd like to refer to those among us—a small minority—who are clamoring for amnesty for draft dodgers and deserters.

I am vehemently opposed to amnesty not only because I feel that it would be a disservice to those who did answer their country's call, especially those who gave their lives or were wounded or imprisoned but for an even more basic reason. I oppose amnesty because, if we allow some of our citizens to choose the laws they wish to obey and those they wish to disobey, the result will be anarchy. So, as we celebrate Law Day today, we should recognize that continuance of our civilized society under law, it is essential that all citizens obey all laws.

There are those among us who would destroy our system and paradoxically replace it with a system of government which allows no dissent. Our system gives us—the people—the power to change our government and change the laws which govern us. In their misguided zeal to achieve what they think will be a social utopia they run the risks of destroying the system of government by laws which is not only our best hope but

the best hope of all men in the world who love liberty.

As we honor Law Day, we should rededicate ourselves to preserving and improving this system of government.

Mr. Speaker, also, because this is Law Day, I think it was uniquely appropriate that I met on the steps of the Capitol today with a delegation of men from the Veterans of Foreign Wars who presented to me and to the gentleman from Maryland (Mr. GARMATZ) a petition signed by some 1,700 Marylanders urging that the Congress not grant amnesty to those who have left this country to evade the draft laws or those who have deserted from service in the armed services.

I think it is appropriate that this occurred on Law Day, Mr. Speaker, because, if our system of government by law—which we are commemorating today—is to survive, it is absolutely essential that all citizens obey all laws. That includes those who might disagree with certain activities being engaged in by our Government. As citizens, they have the right to disagree. But as citizens they do not have the right to disobey the law.

So I assured that delegation from the VFW, Mr. Speaker, that I would do everything I could to oppose the enactment of legislation granting amnesty to those who have refused the call of their country.

## TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of New York. Mr. Speaker, I fully support S. 2713, the administration's proposal to provide for the treatment and rehabilitation in community-based facilities during probation and parole or mandatory release from Federal institutions drug dependent persons who cannot receive treatment under the Government's addict rehabilitation law. As I pointed out to Members on March 4, 1971, there are serious and sometimes crippling flaws in the 1966 Federal Narcotic Addict Rehabilitation Act. For example, the act denies the treatment established under this law to large classes of addicts.

It excluded addicts charged with housebreaking or burglary—despite the fact that this is a major addict crime.

It excluded addicts who had previously failed under three or more civil commitments—despite the fact that experience has shown that relapse is a part of the rehabilitation process.

It excluded addicts with two or more felony convictions—despite the fact that cases such as a 21-year-old addicted auto thief could have two felony convictions.

It denied a person eligibility for civil commitment in lieu of prosecution if he was charged with the sale of dependent drugs for his own personal use—despite the fact that we passed a law in 1970 taking such people out of the serious criminal category.

It limited treatment to only those people addicted to the opiate drugs including heroin and eliminated persons dependent on or addicted to the depressant and stimulant drugs including the goof balls, barbiturates, the pep pills, amphetamines, and the hallucinogens such as marihuana and LSD—despite the fact that persons were no longer abusing one drug but many and we now have "multiple drug abusers."

So it is gratifying to see that we will now be removing these restrictions from drug dependent Federal prisoners who are not now eligible for treatment under NARA after they are released from prison.

But what about treatment for these people during their long months or years of incarceration. As I pointed out a year ago, these restrictions were eliminating the bulk of the addicts who might benefit from treatment while in prison. As a matter of fact, the Federal Bureau of Prisons, as a result of these exclusionary clauses had to set up a stop-gap secondary drug treatment program similar to NARA in an effort to get treatment to Federal addicts who needed it but were excluded under the current Federal law.

This treatment program within a treatment program began on June 1, 1971, and is treating those offenders currently in the Federal prison population for whom drugs are a contributing cause to their criminal behavior but who do not qualify under NARA. There is no need for two programs to handle the same kinds of addicts. My proposed amendment would eliminate the need for such a wasteful process.

So while S. 2713 is a left-handed step in the right direction I feel the more logical approach would be to eliminate the cause of this illogical situation at the source. Which is what my amendment to the original act would accomplish. It would do this by eliminating the severe restrictions of eligibility and open up treatment for all drug abusers, not just heroin addicts. If this approach is reasonable after addicts and drug abusers have been released from an institution, it is certainly reasonable to apply this approach at the very beginning of their incarceration.

In any given year almost a third of our Federal prisoners, which means as many as 7,000 inmates, have had problems with drug abuse. Yet only 1 or 2 percent of those committed are eligible for treatment under the Narcotic Addict Rehabilitation Act.

This is absurd.

Rather than chip away at the periphery of our addict population, we should make a congressional commitment to go right to the core of this motherlode of Federal addicts by providing the law, the Federal funds, and the personnel necessary to make a serious impact on narcotics and crime.

I commend the administration of the goals of the current legislation, but I implore them to get at the heart of the problem and support legislation still before the Judiciary Commitee, H.R. 5612, which is designed to bring the treatment of Federal prisoners who are drug addicted or drug habituated into the 1970's.

I can understand the argument of those who say that NARA for the 1960's was perforce modest because it was a beginning and because a structure of programs and funding had to be established from scratch.

But we are beyond that now.

The President has called narcotic addiction our No. 1 domestic problem.

The Congress is appropriating millions upon millions of dollars to combat the drug traffic and addiction.

We have burgeoning treatment programs all over the Nation.

We have practically instituted a "Manhattan project" for the elimination of drug abuse.

We can certainly apply this kind of an effort to our Federal prison system and I ask Members to join with me in doing so.

I ask that my statements of March 4, 1971, and June 23, 1971, on the Narcotic Addict Rehabilitation Act be printed at this point in the RECORD.

THE INTRODUCTION OF THE DRUG DEPENDENT PERSONS REHABILITATION ACT OF 1971, MARCH 4, 1971

(By Representative JOHN M. MURPHY)

I introduce for appropriate reference a bill to provide new procedures for the civil commitment of drug dependent persons and to expand the scope of the provisions of titles 18 and 28 of the United States Code relating to the treatment of drug dependent persons in criminal proceedings, and for other purposes; the "Drug Dependent Persons Rehabilitation Act of 1971."

This is the second in a series of crime bills I announced I would be introducing during the coming weeks.

In January of last year the Congress passed a strong law enforcement oriented drug bill which became the law of the land in October of 1970. I supported that bill because it was necessary to cope with the growing army of young drug users who are being arrested at the rate of one every five minutes in the United States.

However, I feel it is now time that the focus of Congress should be on legislation that is directed at the rehabilitation and treatment of the drug addict and the drug abuser.

That is the goal of the legislation I introduce today.

The Narcotic Addict Rehabilitation Act was enacted in 1966 in response to the serious narcotic problem in America during the mid-sixties and represented the first major change in the attitude of the Federal Government toward the treatment and rehabilitation of narcotic addicts.

I was in agreement with the goals of that Act and worked for its passage.

The Act provided an alternative to imprisonment for heroin addicts either charged with or convicted of certain Federal offenses. It provided for their commitment to treatment and rehabilitation for extended periods of time. The addict was under custody while in a hospital or other institution and supervised aftercare was provided in the community after their release from custody.

In addition, the Act established procedures for the voluntary commitment of narcotic addicts, who had neither been charged with nor convicted of offenses, but who were in need of treatment for their addiction and could be successfully treated and returned to their communities.

As the legislation was passed, however, it denied some or all of the treatment established under this law to large classes of addicts.

It excluded addicts charged with housebreaking or burglary.

It excluded addicts who had previously failed under three or more civil commitments.

And it excluded addicts with two or more felony convictions.

The present bill broadens the coverage to include these categories of addicts who are, in the main, most in need of help.

Drugs, by their very nature, make an addict ineffectual and indifferent, unable to hold an honest job. Without legitimate resources he must seek money for his drugs through crime. Traditionally, his loss of drive led him to the easy way out—committing crimes of a non-violent nature. And crime has always been the principal source of money for the addict and so most genuine addicts have a record of two or three felony convictions.

The trapped, the cornered, the panicked *sick* addict is one who may resort to violence. That is not to say heroin causes the addict to panic—it is rather the lack of the drug and the threat of withdrawal that causes him to sometimes strike out blindly, hysterically or in a deadly manner. And because there are more addicts today, there are more of them involved in serious crimes.

So it is not unusual for a 19 or 20 year old addict to have two felony convictions.

Further, there is ample testimony that three prior civil commitments should not prevent an addict from benefitting from treatment the fourth or fifth time around.

Indeed, research shows that the more relapses an addict experiences, the closer he is to ultimate abstinence and rehabilitation.

Addiction is a chronic disease where relapse is the expected rather than the exceptional behavior. We know that every relapse may bring the addict closer to ultimate rehabilitation. And we know that with proper help, addicts tend to grow out of their dependence on drugs as they get older.

Even more important, however, since treatment programs for addicts differ throughout the country, both in nature and quality, and since all such programs can be expected to improve as we gain more experience, failure under any program in the past should not deny an addict the improved treatment methods of the future.

Now that the NARA has been in operation for a period of time, we have received increasingly more evidence that the original restrictions often exclude those very addicts who could obtain the greatest benefit from the treatment offered under the Act.

Because of those early restrictions, the Act has been called self-defeating and the criteria for eligibility has been termed "absurd" by recent witnesses before Congress.

*Let me emphasize this by pointing out that during the first 21 months the Act was in operation, only 74 addicts were civilly committed under Title I in lieu of prosecution.*

This is the record of a law that was hailed as a "breakthrough" in our efforts to treat addicts.

I think it is a sorry record when we consider the fact that there may be as many as 100,000 heroin addicts in the United States.

This revision of the Narcotic Addict Rehabilitation Act is of great significance. When the original Act was passed, I was concerned over the features I have just described which I consider inimical to its success. After having reviewed the performance of this program and after discussing it with those who know its operation intimately, I think this is the appropriate time to replace it with a new progressive program.

I believe the changes contained in the bill I propose today will improve the treatment of narcotic addicts not only at the Federal level, but in the entire nation.

It will do so because it will set an example for the states to follow.

As my colleagues will recall, the Narcotic Addict Rehabilitation Act of 1966 contained four titles:

(1) The first title provided for the civil commitment and rehabilitation of narcotic addicts in lieu of prosecution of the charges against the addict;

(2) the second title provided for sentencing to commitment for the treatment of addicts in lieu of sentencing to a penal institution;

(3) the third title provided for the voluntary civil commitment of addicts who were not charged with nor convicted of offenses; and,

(4) the fourth title provided for rehabilitation and posthospitalization, aftercare programs and for assistance to states and localities.

The legislation that I now offer would expand the scope of coverage of drug abusers by not only including narcotic addicts, that is, those addicted to the opiate drugs including heroin, but also persons dependent upon the depressant and stimulant drugs, including the pep pills (amphetamines), the goof balls (barbiturates), and the hallucinogens such as marihuana and LSD.

If this bill is adopted, persons either charged with or convicted of Federal offenses, or even persons not charged, would be eligible for Federal treatment and rehabilitation programs for their dependence upon the barbiturates—doctors at the Federal narcotic hospitals indicate that they have more problems with physical withdrawal of many barbiturate addicts than with those addicted to the opiates—or any one or a combination of the other drugs including the depressants, stimulants and hallucinogens.

There is a myriad of drug abuse existing in the United States and persons not only become addicted to narcotics, but become physically and psychologically dependent upon a wide range of drugs.

It is only logical then to change the Federal law and to open up our programs of hospitalization, treatment and rehabilitation to those who have fallen victim to any of the various types of drug abuse, not just heroin or opiate addiction.

This is true because basically these individuals share the same deficiencies and problems.

Estimates of the abuse of these drugs vary, but if only 10 percent of the 12 million Americans who have tried marihuana become habituated to its use, then we have a serious problem. The same is true with regard to the millions of individuals who are abusers of the depressant and stimulant drugs.

In any case, physical withdrawal can be achieved in a relatively short time. The far more serious problem is psychological or emotional dependence which is shared by all types of drug dependent persons.

It may be true that more property crimes are committed by hard narcotics abusers, because of their intense craving for the drug, but such crimes are not unknown among other drug abusers. This means treating all drug users will reduce more crime than just treating one category of narcotic offenders.

I proposed further to broaden the law's coverage to provide that persons with two prior felony convictions and three previous civil commitments could be eligible for treatment and rehabilitation under titles I and II of the Act for the reasons I have outlined.

This means that hundreds of drug dependent persons presently excluded from coverage under this Act would have medical treatment made possible.

I would delete from the definition of crime of violence, as in the current law, the offenses of housebreaking and burglary.

These are fundamentally property crimes which comprise the bulk of offenses committed by addicts.

Many members of both Houses fought these exclusionary provisions when the statute was under consideration.

Subsequent events have proven that these provisions *were* mistakes. The amendments I introduce today are consistent with the medical view that many addicts who are treatable are eliminated from treatment.

A further desirable feature of my bill allows a person to be eligible for civil commitment in lieu of prosecution if he is charged with the sale of dependent drugs for his own personal use. This is completely in line with the provisions of the recently enacted "Comprehensive Drug Prevention and Control Act of 1970."

There are compelling reasons for expanding the facilities for the treatment of drug dependent persons.

Recent testimony before Congress indicates that the neighborhood of only 50 percent of the people committed under the Narcotic Addict Rehabilitation Act can be retained for treatment because of a shortage of staff and facilities.

Dr. Stanley F. Yolles, the former Director of the National Institute of Mental Health claims that the capabilities of the two main treatment centers at Lexington, Kentucky, and Fort Worth, Texas are chronically overtaxed.

Yet the estimates of the Institute show that increasingly more addicts will be committed to treatment in the years to come.

The total number of committed narcotic addicts alone is expected to surpass the 10,000 mark by 1975. This compares to only 2,438 patients committed under this law in 1970, the bulk of whom were non-offenders. The offender addicts were denied treatment because of the reasons I have just set forth.

That is why I have provided that not only facilities and programs of the Public Health Service be utilized but that other facilities, either approved or established by the Secretary of Health, Education and Welfare, be used for the treatment of all drug dependent persons.

This law should reach the largest possible number of drug dependent persons in the nation who can benefit from treatment.

That is why I want to make more people eligible.

And the facilities to treat them should be made available.

That is why I have provided for an expansion of the services available for such treatment.

Since supplying such a program for drug dependent offenders is the most effective approach to the drug problem, I hope this bill will receive strong support from my colleagues in both Houses.

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H.R. 5612: AMENDMENTS TO THE NARCOTIC ADDICT REHABILITATION ACT OF 1966, JUNE 23, 1971

(By Representative JOHN M. MURPHY)

Mr. Chairman and members of the committee, I appreciate the opportunity to appear here today to testify on my bill, H.R. 5612, to provide new procedures for the civil commitment of drug dependent persons.

The amendments expand the scope of the Narcotic Addict Rehabilitation Act of 1966 (NARA) to include in the definition the term "drug dependent persons," replacing the previous definition of a narcotic addict. This means persons not only addicted to the opiates (heroin, morphine, and the synthetic opiates), but also persons with drug dependencies on the amphetamines, barbiturates, marihuana, the hallucinogens, or a combination of these, would become eligible for Federal treatment and rehabilitation under this amendment. As you know, NARA

contained four titles which I will briefly summarize as a reference point.

Title I provided for the civil commitment and rehabilitation of narcotic addicts in lieu of prosecution of charges against the addict. ("Drug dependent persons" covered by this amendment.)

Title II provided for sentencing to commitment for treatment of addicts in lieu of sentencing to a penal institution. ("Drug dependent persons" covered by this amendment.)

Title III provided for voluntary civil commitment of addicts not charged with nor convicted of an offense. (Drug dependent persons covered by this amendment).

Title IV provided for rehabilitation and post-hospitalization for care programs and for assistance to states and localities.

The original Narcotic Addict Rehabilitation Act had amended three previously existing laws and added a completely new law, title III, the civil commitment provision. In effect, the old NARA really only had one new title (III)—the rest of the legislation amended existing law (titles 18 and 28 U.S.C. and section 341 of the Public Health Service Act). I decided that in order to simplify and focus on the major section of the bill I would move the civil commitment of non-criminal addicts to title I. (Since the inception of NARA, 91% of those treated have come under title III as opposed to 9 percent under title I.) I then combined the criminal users under title II (titles I and II of NARA that is, the civil commitment and rehabilitation of drug dependent persons, and placed the beefed up treatment section under title II. Title IV of my bill contains the conforming amendments.

Under my amendment, certain preclusions to eligibility for handling under NARA have been deleted from the law so that (1) persons with two previous convictions or with three prior civil commitments would be eligible for treatment (2) persons convicted or charged with crimes of burglary and housebreaking would be made eligible for treatment; and, (3) persons charged with sale for their own personal use would become eligible for treatment just as convicted persons are eligible under old title II of NARA.

In title I of my bill (title III of NARA) the term "related individual" has been deleted so that only the addict himself could make the application for civil commitment rather than a relative.

The definition of hospital of the Public Health Service has been broadened to include other treatment facilities approved by either the Surgeon General or the Attorney General.

Finally, section 341 of the Public Health Service Act has been broadened to include "drug dependent persons" as addicts.

Mr. Chairman, as you all know, the Narcotic Addict Rehabilitation Act was enacted in 1966 in response to the serious narcotic problem in America during the mid-sixties, and represented a major change in the attitude of the Federal Government toward the treatment and rehabilitation of opiate addicts.

Those of us in Congress who had high hopes for the program were disappointed at the results that were achieved in the first years of operation. However, I believe that the leadership at the National Institute of Mental Health and at the Federal Bureau of Prisons has begun a program that has promise for the future. In my discussions with officials at NIMH and at the Bureau of Prisons I was impressed by the desire on the part of the managers of this law at the administrative level to see it function at a greater level of efficiency and with broader scope in the years to come. In talking to these people I have become aware of certain restrictions and shortcomings in the law which H.R. 5612 attempts to rectify. For example, as the earlier legislation was passed, it denied treatment to a large percentage of our Federal addicts because it excluded addicts charged with housebreaking or burglary, addicts who had previously failed under three or more civil commitments, and addicts with two or more felony convictions.

I have discussed my amendment with officials in both the Bureau of Prisons and at NIMH. Three years ago they would have objected to the removal of these restrictions because of the newness of the program and the shortage of treatment personnel. However, they now feel that NARA has progressed to the point where they could and should handle these offenders under the progressive provisions of the law.

The face of drug addiction has changed greatly in the United States since the congressional hearings of 1965–1966. In times past, the drug choice of different abusers appeared to be mutually exclusive, that is, once a heroin user, always a heroin user; once a barbiturate addict, always a barbiturate addict. However, in recent years, we have seen the phenomenon of multiple drug use where heroin users may use a wide variety of drugs. Conversely, multiple drug users now dabble in heroin. Because of this, I think the law should be changed to cope with the problem of the seventies—the multiple drug abuser. That is why my amendments would expand our Federal drug treatment programs by including those persons dependent upon the depressant and stimulant drugs including the amphetamines (pep pills), the barbiturates (goof balls), and the hallucinogens (marihuana and LSD). Further, my amendment would provide that persons with two prior felony convictions or three previous civil commitments be made eligible for treatment and rehabilitation.

This means that hundreds of drug dependent persons presently excluded from rehabilitation programs would have medical and psychological treatment made available. For example, to date under the NARA program under title II in the Bureau of Prisons, five institutions housing intensive treatment units have studied 1,077 cases. Of these 744 have been accepted for treatment. The remaining 333 cases were found ineligible and were rejected primarily because of two or more felony convictions on their record. It became increasingly evident to the management of the Bureau of Prisons that while a large segment of the offender population with drug problems did not meet the standards for inclusion under NARA for treatment, they had needs the same as those who were eligible. As a result of these exclusionary clauses, the Bureau of Prisons has begun to set up a stop-gap secondary drug treatment program similar to NARA in an effort to get at Federal addicts who need treatment but who are excluded under current law.

This treatment program within a treatment program began on June 1, 1971, and it will treat those offenders currently in the Federal prison population for whom drugs are a contributing cause to their criminal behavior but who do not qualify under NARA. There is no need for two programs to handle the same kinds of addicts. My proposed amendment would eliminate the need for such a wasteful process.

Figures made available to me indicate that under title II even though the number of inmates is comparatively small, the plan does seem to work. As of December 30, 1970, 414 inmates had been released to aftercare following an average institutionalization of slightly over 15 months. 297 or 72% were still active, and 28% had violated or absconded. I feel the fact that 72 percent were in a relatively law abiding condition is a tremendous improvement over the old figures we used to hear of a 2% cure rate of addicts in Federal institutions. I feel that the provision to expand those eligible under NARA is a critical one. Only 1,000 addicts have been found to be eligible. This despite the fact that 30 percent of all admissions to the Bureau of Prisons have regularly used narcotics or marihuana.

That means that in any one year, between 6,000 and 7,000 Federal prisoners are regular users of drugs.

There is ample evidence that three civil commitments should not prevent an addict from benefiting from treatment the fourth, fifth, or even the ninth or tenth time around. Medical experience has shown that the more relapses an addict experiences the closer he is to ultimate abstinence from narcotics and partial if not total rehabilitation. Addiction is a chronic disease where relapse is the expected rather than the exceptional behavior. Medical experience has shown that every relapse may bring the addict closer to rehabilitation and that with proper help addicts tend to mature out of their dependence on drugs, especially after the age of 30.

Most important of all, however, the three previous civil commitment exclusion did not take into consideration the fact that the treatment programs for addicts differ throughtout the country both in nature and quality and since all such programs can be expected to improve as we gain more experience, failure under any programs can be expected to improve as we gain more experience, failure under any program in the past should not deny an addict the improved treatment methods of the future. While many Members of Congress anticipated it, experience has now proven that the original restrictions have excluded many of those addicts who could obtain the greatest benefit from treatment offered under the act. In testimony before congressional committees, legal groups who represent drug addicts on a day to day basis have testified that the act is self-defeating and that the standards for eligibility border on the absurd.

In this amendment I have recommended deletion from the current law the offenses of housebreaking and burglary from the definition of crime of violence. According to officials from NIMH and the Bureau of Prisons, these are fundamentally property crimes which make up a large percentage of the offenses committed by narcotic addicts and drug dependent persons. In 1966 many Members of both Houses fought this particular exclusionary provision, especially those in the field of law enforcement who were familiar with the crimes of drug addicts. Events since the passage of the act have proven that these provisions were over-reactive. The amendment we are discussing today is consistent with the socio-legal-medical view that large numbers of addicts who are actually treatable were eliminated from treatment and given straight confinement in penal institutions.

For example, Charles P. Lamb, Jr., a prominent Washington attorney who served on the Legal Aid Agency of the District of Columbia testified before a congressional committee on the experience of that agency with the restrictions in NARA. He said, "After the passage of NARA, many defendants who were in need of hospitalization were denied it because they did not fall within the criterion of an 'eligible offender'. Specifically, excluded from the scope of the act are those who have been convicted of housebreaking at night. A rather absurd criteria. Consequently, many addict defendants who had to be incarcerated and could not qualify for NARA could get no treatment whatsoever, the Lorton Reformatory being totally lacking. The defendants could expect little more than to serve out the 3 to 9 or 5 to 15 year sentences with little hope for parole and to re-enter

the community as they had left—a drug addict in remission."

Under the old law we provided that a related individual could sign a petition and civilly commit a person who is addicted. A father could turn in his son. A wife could turn in her husband, and so forth. Experience under title III of NARA has shown that this provision has not met the expectations of its advocates. If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially if he is committed or has not been arrested for any crime.

Officials at NIMH who run the NARA program have told me of case after case of failure with this type of commitment because the addict was intractable and simply did not want treatment. In one bizarre case in New York City, a wife turned in her addict husband. He subsequently pulled a gun on the psychiatrist in charge and threatened to murder him if he did not certify him, the addict, ineligible for treatment. For this reason, the professionals in this area have supported the deletion of the term "related individual." Experience in various state civil commitment programs supports this position. For example, Milton Luger, the chairman of the Narcotic Addiction Control Commission for New York State informed my staff that civil commitments by a relative or a third party constitute "the most difficult cases to handle in treatment." These addicts are most resentful because they are put in against their will. Their attitude is that "somebody else turned me in." Luger claimed that they are not motivated for treatment and that there is "little we can do with them."

Another State where addicts can be turned in by a relative or a third party is in California. In that State there are two classes of petitioning. Either by a relative or a friend, or by a police officer or probation officer. Roland Wood, the head of the entire California narcotic addiction program informed my staff that only four percent of the addicts in California's treatment program (130 cases) were admitted by relatives in 1970. Seven percent were committed by police officers or probation officers. While California has experienced minimum success with the commitments made by relatives, in the latter category Wood explained that the addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in. The California experience is not really comparable to NARA, however because there is no minimum amount of time that a civilly committed addict must serve. The minimum is zero. This means that, unlike NARA where the addict is advised that treatment may last 42 months with a possible 36 months in an institution, the addict is not faced with the prospect of spending long periods of time in incarceration.

While this is an area of some controversy, I feel the facts speak for themselves. Psychologically, and in terms of treatment, the total experience in the United States with civil commitment by a relative or a third party has not been successful. I would urge the committee to consider this amendment to remove the term "related individual" from the civil commitment provisions of NARA.

Another desirable provision in H.R. 5612 would allow a person to be eligible for civil commitment in lieu of prosecution if he has been charged with the sale of dependent drugs for his own personal use. This is a justifiable provision in my district and is completely in line with the provisions of the Comprehensive Drug Abuse Prevention and Control Act which passed the Congress just last year.

Finally, the amendment stipulates that not only the facilities and programs of the Public Health Service, but that other facilities approved or established by the Secretary of Health, Education and Welfare, be used for the treatment of all drug dependent persons. The reasons for this are obvious to anyone who reads the newspapers. They are compelling. We must expand the Nation's facilities for the treatment and rehabilitation of drug dependent persons.

We not only have an out of control drug problem in this country, but we also have the problem or our returning servicemen, young boys who have been exposed in a foreign land to an avalanche or highly potent, easily available heroin, marihuana, opium, and all the drugs commonly found in the pusher's bag of drugs. This means there are thousands upon thousands of returning servicemen who will need immediate and long range treatment for drug dependency. Yet recent testimony before Congress indicates that only 50 percent of the people committed under NARA could be retained for treatment because of a shortage of staff and facilities. And while a major step has been taken with the doubling of funds available to the Narcotic Addict Rehabilitation Branch of NIMH for fiscal year 1972. I am certain that this will not be enough to handle the colossal drug problem that is facing this Nation.

In summation, Mr. Chairman, I offer this bill as a vehicle to expend the commitment of the United States Congress to the treatment and rehabilitation of our young addicts here at home and those who will return from serving their country overseas. Until now, the Federal program for addiction has fallen far short of our expectations. The narcotic Addict Rehabilitation Branch at NIMH reported to me that there were 10,481 addicts in some phase of treatment as of April 30, 1971. 1,860 were in Fort Worth, Lexington and 5 community in-patient facilities. Another 8,416 were in 23 community programs funded by NARA grants.

This is not nearly enough when we realize the size of the addict problem in this country.

However, we have established under NARA a cadre of people with expertise in the field and it has set up a sub-structure of patient care and community assistance grants that *should* be expanded and *must* be expanded as quickly as possible to handle our rampaging drug problem.

That is what my amendment is designed to do: *Make all drug dependent persons eligible* who need treatment, and *make all the facilities and assistance available* for those who need it.

Mr. Chairman, I have some exhibits that I would like to have included in the record relative to the NARA program and a brief comparison of my bill with NARA.

TITLE COMPARISON OF NARA AND H.R. 5612

*Public Law 89-793—NARA*

Title I. Civil commitment in lieu of prosecution. (Amended title 28 U.S.C.).

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

Title I. Civil Commitment of persons not charged with criminal offense. (Similar to title III of NARA.)

*Public Law 89-793—NARA*

Title II. Sentencing to commitment for treatment. (Amended title 18 U.S.C.)

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

Title II. Sec. 201—Civil commitment and rehabilitation of drug dependent persons. (Amends title 28 U.S.C.) (Similar to Title I of NARA.)

Sec. 202—Drug dependent persons (Amends title 18 U.S.C.) (Similar to title III of NARA.)

*Public Law 89-793—NARA*

Title III. Civil commitment of persons not charged with any criminal offense.

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

(Similar to Title I of H.R. 5612.)

*Public Law 89-793—NARA*

Title IV. Rehabilitation and post-hospitalization care programs and assistance to states and localities.

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

(No change.)

*Public Law 89-793—NARA*

Title V. Sentencing after conviction for violation of law relating to narcotic drugs or marihuana.

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

(No change.)

*Public Law 89-793—NARA*

Title VI. Miscellanous provisions (Amends Sec. 341 of the Public Health Service Act.)

*H.R. 5612—Drug Dependent Persons Rehabilitation Act of 1971*

Title III. Rehabilitation programs under the Public Health Service Act. (Amends Sec. 341 of the Public Health Service Act.)

NARCOTIC ADDICT REHABILITATION BRANCH—PATIENT DATA

Number of patients remaining in Branch treatment programs, as of—

| | NARA I | NARA III | Grants | Total |
|---|---|---|---|---|
| Apr. 30, 1971 | 205 | 1,860 | 8,416 | 10,481 |
| June 30, 1970 | 159 | 1,497 | 3,165 | 4,821 |
| June 30, 1969 | 80 | 991 | 2,021 | 2,862 |
| June 30, 1968 | 35 | 272 | (1) | 307 |

[1] No data.

*New York State civil commitments*

| | |
|---|---|
| 1969: | |
| Total | 538 |
| Spouse | 30 |
| Parent | 445 |
| Other relative | 46 |
| Friends | 2 |
| Others | 8 |
| 1970: | |
| Total | 1,525 |
| Spouse | 58 |
| Parents | 1,284 |
| Other relative | 162 |
| Friends | 5 |
| Others | 16 |

## CONGRESSMAN RODINO'S JOBS, TAX REFORM, AND LAW-ENFORCEMENT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, undoubtedly the unemployment crisis in the Nation is a top, if not the priority, domestic problem we face. The President's economic policy makes little attempt to do anything about it, and the March unemployment rate rose sharply to 5.9 percent.

JOBS NOW

I believe the way to help end unemployment is to simply make jobs. There-

fore I have sponsored legislation to create 1.15 million public service jobs. It authorizes $3 billion this fiscal year and $10 billion when fully operating.

A conservative estimate places the new need at almost 20 million decent jobs. This includes the underemployed and unemployed, those working at substandard wages and those who have given up looking for jobs. The problem therefore directly affects 72 million Americans.

Equally serious is the need to improve our public services—education, health, urban renewal, law enforcement, environmental control, transportation, and recreation. With enactment of my "Jobs Now" bill, we can immediately make jobs that would put people to work staffing hospitals and day care centers, renovating our streets and cities, helping maintain essential sewer and antipollution works, and improving our parks and recreational facilities.

An important element in my bill is that the jobs created would not be dead end ones, but real jobs with built-in training and educational opportunities. It would also provide the services so desperately needed in our urban centers. For areas of very high unemployment, such as the city of Newark, a special employment and economic development program under the bill would provide direct aid.

TAX REFORM

It is essential that we move ahead to reform our tax system, and I have sponsored two tax bills to cut out loopholes and provide the Federal money needed to meet our urgent public needs.

One is a major bill to establish a fairer tax structure and to raise more funds for the Federal Government. In theory our tax rates are supposed to be set according to one's ability to pay. In fact, because of special exemptions, incentives, and interpretations of tax laws, this theory is a farce. My major proposal would bring more revenue to the Government, help reduce Federal deficits, and also give lower income persons more available money to spend for essentials.

Along with this bill, I have also sponsored my "quick yield" tax reform bill. This stresses closing loopholes that either reduce jobs or do nothing to create them. At the same time it raises funds without hurting job-creating efforts. I estimate it would provide $7.5 billion in new funds by closing loopholes that now allow wealthy citizens to avoid paying their fair tax share. It is appalling to realize that in some instances low- and middle-income people pay a much higher percentage of their incomes in taxes than the very wealthy. In 1970, 112 persons with more than $200,000 incomes paid no Federal taxes.

A more minor bill, but one that affects all Americans, is my proposal to undertake a study to find ways to simplify income tax forms. It is hard enough to have to come up with money for tax payments when the costs of essentials such as food and shelter are so high. But this agony is worse when our citizens must worry about complicated tax reforms. In 1970 over 70 percent of all taxpayers had outside help in preparing their returns. Middle and lower income taxpayers pay too much in taxes because of all the loopholes for the rich and special interest groups. And then they pay what is actually an added tax by being forced to use outside tax aid.

CRIME CONTROL AND PRISON REFORM

The Omnibus Crime Control and Safe Streets Act of 1968, and a 1970 amendment to this act, both of which I sponsored, have greatly assisted law enforcement efforts at the local level. Programs established under this act provide our police officers with the very latest means of dealing with crime and of capturing criminals.

In 1971, the Law Enforcement Assistance Administration—LEAA—which provides funds for such programs, allotted a total of $11,870,000 for the State of New Jersey, with over 1,000 students now enrolled in law enforcement education programs.

Total LEAA funds for 1971 which have been allotted to Essex County, including East Orange and Newark, total $1,115,754. As examples, special grants under this program have provided $98,740 to East Orange to establish a juvenile delinquency program; $192,547 for a model defendant employment project to assist the courts; and $125,470 to set up a police cadet project for Newark. This act has also provided $19.1 million for drug abuse treatment and rehabilitation programs.

I have supported legislation to amend that act in the 92d Congress to provide for Federal funding of emergency narcotic treatment programs operated by State correctional institutions in connection with probation and other work release programs. This amendment has passed the House of Representatives and is awaiting action by the Senate.

A subcommittee of the Committee on the Judiciary, of which I am a member, has been holding hearings since May 1971 on the subject of prison reform and the parole system, to try to discover why the correctional systems have failed to provide vocational education training, medical care, counseling, and all other services necessary to assist ex-offenders.

The past tendency of the public to ignore the existence of deplorable conditions in our prison systems is at an end. Since most people now recognize the need for providing increased Federal funds to State and local correctional systems, the future looks promising. These hearings have ranged across a broad spectrum of problems involving corrections—from those facing the administrators, to those confronting the correctional officer, the inmate and the former inmate. I have sponsored legislation in this connection to provide assistance to States for improving our parole systems and for establishing fair and equitable parole procedures.

I actively supported the Gun Control Act of 1968, which bans interstate mail-order sale of long guns and ammunition, and prohibits sales to minors and nonresidents of a State; and the Organized Crime Control Act of 1970, which is aimed at racketeering, corruption, and organized crime in our major cities.

I have also sponsored legislation in this Congress to establish an Institute of Continuing Studies of Juvenile Justice. This bill, which has just passed the House, would enable us to review and strengthen our policies and practices in the area of juvenile justice.



## MORE TROUBLE IN THE NAVY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, cost overruns, lengthy delays, and serious technical problems are plaguing the Navy's plan to build two ships known as ARS's and two minisubs known as deep submergent rescue vehicles which are designed to rescue disabled submarines.

Apparently the Navy is again in deep trouble in another procurement program. The minisubs are too slow, very unreliable, and unable to dive as deeply as the Navy hoped according to a recent General Accounting Office staff study. Apparently the Navy is lucky that the little subs even can float.

Cost overruns for the two ships and the two minisubs now total a whopping $159 million.

The two ASR ships for which the Congress originally appropriated $32.9 million now are expected to cost at least $88 million.

In addition, the Alabama Dry Dock & Shipbuilding Co. of Mobile, Ala., is now demanding an additional $16 million for the two vessels in claims.

The General Accounting Office staff study reports that the minisubs have increased in costs from $16.6 million per vessel to $102 million for each sub. Despite a decrease in the number of minisubs from 6 to 2, costs have skyrocketed $104 million. The two minisubs are also 4½ years behind their original schedule.

Clearly the Navy's attempt to build decent rescue ships has turned into one huge costly mess. Mr. Speaker, when will these cost overruns end?

## COMPREHENSIVE TEST BAN (CTB) ON NUCLEAR DEVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, late this week the gentleman from Ohio (Mr. WHALEN), the gentleman from New York (Mr. BINGHAM) and myself intend to introduce a resolution calling upon the President to propose that the limited nuclear test ban treaty of 1963 be expanded to include testing underground. This week we are seeking cosponsors for this resolution. Several Members have already indicated that they will join us in this effort: the gentleman from New York (Mr. ROSENTHAL); the gentleman from Pennsylvania (Mr. NIX); the gentleman from Ohio (Mr. MOSHER); the gentleman from New Jersey (Mr. FORSYTHE); the gentleman from Illinois (Mr.

MIKVA); the gentleman from Maryland (Mr. MITCHELL); the gentleman from New York (Mr. HALPERN); the gentleman from Michigan (Mr. NEDZI); the gentleman from New York (Mr. BADILLO); and the gentleman from California (Mr. LEGGETT).

Mr. Speaker, on Friday, April 28, Stephen S. Rosenfeld devoted his Washington Post column to "The Steps Beyond A SALT Agreement." One of these steps is a comprehensive test ban—CTB—a measure our resolution seeks to encourage. Mr. Rosenfeld points out that—

. . . a CTB, however firm a lid on the arms race it might have been in 1963, is worth much less now: that is the measure of how far the nuclear genie has gotten out of the bottle.

This is not an argument for more delay. The nuclear genie will be much further out of the bottle a year from now than it is today. This is why we believe our resolution deserves attention today.

A copy of our resolution and the Rosenfeld column follow. This resolution is identical to the Senate Hart-Mathias effort alluded to in Rosenfeld's column.

[From the Washington Post, April 28, 1972]

THE STEPS BEYOND A SALT AGREEMENT

(By Stephen S. Rosenfeld)

Some of us in relief, some in rage, we're all accustomed to seeing the military industrial complex plan the next "generation" of arms. Now we're seeing something else: parallel efforts by the "arms control complex," a more diffuse group but one which seems to be growing, to plan the next generation of arms controls.

Presumably Mr. Nixon intends to go beyond the first-stage "SALT One" agreement due to be signed in Moscow next month. Certainly plenty of people in his administration hope so: diplomats interested in a saner world, professional arms controllers, military officers who'd rather spend their budgets on non-hardware items, atomic energy officials eager to do more "peaceful" work, and so on. But the President has hidden his hand. Out of a belief that this is the right way to bargain with Russians, he has chosen instead to threaten them with big new American weapons programs unless they come across at Helsinki.

So the visible part of the push to do more is coming from outside: in general terms from a public tired and scared of the arms race; in particular, from politicians whose conviction or convenience inclines them to get out in front on arms control for reasons of budget, peace, re-election or what have you. There are, moreover, plenty of experts around, many of the alumni of past administrations, to provide technical backup. For two years, the Federation of American Scientists has lobbied ardently on Capitol Hill for arms control, and for other science- and-society issues. Recently, an Arms Control Association, which is tax-exempt and can't lobby, was organized to do studies and spread the word.

It's true enough that the government, in particular the President, retains the initiative on formal arms control measures, as on so much else in foreign affairs. But between 1948 (Universal Military Training) and 1969 (ABM), no authorization or appropriation bill faced significant challenge on the floor in Congress, and now challenge is routine. The extent to which the anticipation of challenge induces the administration to pare back its weapons requests, and the committees to cut back these requests further, can only be estimated, but certainly it's happening. The turnaround is there for everybody to see—including the Russians, whom the President supposedly is threatening with a big-arms-budget stick.

One index of the change is to recall the real tensions which hovered over President Kennedy's efforts to gain Senate ratification of the partial test ban treaty in 1963. Obviously uncertain whether his diplomatic handiwork would pass the muster of the Joint Chiefs and the likes of Senator Henry Jackson, Kennedy made huge damaging concessions, promising, for instance, an "aggressive" underground testing program. A decade later, Vietnam and much else has made it inconceivable that many of us would respond to similar pressure from the Chiefs. Though still a devotee of military vigilance, Jackson this week got 3.1 per cent of one state's Democratic primary vote, 1.3 per cent of another's.

The result is that the Congress, far from offering resistance to the President's arms control projects (seabed treaty, SALT, etc.), accepts them gratefully and begs for more. Mr. Nixon has promised to submit the ABM-limit part of a SALT One agreement to the Senate; no matter what the shape of the agreement emerging in Moscow, ratification is widely expected to be a breeze. Just as Mr. Nixon, a Republican with unassailable credentials as an anti-Communist, could become the first President to go to Peking, so he has a political latitude in arms control that no previous Democrat enjoyed. Indeed, in this sphere of policy, the worry of his critics—in Congress and elsewhere—is not that he will exceed his "authority" or latitude, but that he will use too little of it.

While the SALT talks have been going on, the President has pleaded the necessity of secrecy in order to conduct the negotiations, and to avoid Congressional pressure on himself in the process. Such breaks as there have been in the secrecy appear to have had no effect on the talks. The Senate, after a few early and ineffective gestures (a MIRV moratorium, MIRV escrow), has settled back and let the President do it his own way.

Only now, as SALT One draws near a close, is the Senate trying to get back into the game. Its leading candidate is, naturally enough, a vehicle that would require its own participation: a treaty—specifically, a comprehensive test ban (CTB) that would cover underground tests as well as the surface, space and underwater tests banned in 1963.

A CTB would halt further testing of nuclear warheads. Advocates see it as a step at once slowing the Soviet-American arms race and stabilizing the existing strategic balance, and strengthening Moscow's and Washington's mutual attempt to keep more countries from going nuclear. The big powers have long professed to favor a CTB, but disagreement on on-site inspection—Russians reject it, we insist on it—has spared both of them the need to make a real decision. The administration's readiness to forego on-site inspection for SALT One has cut much ground from under its insistence on the same for a CTB. Advances in seismology and in general strategic understanding have left just about everybody this side of Henry Jackson ready to have a go at it.

But a CTB, however firm a lid on the arms race it might have been in 1963, is worth much less now: that is the measure of how far the nuclear genie has gotten out of the bottle. The Arms Control Association recently listed other desirable steps: a moratorium on all strategic-weapons construction, limitation on further missile flight testing, restrictions on certain anti-submarine warfare developments, reduction in numbers of strategic war delivery vehicles. The administration—any administration—has its work cut out for it. Congress and public are doing much of the cutting.

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H. RES. ——

Resolution calling on the President to propose an extension of the nuclear test ban treaty to include underground testing

Whereas prior to 1963 there were earnest efforts by the United States to achieve a total nuclear test ban treaty in the hope of curtailing the burdensome and dangerous arms race between our Nation and the Soviet Union; and

Whereas inability to achieve agreement on methods of verifying a ban on underground tests frustrated hopes for a comprehensive treaty, and resulted in acceptance in 1963 of a limited test ban; and

Whereas the massive underground testing which has since continued on both sides has constantly fueled the burdensome nuclear arms race without promoting national or interntional security; and

Whereas steady and continuing scientific progress in seismology now makes it possible using national means alone, to monitor underground events down to levels so small that any remaining undetected or unidentifiable events would have no controlling military significance; and

Whereas the early achievement of total nuclear test cessation would have many beneficial consequences: imposing finite limits on the nuclear arms race; releasing resources for peaceful uses; protecting our environment from growing testing dangers; creating a more favorable international arms control climate; helping to win acceptance by more nations of the crucial nuclear nonproliferation treaty; making more stable agreements it is hoped will result from the current SALT negotiations: Now, therefore, be it

*Resolved*, That in the interest of promoting negotiations for general cessation of the nuclear arms race and advancing international security, the House calls upon the President to propose to the Soviet Union and the other nuclear powers an expansion of the limited test ban treaty to include testing underground and to strive for its prompt acceptance.

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## LAW DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 30 minutes.

Mr. ICHORD. Mr. Speaker, I think it appropriate on Law Day to cite Webster's definition of law:

A binding custom or practice of a community; a rule of conduct or action prescribed or formally recognized as binding and enforced by a controlling authority.

Beyond that definition, Mr. Speaker, is the fact that the law of this land, under our beloved Constitution, has been a prime mover in the force that made this Nation the world's greatest bastion of freedom.

For as John Locke remarked:

Whenever law ends, tyranny begins.

Consider, Mr. Speaker, that the American nationality is unique. It is not based upon common race, common religion or common ancestry but on a common belief in and commitment to freedom under law.

America is composed of the English, Scotch, Welsh, Irish, Germans, Italians, Poles, Africans, Indians—both of the East and West—Frenchmen, Spaniards, Finns, Swedes, Lebanese, Danes, Armenians, Croatians, Slovenians, Greeks, Luxembourgers, Chinese, Japanese, Filipinos, Puerto Ricans—the list could go on virtually forever.

As the poet Emma Lazarus said:

America has fashioned a nation from the wretched refuse of Europe's teeming shores.

I would add not only Europe's shores but those also of Asia and Africa.

We have fashioned a nation from this raw—and often rough—material under a common law inherited from Great Britain but modified to meet our own unique interests.

Nothing else could have created a nation out of such diverse background of individuals.

As Eric Hoffer, the longshoreman-philosopher, says:

America is the only new thing in history.

It was to a large degree the law that made it so.

Like the other lawyers in this House, I am aware that while the law is flexible, bending with the needs of change, it is also a very fragile and precious possession.

Abraham Lincoln noted this when he said in his second annual message to Congress:

A nation may be said to consist of its territory, its people and its laws. The territory is the only part which is of certain durability.

So, Mr. Speaker, let those of us in this House—which has been called the greatest deliberative body in history—pray as we continue to change and modify the laws of the land, that we continue to accomplish it with the aim of achieving durability and stability but without shattering the fragility.

Mr. MEEDS. Mr. Speaker, based on freedom under law, our Nation celebrates Law Day in recognition of the importance of law to our way of life.

In order for Law Day to have meaning for the whole Nation, law must serve all our citizens. In times past, law better served those who could pay for lawyers. Without access to the legal system, those who could not pay were forced to redress their grievances on the outside—often in the streets. Legal Services has helped change this.

Legal Services has given nearly everyone access to our legal system. By providing staffs of lawyers in 850 neighborhood Legal Services offices around the country, the Office of Economic Opportunity has placed the doors of justice before the economically disadvantaged.

With those doors open, Legal Services has apprised millions of indigents of their civil rights. Presently there are 1,800 Legal Services attorneys obtaining legal satisfaction for inequities confronting approximately 600,000 poor Americans.

Legal Services has not been without interference and detractors. On January 10, 1972, the Philadelphia Inquirer said:

Vice President Spiro T. Agnew indicated strongly Sunday that he would act to cut off funds for the Camden Legal Services as soon as he returned to Washington.

Interference like this raises the question of how long those doors of justice will remain open to the poor.

OEO legislation now pending in the Senate would establish Legal Services as an independent corporation, free from political interference.

Prompt and positive action by the other body will help keep those doors of justice open—Law Day will continue to have important significance for the Nation and its citizens.

Mr. WOLFF. Mr. Speaker, today I am pleased to join with my colleagues in observing the day set aside to pay tribute to our system of freedom under the law. I am of course referring to Law Day sponsored by the American Bar Association in conjunction with State and local bar associations.

We are indeed privileged to live in a society where our system of law enhances individual rights and freedoms. We are painfully aware of other countries less fortunate than ours where law has become synonymous with tyranny and oppression or where the absence of law has allowed anarchy to become the way of life. Since the beginnings of America, we have been blessed with a just and democratic system of law which has advanced both order and freedom in our society.

As legislators we are especially sensitive to the need for equitable, comprehensive laws and for the just enactment of those laws. On Law Day it is particularly appropriate that we reflect on the role which we as Representatives play in enacting the laws which govern this country. We ourselves could not meet the grave responsibilities which this role places upon us if we did not hold a deep respect for our system of law itself. As lawmakers we not only have a responsibility to enact sound laws but to foster respect for the law and to aid the public in understanding the workings and effects of law on our way of life. Since Law Day was first established by Presidential proclamation in 1958, we have set aside one day in the year to pay tribute to our system of freedom under the law which has contributed so greatly to the strength and spirit of America. I am honored to join with the lawmakers and law enforcers throughout the country in observing Law Day in 1972.

Mr. MIZELL. Mr. Speaker, 47 years ago, Calvin Coolidge accepted the "splendid misery" of the U.S. Presidency, and in his inaugural address, the usually taciturn statesman spoke eloquently of the need for respect for the law.

He said:

In a republic, the first rule for the guidance of the citizen is obedience to law. Those who want their rights respected under the Constitution and the law ought to set the example themselves of observing the Constitution and the law.

Those who disregard the rules of society are not exhibiting a superior intelligence, are not promoting freedom and independence, are not following the path of civilization, but are displaying the traits of ignorance, of servitude, of savagery, and treading the way that leads back to the jungle.

Those words, first spoken nearly half a century ago, still challenge us today, and they are perhaps more timely and speak more directly to our generation than to his.

Today the Nation celebrates Law Day, a day set aside every year for Americans to rededicate themselves to the precepts and ideals of law and justice.

One year ago today, demonstrators bent on violence and disruption descended on Washington with the avowed purpose of "closing down the Government." They failed, and law prevailed.

Those kinds of tactics, so often employed in the past decade, seem now to have been retired, and reason has been restored. This is not only a defeat for the perpetrators of violence; it is a victory for us all.

For those protests were an example of the kind of irresponsible and self-destructive demonstrations that cast a dark shadow on the constitutional right to "petition the Government for a redress of grievances."

I support every American's right to disagree with established policies. We should not fear the word "dissent," but we must always guard against distorting it, either by violent demonstrations or by blind condemnation of all forms of protest.

As we celebrate Law Day this year, and rededicate ourselves to law and order in the best sense, we must distinguish between the right to dissent and the way we choose to exercise that right.

As we have learned through painful and often tragic experience, those protests which seek only to demolish the old order, with no thought given or action pledged to the construction of a new and better one, are travesties of dissent and invitations to repression.

That kind of dissent will not solve the problems of our society; it will merely add to them. It will not assist those actively engaged in the often agonizing task of making national policy; it will hinder their efforts.

But most importantly, the use of violence in protest substitutes confrontation for negotiation, and terror for reason, discards persuasion while inviting alienation, and so distorts issues and feelings that "dissent" becomes more a threat than a right, then possibly not a right at all.

We cannot let that happen, because legitimate dissent is too important to a free society. The right to disagree is the essence of freedom, but the responsibility to abide by the law is both the foundation and the protector of our freedom. And in that freedom, our strength and our greatness and our future lie.

So on this Law Day 1972, let us all resolve that though we serve no man, we shall serve the law.

Mr. LINK. Mr. Speaker, I am pleased to join with my distinguished colleagues in commemorating Law Day.

North Dakota Gov. William L. Guy has also joined in this annual observance. I would like to insert his proclamation at this point in the RECORD:

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
*Bismarck, April 14, 1972.*

PROCLAMATION

During this critical period in our nation's history of special trial and challenge, it is more important than ever before that we recognize the vital role and essential place of the rule of law to national stability and individual freedom;

It has been said that the law is the strongest link between man and freedom. Our present day liberties are the result of the sacrifices and dedication of those who came before us and persevered to give us individual rights under law;

In a government in which the individual is the key, the citizen must exercise his franchise wisely, give of his time and efforts for the betterment of society and the advance-

ment of mankind, be informed on important state and national issues, and teach the principles of good citizenship, by example, in the home and in the community;

The Congress of the United States and the President, by proclamation, have designated Monday, May first, as Law Day USA. On the occasion of the 15th nationwide observance of Law Day, let each of us seek an increased understanding of, and respect for, the rule of law and the role of law.

Now, therefore, I, William L. Guy, Governor of the State of North Dakota proclaim Monday, May 1, 1972, as

"LAW DAY USA"

In witness whereof, I have hereunto set my hand and caused the Seal of the State of North Dakota to be affixed this 3rd day of April, 1972.

WILLIAM L. GUY,
*Governor.*

Mr. Speaker, I believe that in this election year it is important to recognize the key role that our elections serve in rule by law. Elections give meaning to the all important phrase of democracy, "government by consent of the governed."

This year, elections represent another important milestone in broadening the franchise. For the first time, 18-, 19-, and 20-year-olds will be able to vote in all elections. Also, the Democratic Party has taken steps to open the party structure to broader participation by all, and to insure a democratic system for nomination of its Presidential candidate.

Mr. Speaker, I know that each of us recognize the important role of elections in rule by law. Each of us serves at the pleasure of the voters—we know that every vote counts.

Mr. KEMP. Mr. Speaker, throughout our nearly two centuries as a democracy, we in America have traditionally looked to our courts as vehicles for change and redress.

After all, the courts are the logical and correct forums in which to decide issues. They are intended to promote orderly and peaceful conduct. They are receptive to fresh, idealistic viewpoints. They contain the machinery that effects meaningful changes.

However, as happens to almost any institution with the passage of time, some problems have begun to burst forth on the legal system. The principles of justice have remained as constant and firm as ever; but the legal machinery for dispensing that justice shows signs of sputtering.

Recognizing the problems, the American Bar Association, and its over 1,000 State and local associations, have taken action to increase the efficiency and fairness of the legal system.

For instance, I imagine most of you are familiar with the growing problem of courtroom congestion. If you are not, suffice to say that there exists in today's courts a legal logjam of immense proportions.

Basically, this congestion is due to two factors: First, an increase in litigation—something which, in a complex society, we cannot do much about; and second, a tradition that has thrust upon our judges the job of handling the business end of the courts as well as handling their caseloads. By the business end, I refer to the everyday scheduling, recordkeeping, and other administrative details which every organization must maintain.

To remedy this situation, the American Bar Association has inaugurated a program to train a body of skilled executive court administrators who, employing advanced business methods and technological aids, will handle the administrative duties of the court on a full-time basis, freeing the judges for more courtroom duty. This type of modernization will increase efficiency.

In addition to efficiency, the legal profession is also aiming to increase the fairness of the legal system by overhauling some of the machinery. This certainly does not mean that I would seek to change any of the hallowed principles of justice in the courts. By all means, the hard-earned rights and procedural safeguards inherent in our system will remain intact. The bar's efforts will be directed to make procedures more uniform, perhaps simpler, so that the disparity between the operating methods of one court and another will become less significant.

One of the most ambitious projects ever undertaken by the American Bar Association has been the formulation of a system of "minimum standards" of procedure for both our State and Federal courts that would cover the entire spectrum from trial through appeal. By making procedures more standardized, we will increase not only the efficiency but also the fairness of the system, because everyone who comes before any court in our land will receive the same basic treatment.

In addition, the legal profession will recommend a set of "judicial standards" so judges in all courts will have a common standard of reference in handling various situations, such as courtroom disruptions.

Another area of concern is the shortage of competent trial lawyers in rural and metropolitan areas. You must understand: not every lawyer is a skilled trial advocate. In recent years lawyers, just as people in other fields, have tended to specialize, often gravitating to areas of the law which involve very little trial work. Even though most lawyers will do a very competent job with the case matter itself, a lawyer who is not trained in the details of trial work can become another source of slowness, delay, and thus more courtroom congestion. With this in mind, the American Bar Association has established a special institute to provide young lawyers with postgraduate training to better prepare them for trial work and teach them the latest skills. Eventually, the legal profession hopes to make this type of prerequisite for trial work.

All of these actions on the part of the American Bar Association represent attempts to strengthen the legal process. As I have mentioned, the keynotes are on increased efficiency and fairness. In commemorating "Law Day U.S.A." in 1972, I join with Americans everywhere in examining the legal profession's role in improving the system.

But Law Day is also a day in which all citizens—inside and outside the legal profession—take stock in the values of living under a system that protects individual rights and promotes a free society.

For everyone, Law Day serves as a reminder of the rights we all enjoy. Because they are protected by law, these rights are constant. But their vitality can't be taken for granted; they must be nurtured and sustained by all of us. This means exercising our rights and responsibilities of citizenship by participating in community affairs, keeping informed on the issues, respecting and upholding the law, practicing good citizenship in the home, serving on juries when called, and, of course, voting.

So, strengthening the legal process in America involves more than just the legal profession's efforts to improve the system's working apparatus. It involves the efforts of everyone to make the system a strong, integral part of our lives.

Mr. Speaker, the more exercise we give our legal process, the stronger it will become. And the stronger it becomes, the better the quality of life for all of us. At this point, as a tribute to the Buffalo, N.Y. Bar Association, I include an article on why we observe Law Day.

WHY WE OBSERVE LAW DAY

What is Law Day USA? How did it come into being? Why do we observe it? Is it recognized widely?

Law Day is set aside May first each year by joint resolution of Congress and Presidential proclamation as "a special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law."

The annual nationwide event is not a "*lawyers' day,*" but rather an occasion for honoring the place of law in our lives, for learning how the law and our legal system operates, and for examining how the law can better serve our people and nation.

Law Day USA was conceived in 1957 by Charles S. Rhyne, a Washington, D.C., lawyer and then president of the American Bar Association, the 150,000-member national organization of the legal profession in the U.S.

On the occasion of the first observance of Law Day USA in 1958, President Dwight D. Eisenhower stated:

"It is fitting that the American people should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law . . . It is our moral and civic obligation as free men and as Americans to preserve and strengthen that great heritage."

Rhyne said: "Today, after 350 years, the greatest strength of America lies in this concept of individual liberty under law. Other systems of government have produced great scientists, great musicians and other outstanding achievements. But no system has produced the individual freedom which exists in America. . ."

Our nation, through its citizens, pauses once each year to reflect on our legal heritage and the role of law in an ever changing society.

The special event is a day for reminding all citizens of the United States of the rights they hold under the Constitution and Bill of Rights which are protected by law: free speech, free press, free assembly, freedom of religion, the right to legal counsel and a trial by one's peers if accused of crime.

It is a day, too, when all the people of the United States are asked to consider their individual duties as responsible citizens. Such as: 1) The duty to be informed on issues of government and community affairs, 2) To vote in elections, 3) To respect the rights of others, 4) To practice and teach the principles of good citizenship in their home, 5) To serve on juries if called, 6) To

obey, respect and uphold the law, and 7) To support those institutions and persons charged with law enforcement.

The primary purpose of the observance is to emphasize the values of living under a system of laws and independent courts that protect individual freedom and make possible a free society. That Law Day USA occupies only a single calendar day merely is symbolic. It is an annual reminder that while the principles embodied in the observance are constant, their vitality cannot be taken for granted, but must be nurtured and sustained by every citizen every day of the year.

Law Day USA has received the endorsement of many prominent national organizations, including the National Governors' Conference, United States Conference of Mayors, National Education Association, National Conference of Bar Presidents, Rotary, Lions, Kiwanis and Optimist International, the U.S. Junior Chamber of Commerce, American Heritage Foundation and the National Congress of Parents and Teachers.

The observance takes many forms. More than 1,800 Law Day USA chairmen, representing city, county, state and district and federal bar associations throughout the country, annually present special programs on or near May 1 to help dramatize the social and cultural values of our system of laws and courts. Programs include addresses by leaders in government, education and law; sermons; mock trials; courthouse tours; town meetings; essay contests; school assemblies; and college and university campus seminars.

Law Day has become one of the most widely recognized and celebrated events of the year.

An estimated 27,000 separate Law Day programs are held each year throughout the country with more than 1,000,000 persons in attendance. The objectives of Law Day USA are brought forcefully to public attention by the nation's communications media. Well over 100,000,000 persons in the United States, and some 50,000,000 others in 37 foreign countries, hear or see the Law Day message through their daily newspapers or radio and television stations.

Mr. RONCALIO. Mr. Speaker, today is Law Day. It is customary on this day to attack communism abroad for its revolutions and to praise America at home for its orderly, legal evolution. I would like to do something else today. I would like to remind my fellow citizens and my colleagues of the legal profession that, just because a process of change or stability is both orderly and legal, does not mean that it is necessarily fair. As a great French writer, Anatole France, once wrote at the turn of the century:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.

The irony of this remark is obvious—as are its dangerous implications if carried out. We must not allow law to become the weapon of a power elite, if law is also to remain a texture which is expected to bind this country together. As Justice Felix Frankfurter once so eloquently put it:

> As judges we are neither Jew nor Gentile, neither Catholic nor agnostic. We owe equal attachment to the Constitution and are equally bound by our judicial operations whether we derive our citizenship from the earliest or the latest immigrants to these shores. As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard.

One way in which law might be maintained as an impersonally fair force in the world is to insure that it offers places within its profession for people from as many diverse backgrounds as possible. For this reason, I applaud the excellent inner city programs at such institutions as Georgetown and Howard Law Schools, programs which both admit people who would never otherwise come in contact with the law—except at its receiving end—and which encourage students to deal with a special class of social problems of which they would otherwise remain ignorant.

In this connection, too, I am proud of the University of Wyoming College of Law, of which I am an alumnus. This law school should be proud, also, that it has encouraged young people to enter the profession of law who otherwise might not have aspired to such a calling. Begun in 1920 as a very modest institution which had only three professors teaching classes in their offices it graduated only three students in 1923. Nonetheless, the school's high standards won it the instant approval of the American Bar Association and membership in the Association of American Law Schools.

The law school is still comparatively small, with a faculty of 11 full-time teachers and three lecturers who instruct a student body of no more than 150. But its standards both for admittance and for training remain very high. Its primary function is the training of lawyers. This includes mastering "the law" and its various methodologies. A student not only learns to appreciate his role as advocate, but his obligation to serve as counselor as well. Students are inculcated with the knowledge that, as lawyers, much will be expected of them; their communities will look to them as public leaders and they will frequently be consulted on business and personal affairs. They are made to realize that they must have broad backgrounds and must learn and internalize the social responsibilities of their profession.

The University of Wyoming College of Law has a distinguished law review for its best second and third year students. It also maintains a unit in the Wyoming Water Resources Research Institute, partially funded under the Water Resources Research Act of 1964. This unit is called the Land and Water Law Center, which channels a major part of faculty and student research into the natural resources area, which are so vital to Wyoming and the West. The center publishes a Land and Water Law Review, which has attained national recognition in this very specialized and important area of inquiry. Like many national law schools, the University of Wyoming College of Law maintains a Wyoming Defender Aid Program, a statewide student legal aid service to supplement the defense of indigent persons accused of crime. Finally, the College of Law supports a legal services program, under which students staff a law office in downtown Laramie and provide legal services to economically disadvantaged members of the community, under the supervision of a faculty member.

One cannot praise the University of Wyoming College of Law too highly. It has done much toward making Wyoming's lawyers—particularly its young ones—some of the finest, most competent and most progressive in the Nation.

Mr. JOHNSON of California. Mr. Speaker, it is a privilege and a pleasure to join my colleagues in the House of Representatives, and the citizens throughout this great Nation in celebrating Law Day, a day which has been set aside to express appreciation for our liberties and to reaffirm our loyalty to the United States of America.

With the enactment of Senate Joint Resolution 169, we have been encouraged to give special emphasis to the law enforcement officers of the United States for their dedication to their sworn duties—protecting the lives and property of all Americans.

It is sincerely hoped that all Americans will join on May 1 in paying tribute to these fine men who each day place their lives on the line in the performance of their duties.

I am proud to be an American. I enjoy the freedoms which we have, and our law enforcement officers, with their dedication to duty, and who are our thin line of defense here at home, who contribute a great deal to our ability to enjoy those liberties for which our forefathers fought and died.

I want to commend and thank the law enforcement officers throughout the United States for a job well done. I urge them to wear their uniform with pride, to take pride in their job, and above all to continue their efforts to become professionals in every way.

In conclusion, I would like to urge all law enforcement agencies and officers and every American citizen to also celebrate May 14, which was established as Peace Officers Memorial Day and the week of May 14 to May 20, which was established by Congress as Police Week.

Mr. FRENZEL. Mr. Speaker, it is always the lawyers who lead the charge on Law Day. That is no surprise. Well-fed lawyers have much to be thankful for on Law Day.

But reverence for law and respect for our judicial system is not the exclusive province of lawyers. As a member of an oppressed minority of non-lawyers in this House, I commend my lawyer colleagues, especially the gentleman from Missouri (Mr. HUNGATE) for providing time to pay tribute to our system of freedom under law.

It has become quite fashionable now to debunk any institution which cannot react instantaneously to individual whims. Our judicial system has not been immune to this criticism. It can stand criticism, and even its greatest admirers will admit that much improvement is needed.

However imperfect our government of laws and our judicial system may be, they have for nearly 200 years stood as protectors of the rights of free citizens in a free society.

Therefore, on Law Day 1972, I look back with pride in representative gov-

ernment's most successful system of law, and I look forward with anticipation to the continuing improvement of that system.

Mr. BEGICH. Mr. Speaker, the 87th Congress of the United States established by joint resolution Law Day U.S.A. to pay tribute to our system of freedom under law. This is a day set aside for observance of the law—those principles of conduct governing human behavior that are recognized as binding by society. It is with pride that I join my colleagues in commemorating this special occasion.

Law is one of the keystones of our society. Since the very beginning when man first lived together in communities, law has played a fundamental role in preserving order and enabling individuals to live together in peace and harmony. Without these rules of behavior limiting certain types of destructive action, there would be no order and man would possess little chance of progressing to a higher form of society, let alone even survive.

Observance of, and respect for the law, is essential to freedom, for law and liberty go hand in hand. Yet, despite its tremendous importance, it is not enough to simply say we must observe and respect the law. Rather, our laws must be made deserving of respect and obedience. We must advance equality and justice under law such that those subject to its governance will want to obey, and, indeed, will revere the law.

We hear so much about a lack of law and order these days, and of crime on the streets, that we sometimes fail to recognize the existence of reasons for such lawlessness. We must not condone this behavior, and we all must put an end to it, but we must also realize that certain social and economic conditions in our country must change before we can ever realistically hope to remove such deviancy.

We are all well aware of the fact that laws are formed by individuals in a society to serve certain beneficial purposes. People come together and determine certain acceptable codes of conduct to better enable them to satisfy their desires. This being so, it is only realistic to recognize that this not being served by the laws and social codes, but instead are actually hurt by them are not going to respect these laws. It is also a fact that there continue to exist in this great Nation of ours basic economic and social inequities. Our laws and values, therefore, must change to eradicate these inequities.

It is common knowledge that street crime in America is essentially an urban phenomena. The root causes of this crime reach deep into our cities, to those neighborhoods where poor black and white youths know nothing but substandard housing, inadequate public services, inferior educational facilities, racism, poverty, and heroin addiction. Trapped within the decaying inner cities by circumstances beyond their control, they are consigned to a life without hope. These conditions naturally foster despair. Despair generates desperation and desperation breeds crime. With no chance of achieving anything meaningful within the system, they quite understandably though inexcusably, will do so outside the system and reason and law.

The solution to this tragedy lies in rebuilding our cities, thereby rebuilding hope and opportunity. An unprecedented reordering of our national priorities is essential, however, before a realistic redevelopment plan can be implemented. The distortion of present priorities is reflected in this Nation's allocation of $80 billion to defense, but less than $500 million for safe streets.

Three fundamental purposes of Law Day as set forth in the original resolution are: First, advance equality and justice under law; second, encourage citizen support of law observance and enforcement; third, foster respect for law and understanding of its essential place in American life. Let us take these goals to heart not just for today, but for each coming day. It is not by believing in these goals and purposes, but rather by living them, that we will achieve a more just, and more lawful, and better America.

Mr. TERRY. Mr. Speaker, 11 years ago the Congress set aside May 1 as Law Day and proclaimed it a "special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law."

It is a symptom of the times that such a special celebration is necessary. All over the country our judicial system has been backed into a corner by groups bent on anarchy. Their activity goes on under the guise of legitimate dissent.

The aim of Law Day is to dramatize the values of living under a system of laws and independent courts that protect individual freedom and make possible a free society. This protection of individual freedom does not give a person the right to block streets, public buildings and deny freedom to their fellow citizens by preventing them from entering these streets or buildings.

I want to emphasize here that I do not at all find fault with the legitimate dissenters who lecture, write, and otherwise demonstrate in support of their positions. I only object when this demonstration impinges on the individual rights of other citizens.

Law Day is a day for reminding all citizens of the rights they hold under the Constitution and Bill of Rights and the protection of the law: Equal protection and equal justice, equal educational and economic opportunity; a voice in free elections; free speech, press and assembly; and the right to legal counsel and a prompt trial if accused of a crime.

But more than this, it is also a day when all citizens are asked to take a hard look at their own responsibilities with respect to these rights. It is their duty to obey and respect the law as it stands; and if they object to the laws, they should work within the system to get them changed. It is their duty to keep informed on issues of government and community welfare and to assist the agencies of law enforcement. And most of all it is their duty to respect the rights of others.

We must realize that our entire system of laws represents the accumulated wisdom of Christian-Judaic heritage. It is not the result of whimsical judgments by anonymous groups or individuals. The sooner we again grasp this fact, the more meaningful Law Day and our laws will become.

Mr. DORN. Mr. Speaker, it is a very special honor and pleasure on this Law Day 1972 to pay tribute to the American legal profession.

Since the early days of the Republic, the legal profession has taken a decisive role in shaping our Nation's history. As a nonlawyer, I am especially grateful for the fact that so many learned lawyers serve here in the Congress. In fact, more than half of the membership of both Houses of the Congress are members of the legal profession. More than any other profession, members of the legal profession are constantly aware that any truly civilized society must live by certain well understood rules. In the Congress and in the legislatures of the sovereign States, men of the law serve with distinction and skill in dealing with, drafting and enacting complex statutes. The entire Nation owes a debt of gratitude to this distinguished public-minded profession.

Mr. Speaker, ours is a nation of laws, not of men. The Congress, the Chief Executive and the Supreme Court are all bound by our Nation's basic law, the Constitution. And in these times of stress and changes, it is well for all to remember that the only way for truly lasting and effective change is under the law. Law means protection for the weak and the less advantaged. In situations of chaos and anarchy it is always the weak and the downtrodden who suffer most. The law has always been the most effective tool for social change and betterment. Dedicated lawyers throughout our history have responded to defend and protect the persecuted and the weak. In our service as Congressmen we often find situations where the most serious personal or commercial problems could have been avoided easily by the briefest consultation with an attorney. Whenever appropriate we urge our people to consult with members of the legal profession before taking steps that could lead to serious consequences.

Yes, Mr. Speaker, it is especially appropriate that we commemorate this Law Day on a day which in some other nations is given over to marching troops, rockets and saber rattling. Our national salute to the men of the law emphasizes the fact that our Nation is based on the law and led by men committed to liberty and freedom for all under the law.

It is most fitting and proper, too, Mr. Speaker, that today is also officially recognized by law as Loyalty Day. In 1958 the Congress passed and President Eisenhower signed legislation providing that May 1 "is to be set aside as a special day for the recognition of the heritage of American freedom." Loyalty Day and Law Day, both celebrated on May 1, recognize that ours is a free nation under law, where the individual has basic, inalienable rights that cannot be destroyed in the name of an all-powerful party or State.

Mr. McCLORY. Mr. Speaker, today we commemorate Law Day, a celebration of America's commitment to equal justice

for all, achieved through due process of law. I am proud—I believe we can all be proud—of this tradition, which has made it possible for our citizens to enjoy a higher degree of freedom and liberty than any other people at any other time in history.

Mr. Speaker, I regret that this sentiment is being disparaged—and indeed, avowedly attacked—by certain segments of American society—including some members of the legal profession itself. We hear an attorney named William Kunstler proclaiming:

> There is a disquieting probability that the legal subsystem itself is nothing more than the new tyrants' most reliable weapon to ward off any seemingly potent threat to the continuation of yesterday into tomorrow . . . In the last analysis, due process of law is exactly what the high and mighty say it is.

Mr. Kunstler proclaims that:

> We've gone into the age of the clenched fist. Since protest is not listened to, we must turn to other forms.

Mr. Speaker, those who adhere to this philosophy would undermine a civilization based on the premise that progress—human progress, as well as material progress—cannot take place without orderly process. They would deny all that has been created through its facilities.

Mr. Speaker, I for one am not about to give up on the American system of justice merely because in a few scattered instances, it is imperfect. On the contrary, I take pride that those instances are so few. On this Law Day, 1972, I hope that all Americans will join in these words uttered 134 years ago by Abraham Lincoln:

> Let me not be understood as saying there are no bad laws, nor that grievances may not arise for the redress of which no legal provisions have been made. Bad laws, if they exist, should be repealed as soon as possible; still, while they continue in force . . . they should be religiously observed.

Mr. CORMAN. Mr. Speaker, today, May 1, marks the 15th annual observance of Law Day U.S.A. Law Day, set aside by joint resolution of the Congress and by Presidential proclamation, is a special day for celebration by the American people for "rededication to the ideals of equality and justice under law." It is a privilege to join with my colleagues in paying tribute to the role of law in our society and to commit myself anew to the respect and observance of the law which alone can insure the spirit of liberty for all equally.

It has often been said that the strongest link between man and freedom is the law. Our present day liberties are the result of the sacrifices and dedication of those who came before us and persevered to give us individual rights under the law.

If law is the foundation for democracy, then it must be defined as the system of principles governing human affairs. Over 200 years ago Dr. Samuel Johnson defined the law as "the last result of human wisdom acting upon human experience for the public good." For Dr. Johnson good laws were those which were based upon human wisdom and human experience—not upon whim or pressure or fancy statistics. But more important, good laws were enacted for the public good, as opposed to any private or individual sector of society. Good laws were those which encouraged liberty and equal justice for all.

Historically in our society the law has provided the framework within which the most noteworthy advances in establishing quality of rights and opportunities in housing, education, and employment have been achieved. Such developments as voting rights, school desegregation, equal employment opportunities, and the use of Federal funds without discrimination readily demonstrate that law and legal authority have constituted a bridge to important gains in social justice throughout the United States.

Although there is much left to be done to improve the quality of man's life, society is learning to work within itself for its own perfection and benefit. As Martin Luther King, Jr. once said:

> Injustice anywhere is a threat to justice everywhere.

Therefore, the judicial system must continually strive to implement the will of the people as consistent with the Constitution and fundamental principles of democracy. The Federal courts lead the way for the improved status of mankind. But they must not be repressed. They must be allowed to continue to expand rather than diminish the original objectives of our founding fathers—equality under law.

If democracy is to succeed then people must believe the laws are for the public good and therefore respect them. Whether or not we build a better society depends upon the degree of trust and confidence the people have placed upon the judicial process. Only when the legal system serves the purposes of the people will each individual have the opportunity to get ahead and lead a full and meaningful life.

In commemorating Law Day U.S.A. in 1972, we must take stock in the values of living under a system that protects individual rights and promotes a free society. We must all be responsible for upgrading and improving our judicial system for good laws have never served one man well without serving all men well. And since the individual is the key in our Government, he must be given equal opportunity to exercise the rights and privileges he enjoys under our Federal and State constitutions. Only through a sound judicial system can this be accomplished.

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## GENERAL LEAVE

Mr. LINK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous matter on the special order given today by the gentleman from Missouri (Mr. ICHORD), on Law Day, 1972.

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

There was no objection.

## AFTER 83 DAYS, STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, it has now been 83 days since House Ways and Means Committee Chairman WILBUR MILLS wrote President Nixon asking the President to forward the tax reform proposals he promised to Congress last September. In his February 7 letter, Chairman MILLS asked that the President's tax reform proposals be sent by March 15 so the Congress would have time act on them in this session The President has ignored Chairman MILLS' request.

Two days after Chairman MILLS' letter, on February 9, the House passed legislation increasing the temporary Federal debt ceiling from $430 billion to $450 billion. However, this temporary increase in the ceiling expires on June 30, 1972, so the administration must come back to Congress for further debt ceiling legislation before that time. The February 9 ceiling increase passed by a comfortable 100-vote margin, 247 to 147, with Democrats supporting it almost 2 to 1—155 to 78. However, a large number of Democrats made it clear at that time that they did not intend to vote for a further increase in the debt ceiling in June unless President Nixon took some meaningful action on tax reform.

More than a month later, when it became clear that President Nixon was not going to meet Chairman MILLS' March 15 deadline for submission of tax reform proposals, the full House Democratic Caucus put the President on notice more explicitly. At its March 15 meeting, the Democratic Caucus, noting that "full Presidential support is needed to assure passage of meaningful, revenue-raising tax reform," formally resolved that:

> [It] is the sense of the Caucus that passage of legislation further increasing the federal debt ceiling will be jeopardized unless the President either publicly supports a meaningful, revenue-raising tax reform proposal, or, at least, sets forth the tax preferences or loopholes which in his judgment Congress may attempt to rectify without confronting a Presidential veto.

The next day, Congressman CHARLES VANIK, the sponsor of the caucus resolution, sent a copy of it to President Nixon. Congressman VANIK pointed out that legislation has been introduced in the House which would surely meet the caucus definition of meaningful, revenue-raising, tax reform, calling the President's attention to H.R. 13877, a $7.25 billion "quick-yield" tax reform package introduced by myself with 60 Democratic sponsors, and H.R. 11058, introduced by Congressman JAMES CORMAN and 47 other House Members. Since then, similar legislation (S. 3378) has been introduced in the Senate by Senator GAYLORD NELSON and 11 other Democrats.

Thus there is no dearth of proposals. Furthermore, we are not asking the President embrace every section of these bills. Indeed, if pressed, we are not asking that

he embrace them at all; all we ask is that he let us know which provisions he will not veto. As past experience has shown, passing tax reform legislation is no easy task, and it is hardly an unreasonable request to ask the President to give some assurance that the whole exercise will not be undone by one of his vetoes. Given his past record of vetoing meritorious legislation, he can scarcely assert that this is an idle concern on our part.

But despite the reasonableness of our request, there has been no response from the President. Instead, he has sent forth his Secretary of the Treasury to flay and denounce tax reform and all of those who advocate it. Testifying before the Senate Finance Committee on February 28, Secretary Connally said the administration had no intention of submitting tax reform proposals to the Congress, and was aghast at the suggestion that there might be such things as "loopholes" in the Federal tax system:

Now, when you talk about loopholes, I do not consider a capital gains provision of the tax laws as a loophole. I do not consider depletion allowances as a loophole. This is a very conscious decision made by this Congress over almost half a century to stimulate the development of mineral resources of the country. . . . We do not need to reduce it. . . [If] we were looking at the interest of the United States, we would probably provide a greater incentive.

There was a provision in that [1969] tax reform bill to disallow tax-free municipal bonds, but you could not pass it and you ought not to pass it. . . . [It] is not a loophole. Nothing about it is a loophole.

Secretary Connally went forth again to smite the tax reformers in a speech to the American Society of Newspaper Editors on April 19. He expressed his dismay at "people running over the country today" talking about the inequities and loopholes in the tax program "as if the entire thing was a monstrosity and evil in its concept, and iniquitous in its administration."

The Secretary again went through his refrain about there being no such thing as a tax loophole:

[Are] they talking about charitable deductions to churches, museums, educational institutions? That is a loophole? I don't think it is, but that's what they're talking about.

Are you talking about knocking out, eliminating the interest deductions on home mortgages? That's a loophole; that's what they're talking about. I don't call that a loophole.

You talk about capital gains. I don't want to destroy the real estate industry of the country or the financial institutions of the country. I don't want to see the Dow-Jones hit 500 in a week's time by knocking out capital gains. I don't think it is a loophole. It is a conscious decision made by the Congress of the United States. I don't call it a loophole.

You talk about interest-free municipal bonds. That's a loophole by some definitions; not in my book.

And so on in that vein. There is more than a little bit of setting up and then knocking down of strawmen in this, since few of those "people running over the country" are proposing reforms quite so draconian as the Secretary implies. the quick-yield tax reform bill, for example, contains nothing about the mortgage interest deduction or charitable contributions. But that is not the important point. What is important is what is revealed about the attitude of the Secretary of the Treasury toward tax reform.

Over the years, the Treasury Department has stood out as virtually the sole defender of the integrity of our tax system and of the interests of the average taxpayer. The beneficiaries of tax loopholes have had no trouble finding sophisticated and highly-skilled lawyers and lobbyists to defend their loopholes. But it was the Treasury Department that spoke up for the average taxpayer. What Secretary Connally's comments show is that the Treasury has now gone over to the other side. The Treasury has lined up with the oil men, wealthy investors, real estate speculators, hobby farmers, and those with great inherited wealth in opposition to the average taxpayer who has no loopholes, no lawyers, and no lobbyists. Instead of acting as a counterweight to the special interests, the Treasury now acts as the fearless defender of the strong.

But the day of reckoning is approaching. There will be another vote to increase the debt ceiling in June. If there is no change of attitude on the part of President Nixon and his Treasury Secretary, they may find themselves presiding over a government which cannot pay its bills. If the ceiling is not raised in June, the Treasury will not be able to issue any new securities, 5 million Federal employees will go unpaid—including President Nixon, Secretary Connally, and myself—27 million social security beneficiaries will not receive their checks, and millions of people throughout the country who receive veterans' benefits, unemployment compensation, welfare payments, and government contract payments will not be paid.

If this happens, there should be no doubt whose fault it is. The blame will be on the head of Richard Nixon, for he has only to tell us what tax reforms he will not veto, and the debt ceiling increase will sail through with ease.

If he does not, the debt ceiling increase will be in trouble. It is clear that the President needs substantial Democratic support to pass another increase in the debt ceiling. There are only 200 Members who have supported all four of the President's requests for an increase in the debt ceiling, and more than half of them—110—are Democrats. Ninety-two Members, including 40 Republicans, have voted against every Nixon debt ceiling increase request.

If the vote on the debt ceiling becomes a vote on tax reform, a President looking for votes will find slim pickings among Democrats. He will have to start looking among those members of his own party who have deserted him so often in the past. The President may be able to find enough reluctant converts among them to squeak by, but they will scarcely thank him for forcing them to vote against tax reform and for higher deficits in an election year. But that is the President's problem.

## OFFICE OF EDUCATION CONSIDERING ESTABLISHMENT OF NATIONAL EDUCATION RENEWAL SITES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, the Office of Education has for some time been considering the establishment of national education renewal sites, which would be formed by a combination of several other Federal education programs. This subject was discussed at length in the Senate during the debate on S. 659, at which time it was recommended that the Commissioner of Education should not institute this proposal without specific congressional approval.

In my own State of Illinois, representatives of the State Office of Education are quite concerned about this renewal site concept. Money for this proposed program would come partly from funds previously allocated for innovative and exemplary programs under title III of ESEA. In Illinois title III has worked to our satisfaction, and in my opinion it would indeed be unfortunate if title III money were put to other uses.

I have written to my good friend, the Honorable CARL PERKINS, chairman of the Committee on Education and Labor, and have asked the chairman to look into this matter.

## BICYCLING IN NEW YORK CITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, with the warm weather of the past several weeks, many people have turned to the bicycle as a convenient means for getting to work and home again—and often one that actually reduces the time of travel, particularly during rush hour. The demand for bicycles now outweighs the supply with an anticipated 9 to 10 million bikes to be sold this year. With more and more bikes on the road, it is becoming imperative—both from the motorist's and bicyclist's points of view—that localities act to provide cyclists with exclusive bike lanes and bike paths. I have introduced a bill, H.R. 9369, that would give States and localities assistance in developing these lanes and paths and the needed bicycle facilities through the highway trust fund. This legislation is currently under consideration by the Public Works Committee and has received support from the Department of Transportation.

It is in the interest of the country and particularly the cities to promote bicycling as a serious form of transportation. With the present inadequacies of public transportation in so many cities, bicycles can go a long way in relieving downtown auto traffic congestion and pollution. They take up little room, make no noise, emit no pollution, and mechanically are very simple.

To encourage bicycling and to make it safe, preferential lanes and paths must be provided. I have proposed that lanes

be set aside for cyclists on some of the major avenues in my own city, New York. Unfortunately, Mayor Lindsay has only been willing to put up signs recommending particular streets for cyclists; this of course does little good since the 30-pound bicycle must continue to share the street with 3,000-pound cars. But cycling enthusiasm in New York City is mounting and hopefully the cyclists will indeed finally gain equal rights on the road. Of interest was a report in The Gramercy Herald of last week of bicycling in New York City. With the thought that this report of Pat Tague on what is happening in one of our cities might be of interest to our colleagues, I am placing it in the RECORD.

[From the Gramercy Herald, Apr. 28, 1972]

ON A BICYCLE BUILT FOR TWO

(By Pat Tague)

When William Buckley ran for Mayor in 1965, one of his proposals was for the construction of elevated bike lanes throughout the city, which he felt would free the bicyclist from the dangers of cars, taxis, trucks, and other instruments of destruction. Not too many took Buckley's campaign seriously. When he talked about bike lanes in the city, even fewer people took his campaign seriously.

Only ten years ago the bicycle was the primary mode of transportation for the younger set and almost all bikes were sold to youngsters. Simple bikes, consisting of two wheels, a serviceable handlebar, and a halfway comfortable seat . . . for the rich kids perhaps a little chrome that rusted four days after the bike was purchased. A kid's biggest thrill, next to his first pair of shoes without laces, was the day the training wheels came off, and he was able to ride the two wheeler with just two wheels.

But times have changed, Buckley has changed (possibly, but that's an entirely different story) and the bicycle industry has changed. Perhaps changed is not the right word, increased is better at a phenomenal rate that even the bicycle manufacturers find hard to believe.

Gene Bauer, the owner of the Second Avenue Bike Shop (at 22nd Street) says that almost 80 per cent of the bikes he sells are for people over 21. No longer the simple bikes, in fact they don't make the simple bikes that I knew and loved any more. The vogue is imported French bikes with 10 gears, hand brakes instead of the dependable foot brakes, high-rise handle bars and handle bars that curve at crazy angles, bikes that can cost almost two hundred dollars. For the cheapsters, the three speed bikes (still no foot brakes) are the least you can do.

Bob Denison, who owns the 14th Street Bicycle Discount House as well as two other bike shops uptown, says that almost ⅔ of the bikes he sells are for adults. Almost all go in for the 10 speed bikes, and the few tykes that come into the store go for the small "spider" bikes with high rise handle bars and 3 speed shifts, that make the bike look like a small Harley-Davidson.

Why are adults riding bikes? Driving a car was half the reason most kids used to think that Peter Pan had it all wrong. Both Bauer and Denison are convinced "The high cost of transportation is the main reason. With rapid transit rates rising every other year, and taxi rates hot on the heels of the Apollo teams as they head for the moon, it just costs too much money to get around town. But bikes are cheap (relatively) and fast, considering how long it takes to cross-town during rush hour (only slightly less that it takes to go to the moon). The average city dweller can buy a bike with what it would cost him in ordinary transit fares for three months (not counting aspirins). In 1965 (the transit fare was only 15 cents. Remember?), there were about 5 million bicycles in the U.S. This year the bicycle industry expects to sell more than 9 million bikes and estimates for bikes in the city run as high as 250 thousand.

Of course, there are other reasons for the increase in two wheel enthusiasts, Ecology and physical fitness among them. There is no air pollution from bikes, and almost as important, little noise pollution. And while jogging used to be the most popular means of keeping fit, cycling has it beat, especially with the 10-speed bikes which the manufacturers like to say 'can turn a mountain into a mole hill.' Exercise is all right but everything in moderation. Physical fitness buffs defend the use of the ten speed bikes, saying they can go longer and easier on the 10 speeds than the old style bikes.

The increase in the number of bicycles and their riders have caused some problems. To paraphrase the TV commercial, the large number of bikes have given the hub cap thieves a new line of business. One bike shop owner in the city who sells more than 60,000 bikes a year says that more than one-third of his customers tell him they are buying a new bike because their old one was stolen. Both Bauer and Denison echo the same thought but the 13th Precinct had reports of only 70 bikes stolen last year. The problem is two fold. With some bikes costing nearly $200, the chrome of a nice imported bike must surely put a gleam in every junkie's eye. And a lot of those $200 bikes are secured with a $1.50 chain and lock. With nearly everyone buying bikes (junkies ride the subways too) bikes are fairly easy to resell.

Another major problem is repairs. When I bought a bike years ago, the man gave me a pair of pliers and said, "Good luck kid." Fooling around with an imported bike with gear shifts, hand brakes, cables, etc., could give an engineer headaches. A flat tire on the rear wheel is almost impossible to fix without professional help. Fortunately both Bauer's and Denison's shops have repairmen on duty at all times, and both give guarantees with the bikes they sell. In fact, both bike shops give riding lessons for those who are purchasing their ten speed bikes. (It's like driving a Ferrari only you use your feet. That's only a slight exaggeration. The world speed record for bikes is 129 mph which probably did not prompt the phrase, "Look Ma, no hands.")

The biggest indication that bicycling is the fastest growing form of recreation throughout the country is that politicians are beginning to recognize bikers in their campaign platforms. Last October, Mayor Lindsay ordered a number of bike lanes in the City. However, they were not exclusively for the bicyclists, only recommended. Unfortunately for His Honor, the idea was termed a "deadly hoax" by Democratic Councilman-at-Large Eldon Clingan who would rather have exclusive lanes, a la Mr. Buckely. Congressman Ed Koch has a bill pending in Washington that would permit states and municipalities to use federal highway trust funds for the construction of bicycle lanes and paths. Secretary of the Interior Rogers Morton has approved two Land and Water Conservation Fund grants that total almost $800,000 to develop scenic waterfront bikeways in Southern California. And two states, Washington and Oregon, allow highway funds to be used for the construction of bicycle paths.

If bicycles continue to increase, it will probably be only a matter of time before they are officially recognized by the federal government, that is, placing toll booths on the bicycles paths.

## A TRIBUTE TO THE U.S. INFORMATION AGENCY

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, from jungle to tundra, from orchard to desert, the U.S. Information Agency has told the story of America, its people and its principles. It has sent it out by plane, ship, train, sampan, camel, and elephant. "Mohlam" singers, like the troubadours of old, have sung the story in jungle villages where no newspapers nor radio sets exist. USIA's audience is the world. To reach this audience it uses all media, press, radio, motion pictures, television, libraries, traveling exhibits, and the personal contacts of its 1,836 Foreign Service officers. It has sought to give a true picture and to correct misinformation circulated by forces somewhat less than friendly.

Historically, the Agency came out of World War II information programs. The Voice of America, USIA's radio arm, broadcast from London all during the war, while the Office of War Information's press service dropped leaflets on occupied countries and supplied foreign newspapers with accounts of Allied purposes and progress. At the end of hostilities the President authorized and Congress approved a permanent information program. It first served as a Department of State facility, then became a separate agency August 1, 1953.

It has taken nearly 10 years for USIA to build up its present worldwide operation, to establish its posts and contacts abroad, train its personnel and complete its delicate negotiations with foreign governments and agencies. As of April 1, 1972, there are 9,491 employees, including the 1,835 foreign service officers stationed in 101 countries, 5,097 non-American employees hired locally in the host countries, and 2,558 civil service personnel.

The action of the Senate Foreign Relations Committee in cutting USIA's operating funds would throw out of work about 2,360 of these employees. It would shut down operations completely in 30 countries, and close branch posts, with their libraries and reading rooms, in other countries. It would cut the entire program more than a fourth.

The Voice of America now broadcasts about 780 hours weekly in 35 languages—the Soviet Union broadcasts 1,903 hours weekly in 84 languages; China, 1,304 hours weekly in 38 languages. Under the proposed cut, USIA would broadcast only 454 hours a week in 11 languages. It would cut down seven of its relay stations, diminishing the vast audience that has enjoyed its news of moon-landings, elections, inventions, and American music.

USIA's publications have been an eloquent part of its program. They are handsomely illustrated magazines, periodicals and pamphlets that picture American institutions and personalities, explaining our schools, labor unions, government procedures, agriculture,

showing our art, literature, and theater, our achievements in space, our activities on the moon. Among these are the prestige magazine, America Illustrated, published in Russian and Polish; Topic, a magazine issued in English and French for sub-Sahara Africa; Al Majal, published eight times a year in Arabic for the Near East and North Africa; Dialogue, an intellectual quarterly in 10 languages; Problems of Communism, a bimonthly journal for the Far East. In all, USIA distributes 37 magazines in 29 languages. It also sends pamphlets, posters, and leaflets to more than 100 countries.

Of these, the Polish edition of America Illustrated and Topic probably would be dropped. About 85 percent of our one-country periodicals would go. The Agency's worldwide daily newsfile would be cut between 30 and 50 percent. The file sends out intact the speeches of American officials, legislators, and educators, so that foreign newspapers and radio stations have the full text and not merely controversial passages selected for their sensational appeal.

The motion picture and television service would be slashed nearly 50 percent, with one of its two production studios shut down, entirely. The Agency would eliminate completely its satellite transmission, leaving no voice for the nation that perfected this medium. Television has been one of USIA's most potent presentations—people may question what they read and hear, but they believe what they see. Millions around the world watched our astronauts, for instance, take off into space, and saw man's first footsteps on the moon.

If crippled and riddled now, USIA might rise again in some less troubled time—when less needed. With its present experienced staff scattered to the winds, it would have to recruit and train new people; renovate or rebuild its dusty installations; reexplore its sources, and renegotiate its foreign arrangements. All this would be at great cost in time and money.

China, Russia, and Egypt have no such plans to muffle their voices.

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## FOOD PRICES: THE FARMER IS NOT TO BLAME

(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, the recent increase in food prices has provoked considerable resentment across the Nation. This is understandable for a number of reasons.

For one thing, food is a basic necessity and is universally purchased. A change in food prices, unlike a change in airline or typewriter prices, affects everybody.

In addition, food is purchased frequently: at least once per week for the average family. A man who buys a 1972 automobile for $3,800 probably would not remember that his comparably equipped 1968 model only cost $3,200; if he does remember, he will probably assume the increased cost is justified by improvements, and in any case he will figure he can afford it because of the wage increases he has received during the past 5 years, besides the car can be financed. But a housewife who shops every week is going to notice that a pound of chuck steak is $1.09 when it was only $1.03 2 weeks earlier, and only 89 cents 8 months earlier. She will see no quality improvement to justify the increase, and little income improvement to help her afford it. So she has a nightmare vision of the cost of living taking off like a moon rocket, and so does her husband.

Their understandable concern is further heightened by the present restrictions on wage increases. Naturally, their first instinctive response is to assume that food producers are making inordinate profits, and to resent it strongly.

But the fact is, farmers are not getting rich. They are having a better year than last year, but that is not saying much. Farming is still a high-risk, low-profit occupation for most farmers, and thousands of families will be forced to give up farming this year, as they have in past years.

Let us look at the figures. Consider the change, from 1951 to the present, of the following factors:

Dividends: up 200 percent.

Wages: up 229 percent.

Retail food: up 47 percent.

Farm prices: up 9 percent.

Farmer's share of retail food dollar: down 22 percent.

Proportion of per capita disposable income spent on food: down 35 percent.

It is clear that food prices have risen more slowly than other basic economic indicators, that farm prices have risen more slowly than retail food prices, and that food has become cheaper in real terms of the family budget.

It may be argued that 1951 was an unusually high year for food prices. So let us consider what has happened since 1967, which was the average year for farm prices—that is, as was the case with most sectors of the economy, it was poor compared to the rest of the Kennedy-Johnson years but excellent compared to the succeeding Nixon years.

In 1967, the farmer received 39 percent of the retail price of a choice steer.

Today, he receives 37 percent of the total price.

In 1967, parity was 74 percent. Now it is 72 percent.

Now let us consider more immediate measures: What has happened during the last month?

During the month ended March 15, farm prices fell 2 percent. Beef prices dropped 0.6 percent. Hog prices dropped 10 percent.

Clearly, the farmer is not to blame. But if we look elsewhere for a "devil theory" explanation, it is pretty hard to find the devil. The supermarkets cannot fairly be blamed; as always, their prices are highly competitive and they operate on small profit margins. Feedlot operators and wholesalers are doing comfortably, but there are no exorbitant profits being made there either.

Instead, the increase in food prices appears to be attributable to the sum of a number of factors:

First. Food prices are highly elastic; price varies radically in inverse proportion to supply.

Second. Each of the many middlemen between the producer and the consumer operates on a more or less fixed percentage profit margin. This means an increase in price received by the farmer is not only passed onto the consumer, but each middleman adds on an additional increase of similar proportions for himself.

Third. There was a corn blight last year, which served to raise the cost of feed about 15 percent.

Fourth. Feed lot labor costs have risen 20 percent in the last 2 years.

Fifth. Supermarket wages have risen dramatically, along with the rest of organized labor. In the Washington area, there was a 15-percent increase in August 1970 followed by another 15 percent increase at the end of the wage-price freeze. These are some of the representative hourly wages currently being paid, including benefits:

| | |
|---|---|
| Meat manager | $7.38 |
| Meat cutter, basic | 6.61 |
| Cashier, 2 years' experience | 5.54 |
| Porter | 4.28 |

These are quite substantial wages. A "cashier with 2 years' experience" can mean a 19-year-old youth with a high school education doing work which can be learned in a few hours at most. He gets $11,500 per year not including overtime.

Sixth. Pressures of competition force supermarkets to use a long leadtime before raising prices in response to increased costs. The recent price increase simply resulted from the effect of all the above factors peaking at the same time.

Supermarkets also observe a long leadtime in lowering prices, to make up for the profits they lost on the way up. Now that costs are coming down, I hope the light of publicity will induce retailers to shorten their downward leadtime somewhat and to lower prices as quickly as possible.

There seems to be no easy way to prevent a recurrence. I am reluctant to advocate controls on fresh food prices, but at the same time, we all know that an increase in food prices hits hardest at the poor who can least afford it; this is not a happy state of affairs.

Perhaps we should begin to think of a system of controls to be triggered only if the increase in the price of a particular food product, seasonally adjusted, over a 3-month period exceeds the rise in the Consumer Price Index over the same period by more than 25 percent. The controls could then be invoked at the retail level; alternatively, middlemen and retailers could simply be ordered to pass along all increases in farm prices without adding a cut for themselves. The controls would then automatically be canceled when the retail price fell back to the required correspondence with the Consumer Price Index.

## NAVY SHIPYARD MODERNIZATION STAMPEDES TO THE REAR

(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, recently figures were published in a certain national weekly shipbuilding publication indicating that perhaps private shipyards were not getting their share of the Navy's business.

As a practical matter, the record should be set straight. The private share of repairs, alterations, conversions, and new construction was 32.7 percent in 1953 and has steadily grown like a hog to a high of 76.8 percent in 1967, 74.3 percent in 1970, 72.1 percent in 1971, 71.4 percent in 1972, and 72.9 percent in 1973.

Even in the areas of repairs, alterations, and conversions alone, the private yard share has grown from 7 percent in 1953 to 40.8 percent in 1967, has averaged better than 35 percent over the past 5 years and is programed at 34.6 percent over the next fiscal year.

The distorted figures are inaccurate in the way that they were presented. The correct analysis as prepared by the commander of the Naval Ship Systems Command follows:

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
*Washington, D.C., April 19, 1972.*

Hon. ROBERT L. LEGGETT,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. LEGGETT: This is an interim reply to your letter of April 11, 1972, requesting confirmation of the figures on Fiscal Year (FY) 1971 apportionment of Navy shipwork between public and private yards that appeared in a recent issue of the "Shipyard Weekly" of the Shipbuilders Council of America.

The figures published are correct. However, the figures do not include Government Furnished Equipment (GFE) and the data on conversions provided to Senator Tower represents only awards made in FY 1971. The tabulation that we customarily assemble as the Naval Shipwork Table includes for conversions the total program amount (without regard to award date) allocated for each year's program, including GFE, possible change orders, and end-cost escalation. A copy of our most recent updating of the Naval Shipwork Table is enclosed.

If a ship conversion authorized and funded in FY 1971 is actually awarded in FY 1972, it is not included in the tabulation provided to Senator Tower, but it is reflected in the FY 1971 conversion totals of the Naval Shipwork Table.

The information requested in your aforementioned letter is being assembled and you may expect it in about two weeks.

Sincerely yours,

N. SONENSHEIN,
*Rear Admiral, USN, Commander, Naval Ship Systems Command.*

SHIPWORK ALLOCATION BETWEEN NAVAL/PRIVATE SHIPYARDS, FISCAL YEARS 1953–73

[Dollar amounts in thousands]

| Fiscal year | Repairs and alterations [1] | | | | Conversion [2] | | | | Total repairs, alterations and conversion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Naval | Private | Total | Percent private | Naval | Private | Total | Percent private | Naval | Private | Total | Percent private |
| 1953 | $301,700 | $32,800 | $334,500 | 9.8 | $132,691 | 0 | $132,691 | 0 | $434,391 | $32,800 | $467,191 | 7.0 |
| 1954 | 285,600 | 55,600 | 341,200 | 16.3 | 93,211 | 0 | 93,211 | 0 | 378,811 | 55,600 | 434,411 | 12.8 |
| 1955 | 255,400 | 76,400 | 331,800 | 23.0 | 148,850 | 0 | 148,850 | 0 | 404,250 | 76,400 | 480,650 | 15.9 |
| 1956 | 294,000 | 77,200 | 371,200 | 20.8 | 224,876 | $10,521 | 235,397 | 4.5 | 518,876 | 87,721 | 606,597 | 14.5 |
| 1957 | 269,400 | 64,200 | 333,600 | 19.2 | 414,435 | 196,282 | 610,717 | 32.1 | 683,835 | 260,482 | 944,317 | 27.6 |
| 1958 | 293,300 | 67,700 | 361,000 | 18.8 | 229,254 | 0 | 229,254 | 0 | 522,554 | 67,700 | 590,254 | 11.5 |
| 1959 | 299,500 | 57,500 | 357,000 | 16.1 | 312,409 | 38,799 | 351,208 | 11.0 | 611,909 | 96,299 | 708,208 | 13.6 |
| 1960 | 350,900 | 63,500 | 414,400 | 15.3 | 94,418 | 11,869 | 106,287 | 11.2 | 445,318 | 75,369 | 520,687 | 14.5 |
| 1961 | 347,300 | 79,700 | 427,000 | 18.7 | 141,350 | 0 | 141,350 | 0 | 488,650 | 79,700 | 568,350 | 14.0 |
| 1962 | 394,300 | 133,400 | 527,700 | 25.3 | 205,944 | 32,400 | 238,344 | 13.6 | 600,244 | 165,800 | 766,044 | 21.6 |
| 1963 | 309,909 | 140,487 | 450,396 | 31.2 | 288,300 | 186,200 | 474,500 | 39.2 | 598,209 | 326,687 | 924,896 | 35.3 |
| 1964 | 315,053 | 150,972 | 466,025 | 32.4 | 393,862 | 148,364 | 541,226 | 27.4 | 708,915 | 299,336 | 1,008,251 | 29.7 |
| 1965 | 432,962 | 148,620 | 581,582 | 25.6 | 22,700 | 71,900 | 94,600 | 76.0 | 455,662 | 220,520 | 676,182 | 32.6 |
| 1966 | 511,044 | 349,619 | 860,663 | 40.6 | 166,100 | 20,650 | 186,750 | 11.1 | 677,144 | 370,269 | 1,047,413 | 35.4 |
| 1967 | 664,088 | 352,494 | 1,016,582 | 34.7 | 25,000 | 121,500 | 146,500 | 82.9 | 689,088 | 473,994 | 1,163,082 | 40.8 |
| 1968 | 667,896 | 264,106 | 932,002 | 28.3 | 128,900 | 211,500 | 340,400 | 62.1 | 796,796 | 475,606 | 1,272,402 | 37.4 |
| 1969 | 665,022 | 235,521 | 900,543 | 26.2 | 131,400 | 128,700 | 260,100 | 49.5 | 796,422 | 364,221 | 1,160,643 | 31.4 |
| 1970 | 593,331 | 214,358 | 807,689 | 26.5 | 188,200 | 149,100 | [3] 337,300 | 44.2 | 781,531 | 363,458 | 1,144,989 | 31.7 |
| 1971 | 686,583 | 135,118 | 821,701 | 16.4 | 182,800 | 403,200 | [3] 586,000 | 68.8 | 869,383 | 538,318 | 1,407,701 | 38.2 |
| 2 (budgeted) | 763,234 | 180,167 | 943,401 | 19.1 | 226.800 | 270,500 | [3] 497,300 | 54.4 | 990,034 | 450,667 | 1,440,701 | 31.3 |
| 3 (budgeted) | 695,876 | 222,353 | 918,229 | 24.2 | 296,900 | 302,200 | [3] 599,100 | 50.4 | 992,776 | 524,553 | 1,517,329 | 34.6 |

[1] Includes obligations for overhauls, restricted availabilities, FRAM MK II, alterations; service craft, reserve fleet and NRT repairs and alterations; inactivations, activations, does not include MSC repairs.

[2] Program value.

[3] Excludes post delivery and outfitting included in ship costs in prior years.

SHIPWORK ALLOCATION BETWEEN NAVAL/PRIVATE SHIPYARDS, FISCAL YEARS 1953–73

[Dollar amounts in thousands]

| Fiscal year | New construction [1] | | | | Total repairs, alterations, conversions and new construction | | | |
|---|---|---|---|---|---|---|---|---|
| | Naval | Private | Total | Percent private | Naval | Private | Total | Percent private |
| 1953 | $256,390 | $303,059 | $559,449 | 54.2 | $690,781 | $335,859 | $1,026,640 | 33.7 |
| 1954 | 0 | 427,818 | 427,818 | 100.0 | 378,811 | 483,418 | 862,229 | 56.1 |
| 1955 | 320,288 | 415,218 | 735,506 | 56.5 | 724,538 | 491,618 | 1,216,156 | 40.4 |
| 1956 | 388,411 | 861,380 | 1,249,719 | 68.9 | 907,287 | 949,101 | 1,856,388 | 51.1 |
| 1957 | 549,686 | 1,010,601 | 1,560,287 | 64.8 | 1,233,521 | 1,271,083 | 2,504,604 | 50.7 |
| 1958 | 303,302 | 1,281,300 | 1,584,602 | 80.9 | 825,856 | 1,349,000 | 2,174,856 | 62.0 |
| 1959 | 474,131 | 1,376,699 | 1,850,830 | 74.4 | 1,086,040 | 1,472,998 | 2,559,038 | 57.6 |
| 1960 | 86,160 | 429,615 | 515,775 | 83.3 | 531,478 | 504,984 | 1,036,462 | 48.7 |
| 1961 | 483,702 | 1,488,935 | 1,972,637 | 75.5 | 972,352 | 1,568,635 | 2,540,987 | 61.7 |
| 1962 | 772,371 | 1,602,824 | 2,393,195 | 67.7 | 1,372,615 | 1,786,624 | 3,159,239 | 56.6 |
| 1963 | 273,192 | 1,888,108 | 2,162,300 | 87.3 | 872,401 | 2,214,795 | 3,087,196 | 71.7 |
| 1964 | 321,945 | 1,390,818 | 1,712,763 | 81.2 | 1,030,860 | 1,690,154 | 2,721,014 | 62.1 |
| 1965 | 441,100 | 1,361,476 | 1,802,576 | 75.5 | 896,762 | 1,581,996 | 2,478,758 | 63.8 |
| 1966 | 255,300 | 1,390,436 | 1,645,736 | 84.5 | 932,444 | 1,760,705 | 2,693,149 | 65.4 |
| 1967 | 6,500 | 1,827,300 | 1,833,800 | 99.6 | 695,588 | 2,301,294 | 2,996,882 | 76.8 |
| 1968 | 0 | 510,700 | 510,700 | 100.0 | 796,796 | 986,306 | 1,783,102 | 55.3 |
| 1969 | 0 | 351,600 | 351,600 | 100.0 | 796,422 | 715,821 | 1,512,243 | 47.3 |
| 1970 | 0 | 1,900,500 | [2] 1,900,500 | 100.0 | 781,531 | 2,263,958 | 3,045,489 | 74.3 |
| 1971 | 0 | 1,709,500 | [2] 1,709,500 | 100.0 | 869,383 | 2,247,818 | 3,117,201 | 72.1 |
| 1972 (budgeted) | 0 | 2,018,500 | [2] 2,018,500 | 100.0 | 990,034 | 2,469,167 | 3,459,201 | 71.4 |
| 1973 (budgeted) | 0 | 2,149,900 | [2] 2,149,900 | 100.0 | 992,776 | 2,674,453 | 3,667,229 | 72.9 |

[1] Program value.

[2] Excludes post delivery and outfitting included in ship costs in prior years.

## STUDENT ANTIWAR VIOLENCE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the reaction of some Americans to the air and naval support being given the South Vietnamese by President Nixon is bereft of any reason. Of all the protests lodged against the President's policies, the actions of college students are the most lacking in logic. How unreasoning some of these campus protests are is succinctly pointed out in an editorial which appeared April 23 in the Detroit News. I commend a reading of this editorial to all of my colleagues. The editorial follows:

STUDENT ANTIWAR VIOLENCE: AN ILLOGICAL PROTEST

Hoping to attend class but barred at the door by a classmate, a college student asks the telling question: "What does the protest against the war in Vietnam have to do with whether I enter this classroom or not? I don't see the connection."

The connection seems to be missing between much of the protest rhetoric and the protests themselves.

The main effort of the current anti-war drive is the student strike. Somehow, not learning is equated with not supporting the war. And while not in the classroom, demonstrations, disruptions, sit-ins, blockades and confrontations—in short, everything to disturb peace on campus—become the plea for peace in Vietnam. Only a sophomore could devise these tactics for the stated goal.

At the University of Maryland, peace demonstrators resorted to skyrockets, roman candles, Molotov cocktails and rocks to impress police with their pacifism. It is doubtful the police were persuaded, hidden as they were behind armorplated Jeeps.

University of Michigan President Robben Fleming, running fast to keep up with the students he is supposed to lead, told students that President Nixon's decision to renew the bombing was cause for their "profound sorrow and discouragement." Fleming apparently made no attempt to point out that the President's own feelings must be sorrow and discouragement in the extreme at having to make the decision.

Can anyone believe the President did not agonize over the bombing? Can anyone believe the President was not disappointed when the North Vietnamese launched a major invasion? Compared to the soul-wrenching decisions in an administration that hoped to announce a speed-up in final troop withdrawals, Fleming's comments about sorrow and discouragement are gratuitous.

Columbia University President William McGill actually went to court to prevent faculty and nonstriking students from entering university buildings. He did it, he says, because of the "deep sense of anguish" on campus. The expression of that supposed "sense of anguish" forced an assistant dean to use 30 helmeted policemen to break a two-day student blockade of Columbia's School of International Affairs.

What McGill interpreted as anguish apparently was a youthful feeling of elation at finding an excuse for disturbing the peace.

We can, of course, survive gratuitous handwringing and sophomoric logic. What we fear is the violence of so-called pacifism. To think that a student or a policeman may be injured or killed on campus during a protest against killing in Vietnam is as tragic as it is incongruous.

And if it happens, you know where the campus "pacifists" will place the blame—on the "violence-prone" Establishment, of course.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Monday, May 1, 1972, on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for the remainder of this week, on account of medical reasons.

Mr. BYRNE of Pennsylvania (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. MATSUNAGA (at the request of Mr. MCFALL), today, on account of official business.

Mr. MIKVA (at the request of Mr. MCFALL), for today, on account of official business.

Mr. PICKLE (at the request of Mr. MCFALL), for today, on account of illness in the family.

Mr. PEPPER (at the request of Mr. BENNETT), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SEBELIUS) and to revise and extend their remarks and include extraneous matter:)

Mr. ANDERSON of Illinois, for 1 hour, on May 2.

Mr. HALPERN, for 5 minutes, today.

Mr. CRANE, for 5 minutes, today.

Mr. BUCHANAN, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

(The following Members (at the request of Mr. LINK) and to revise and extend their remarks and include extraneous matter:)

Mr. MURPHY of New York, for 5 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FRASER, for 10 minutes, today.

Mr. ICHORD, for 30 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. ROSTENKOSKI, for 5 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on May 3.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOGAN, and to include a speech on Law Day.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. KING in five instances.

Mr. ANDERSON of Illinois.

Mr. RIEGLE.

Mr. DERWINSKI in three instances.

Mr. HOSMER in two instances.

Mr. WYLIE.

Mr. YOUNG of Florida in five instances.

Mr. CHAMBERLAIN in two instances.

Mr. MCEWEN in five instances.

Mr. HALPERN in three instances.

Mr. QUIE.

Mr. MICHEL in seven instances.

Mr. WYMAN in two instances.

Mr. ARENDS.

Mr. ZWACH.

Mr. SHOUP in three instances.

Mr. ZION.

Mr. TERRY.

Mr. DAVIS of Wisconsin in two instances.

Mr. MCCLORY in three instances.

Mr. RAILSBACK in two instances.

Mr. SEBELIUS in two instances.

Mr. BOB WILSON in two instances.

Mr. BROYHILL of Virginia.

Mr. WYDLER in two instances.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. LINK) and to include extraneous matter:)

Mrs. HICKS of Massachusetts in three instances.

Mr. DINGELL in two instances.

Mr. CONYERS in 10 instances.

Mr. GONZALEZ in three instances.

Mrs. GRASSO in 10 instances.

Mr. DOWNING.

Mr. MEEDS.

Mr. MATHIS of Georgia.

Mr. BERGLAND.

Mr. RARICK in three instances.

Mr. FOUNTAIN in two instances.

Mr. CASEY of Texas.

Mr. HARRINGTON in two instances.

Mr. VANIK in two instances.

Mr. LINK.

Mr. MONTGOMERY.

Mr. O'HARA.

Mr. CELLER.

Mr. ASHLEY.

Mr. DIGGS in five instances.

Mr. WRIGHT.

## SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 652. An act to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes; to the Committee on Banking and Currency.

S. 2208. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972; to the Committee on Foreign Affairs.

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day; to the Committee on the Judiciary.

## ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1029. A joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month."

## ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 2, 1972, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1915. A communication from the President of the United States, transmitting an amendment to the request for appropriations for fiscal year 1973 for the U.S. Information Agency (H. Doc. No. 92–286); to the Committee on Appropriations and ordered to be printed.

1916. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to make certain changes in selection board membership and composition, and for other purposes; to the Committee on Armed Services.

1917. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the temporary promotion of ensigns of the Navy and second lieutenants of the Marine Corps, to provide that these appointments may be made by the President alone, and for other purposes; to the Committee on Armed Services.

1918. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

1919. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519; to the Committee on the Judiciary.

1920. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1921. A letter from the Secretary of Transportation, transmitting the Department of Transportation's analysis of urban highway public transportation facility needs, pursuant to section 144 of the Federal Aid Highway Act of 1970; to the Committee on Public Works.

## 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. COLMER: Committee on Rules. House Resolution 951. A resolution providing for the consideration of H.R. 13089. A bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes (Rept. No. 92–1034). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 952. A resolution providing for the consideration of H.R. 14015. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(73(C) of the Agricultural Marketing Agreement Act of 1937, as amended (Rept. 92–1035). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 953. A resolution providing for the consideration of H.R. 14655. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes (Rept. 92–1036). 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. BENNETT:

H.R. 14695. A bill to coordinate State preferential primary elections for the nomination of candidates for the office of President, and for other purposes; to the Committee on House Administration.

By Mr. BOLAND:

H.R. 14696. A bill to amend the Internal Revenue Code of 1954 to carry out tax reforms; to the Committee on Ways and Means.

H.R. 14697. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents; to the Committee on Ways and Means.

H.R. 14698. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the basic personal income tax exemption allowed a taxpayer; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 14699. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.R. 14700. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. DRINAN (for himself, Mr. ROONEY of Pennsylvania, and Mrs. HICKS of Massachusetts):

H.R. 14701. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. FRASER:

H.R. 14702. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. GROSS:

H.R. 14703. A bill to amend chapter 311 of title 18 of the United States Code to require the Board of Parole to make public a written statement of the considerations upon which it grants parole in each case; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 14704. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. KING:

H.R. 14705. A bill to amend title II of the Social Security Act to increase the amount of a widow's or widower's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 14706. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 14707. A bill to make illegal the manufacture of thin-gage steel drums; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 14708. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to establish a National Parole Institute, and to provide assistance to the States for the operation of fair and adequately staffed parole systems, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 14709. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin (for himself, Mr. MATSUNAGA, Mr. BOB WILSON, Mr. BENNETT, Mr. ANDREWS of North Dakota, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. CONTE, Mr. COUGHLIN, Mr. FRENZEL, Mr. GUDE, Mr. MAILLIARD, Mr. MALLARY, Mr. MOSHER, Mr. RAILSBACK, Mr. J. WILLIAM STANTON, and Mr. THOMSON of Wisconsin):

H.R. 14710. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. VANDER JAGT:

H.R. 14711. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 14712. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 14713. A bill to amend title 32 of the United States Code so as to bring National Guard technician positions within the competitive service; and for other purposes; to the Committee on Armed Services.

By Mr. BRASCO:

H.R. 14714. A bill to provide military assistance to Israel in order to assist in the resettlement of Russian refugees; to the Committee on Foreign Affairs.

By Mr. HOGAN:

H. Con. Res. 598. Concurrent resolution expressing the sense of Congress with respect to those individuals who refused to register for the draft, refused induction or being a member of the Armed Forces fled to a foreign country to avoid further military service; to the Committee on Armed Services.

By Mr. WILLIAMS:

H. Con. Res. 599. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Res. 950. Resolution providing for the consideration of the joint resolution (H.J. Res. 253) to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

382. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to setting a date for U.S. withdrawal from Southeast Asia; to the Committee on Foreign Affairs.

383. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

222. By the SPEAKER: Petition of the mayor and City Council, Seattle, Wash., relative to the Federal food stamp program; to the Committee on Agriculture.

223. Also, petition to Ralph Boryszewski et al., Rochester, N.Y., relative to creation of a House Select Committee on Impeachment; to the Committee on Rules.

# SENATE—*Monday, May 1, 1972*

The Senate met at 10 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Ruler of men and nations, we thank Thee this day for the revelation of Thy law in nature and in Thy Word, and for the higher law of love made known by Thy Son. Be with all who create, all who interpret, all who administer, and all who enforce the law. Support them as the guardians of our safety. Accord them a place of honor and gratitude among the people. Guide those whose mission is to correct, reform, and rehabilitate offenders. Make us a people obedient to Thy laws and the laws of this Republic that we may go from strength to strength in advancing Thy kingdom of brotherhood, justice, and peace.

In the name of Him who came not to destroy but to fulfill the law. Amen.

## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 1, 1972.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
*President pro tempore.*

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal and the proceedings of Friday, April 28, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 26, 1972, the President had approved and signed the following act and joint resolution:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rules VII and VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to make certain changes in selection board membership and composition, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

INVOLUNTARY ACTIVE DUTY FOR COAST GUARD RESERVISTS

A letter from the Acting Secretary of the Department of Transportation submitting proposed legislation to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Employment Security Operations—the Impact of a Computerized