in the statutes or in the Constitution nor by earlier decisions of their own Court.

It is said that Queen Victoria when Prince Albert died bewailed, "Now there is no one to tell me 'No'." There was and is no one to tell the majority of the Court "No." So they did as they pleased. The people might object, the Congress might object, the executive might object, but object was all they could do. No one could change it. It stood with the same binding effect as if it were well grounded in the statutes and constitution and in all prior decisions. When Justice White told the others that "as every member of the Court knows" the Miranda decision is contrary to thousands of earlier decisions, it did not change the result. The 5 to 4 Miranda decision written by Chief Justice Warren became the law—and it still is.

It is, of course, essential that some court have final authority. There must be a final answer to every dispute. It is not, however, necessary that judges with that awesome power have it for life. There should be some method of terminating the authority of those who choose to rule according to their own whims and prejudices rather than according to established law.

We are supposed to have a government of law and not a government of men.

With no available grounds for removal except bad conduct and no procedure for that available except the completely impractical procedure of impeachment, there is no remedy at all.

The legislative branch and to an extent executive branch of the government are not independent but are subject to the control of the judicial branch. I think most of us would agree with the nominee to the Supreme Court who said that the Court should not be a "continuous constitutional convention."

Federal Judges appointed for life and with a most liberal life time pension have complete independence, are responsible to no one. In the words of Thomas Jefferson they have a "freehold of irresponsibility." Some men can stand that kind of independent security, respected position of authority and power. Some cannot. Like prosperity, some people cannot stand it.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business again be closed.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATIONS ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Chair again lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3926) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of the conference report on higher education, S. 659. I would imagine there will be some controversy involved in the conference report. Senators are alerted to the possibility there will be rollcall votes and there could be final action tomorrow. I cannot say. No agreement has been entered into with respect to that matter.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 12:25 p.m. the Senate adjourned until tomorrow, Tuesday, May 23, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 22, 1972:

DEPARTMENT OF THE TREASURY

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury. (New position.)

U.S. TAX COURT

The following-named persons to be Judges of the U.S. Tax Court for terms expiring 15 years after they take office:

William H. Quealy, of Virginia (Reappointment.)

Arnold Raum, of Massachusetts (Reappointment.)

Irene Feagin Scott, of Alabama (Reappointment.)

U.S. CIRCUIT COURTS

J. Clifford Wallace, of California, to be a U.S. circuit judge, ninth circuit, vice James M. Carter, retired.

U.S. COURT OF CLAIMS

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims vice Linton M. Collins, deceased.

U.S. DISTRICT COURTS

Samuel P. King, of Hawaii, to be a U.S. district judge for the district of Hawaii, vice C. Nils Tavares, retired.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1970, vice Sidney Freidberg.

ENVIRONMENTAL PROTECTION AGENCY

Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Donald Mac Murphy Mosiman, resigned.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, xxx-xx-xxxx xxx-...TR (major general, Regular Air Force) U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22, 1972:

IN THE DIPLOMATIC AND FOREIGN SERVICE

Nominations beginning Philip W. Arnold, to be a Foreign Service information officer of class 2, and ending Robert C. Wible, to be a Foreign Service information officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

HOUSE OF REPRESENTATIVES—*Monday, May 22, 1972*

The House met at 12 o'clock noon.

Dr. Jack P. Lowndes, president, Home Mission Board, Southern Baptist Convention, and pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Behold, how good and pleasant it is when brothers dwell together in unity.—Psalm 133: 1.

O God, we are thankful that Thou art alive in the world—and that Thou callest upon us to join Thee in making Thy love a reality in the whole earth.

Bless, we pray, our President, the Speaker of the House, the Members of this body, and all of our leaders as we work with other nations in seeking to dwell together in unity.

Please, God, do not allow us to rationalize out of the tough issues but with Thy help let us face them and do the right thing about them. In Thy 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

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 bill of the House of the following title:

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) entitled "An act making supple-

mental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to amendments of the Senate numbered 5, 6, 12, 22, 23 27, 33 and 38 to the foregoing bill.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 19, 1972.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:30 p.m. on Friday, May 19th, and said to contain a Message from the President wherein he transmits the second quarterly report on the Cost of Living Council's economic stabilization program covering the period January 1, 1972, to March 31, 1972.

With kind regards, I am
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

COST OF LIVING COUNCIL'S ECONOMIC STABILIZATION PROGRAM, JANUARY 1, 1972, TO MARCH 31, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am pleased to transmit the second quarterly report of the Cost of Living Council on the economic stabilization program covering the period January 1 to March 31, 1972.

RICHARD NIXON.
THE WHITE HOUSE, *May 19, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 19, 1972.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:30 p.m. on Friday, May 19th, and said to contain a message from the President wherein he transmits the Annual Report of the National Advisory Council on Adult Education.

With kind regards, I am
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92-302)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed, with illustrations:

To the Congress of the United States:

Pursuant to the Elementary and Secondary Amendments of 1966, as amended, I am transmitting herewith the Annual Report of the National Advisory Council on Adult Education.

RICHARD NIXON.
THE WHITE HOUSE, *May 19, 1972.*

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

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

There was no objection.

REVENUE SHARING AND THE PROCEDURE UNDER WHICH THE HOUSE WILL CONSIDER THIS BILL

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

Mr. GIBBONS. Mr. Speaker, I want to talk just a moment about revenue sharing and the procedure under which the House will probably consider this bill.

Mr. Speaker, I understand that the Rules Committee is going to vote tomorrow on what kind of a rule they will submit to the House for consideration of the revenue-sharing program.

If this rule is anything but a completely open rule, then I intend to oppose the rule and to ask the Members of the House to vote down the previous question.

If the previous question is voted down then, Mr. Speaker, I shall seek recognition to submit a completely open rule so that the House may work its will on this very important measure.

GOOD ECONOMIC NEWS

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

Mr. CONABLE. Mr. Speaker, there has been so much good economic news lately that I am afraid people will begin to discount persistent reason for optimism. Good news is not necessarily inaccurate news, however, and this good news continues to be soundly based. Some of our most important economic indicators are showing great strength. Last week the Federal Reserve Board reported that as of the end of April, the index of industrial production had risen for the eighth consecutive month. During April the index rose 1 percent, seasonally adjusted, a monthly increase equal to a very substantial 12 percent annual rate. It is the largest single monthly gain since December of 1970 when the economy was rebounding from the General Motors strike. During the 8 months of the President's new economic policy the index has risen from 105.3 to 110.9, which is equal to an annual rate of increase of almost 8 percent.

A day after these very encouraging industrial figures were released, the Department of Commerce reported revised figures for the gross national product in the first quarter. These figures showed that prices rose less and real growth was higher than originally estimated. First quarter GNP climbed $30.7 billion to a seasonally adjusted annual rate of $1,104 billion. Real growth was equal to 5.6 percent, substantially above the 5.3 percent real growth figure reported in the preliminary figures.

Mr. Speaker, I think that we may all agree with Dr. Herbert Stein, Chairman of the Council of Economic Advisers, who described this performance as "confirm(ing) the picture of a strong broadly based recovery in progress." These GNP figures, combined with the recent strong performance by a number of our most important economic indicators, are good cause for optimism.

COMMUNIST-CONTROLLED DEMONSTRATIONS AT HOME AND ABROAD

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

Mr. RARICK. Mr. Speaker, the American people are now witnessing a unique display of mass manipulation. With the President's decision to curb Communist aggression in South Vietnam, they are witnessing renewed and intensified protests and demonstrations against anti-Communist action.

The American people are being entertained by frantic efforts to dignify news coverage of demonstrations around our country. Especially is this so here in Washington, D.C., where in the name of peace, a ladies' restroom in the Pentagon was bombed, the chief of police of Washington was injured, as well as dozens of other police officers. Gus Hall, the No. 1 Communist and the Communist Party candidate for President, publicly addressed those so-called nonviolent protesters who were opposing the President's actions to obtain peace.

Then, on the President's trip to Moscow, the American people were treated to Communist demonstrations during his interim stop in Salzburg, Austria, again in opposition to his anti-Communist stand.

But this morning when the President

arrived in Moscow, the "friendly" Soviet demonstrators were all pro-American and waving small American flags.

What an interesting display of Communist control.

THE IMPORTANCE OF THE PRESIDENT'S TRIP TO RUSSIA

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

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has arrived this morning in the Soviet Union. The Congress and the people should applaud the courage and the initiative which the President has displayed in his search for the keys to peace. It is likely that several substantive agreements will be reached in Moscow. But also of importance is the decline in tension, the improved atmosphere which will no doubt result from President Nixon's efforts.

It is unfortunate that while the President is pursuing peace, there are irresponsible people here in Washington with no reverence for life, no respect for property, who are engaged in the same old, tired practice of unproductive protest. This juxtaposition of the President on a peace mission and undisciplined dissidents in the streets brings to mind the analogy of the engineer who examines the defects of a bridge in order to repair and preserve it while a demolition squad looks for the same flaws in order to blow up the bridge. President Nixon is on a positive, constructive mission while the demonstrators are running a counterproductive, negative course.

In this country, we need more of a spirit of building and preservation and less of the ugly mood of destruction and impediment. President Nixon, through his many initiatives toward peace, is providing the creative leadership which the heritage and the future of our Nation require.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 165]

Abourezk	Bingham	Clawson, Del
Abzug	Blanton	Clay
Addabbo	Blatnik	Collins, Ill.
Alexander	Boiling	Colmer
Anderson, Calif.	Bow	Conyers
Anderson, Ill.	Brasco	Coughlin
Anderson, Tenn.	Broomfield	Crane
Andrews, N. Dak.	Brown, Ohio	Daniels, N.J.
Ashley	Cabell	Davis, S.C.
Badillo	Caffery	Delaney
Baker	Carey, N.Y.	Dellenback
Bell	Celler	Dellums
Bevill	Chisholm	Denholm
Biaggi	Clancy	Dennis
	Clark	Diggs
	Clausen, Don H.	Dowdy
		Dwyer
Eshleman	McClure	Roe
Evins, Tenn.	McCormack	Roncalio
Fish	McKay	Rooney, N.Y.
Flowers	McKinney	Rooney, Pa.
Flynt	McMillan	Rousselot
Foley	Mann	Roy
Ford, Gerald R.	Martin	Runnels
	Mayne	Sarbanes
Ford, William D.	Meeds	Scherle
	Melcher	Scheuer
Fraser	Metcalfe	Schmitz
Galifianakis	Miller, Calif.	Shoup
Gallagher	Mills, Ark.	Shriver
Goldwater	Mills, Md.	Skubitz
Hagan	Minish	Snyder
Halpern	Mink	Staggers
Hanley	Minshall	Stanton, James V.
Hansen, Idaho	Monagan	
Hansen, Wash.	Moorhead	Stratton
Harsha	Murphy, N.Y.	Stubblefield
Hastings	Myers	Stuckey
Hébert	Nelsen	Teague, Calif.
Helstoski	Nichols	Teague, Tex.
Henderson	Nix	Terry
Hillis	Obey	Tiernan
Holifield	Pelly	Veysey
Jones, Tenn.	Poage	Waggonner
Karth	Podell	Wampler
Kazen	Pryor, Ark.	Whalley
Keating	Pucinski	Whitehurst
Kemp	Purcell	Widnall
Kluczynski	Quillen	Wiggins
Link	Railsback	Wilson, Bob
Lloyd	Randall	Wilson, Charles H.
Long, La.	Rangel	
Long, Md.	Reuss	Wydler
Lujan	Rhodes	Wyman
McCloskey	Rodino	Young, Fla.

The SPEAKER. On this rollcall 274 Members have answered to their names, a quorum.

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

REPORT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

In a message to the Congress on September 11, 1970, transmitting a report of the American Revolution Bicentennial Commission, I strongly endorsed the Commission's view that the primary emphasis in our commemoration of the Nation's birth should be a nation-wide celebration, involving every State, city and community.

At the same time, I agreed that we should encourage international participation in our celebration. Philadelphia seemed a natural choice as the principle site for an international exposition because it was there that the Declaration of Independence was signed and the Constitution created. Accordingly, I informed the Congress that the Secretary of State was being instructed to proceed officially with the Bureau of International Expositions in registering an international exposition in Philadelphia in 1976.

At that time, I also pointed out that this exposition was dependent upon the assurance of suitable support and a review of financial and other arrangements by appropriate parties, including high-level government officials.

The Chairman of the Bicentennial Commission, David J. Mahoney, has now informed me that on May 16, the members of his commission voted not to approve the proposal submitted by the Philadelphia 1976 Bicentennial Corporation for this international exposition. Among the reasons cited were the large costs to the Federal government, a question of whether it was still appropriate to hold such a large exposition in one city, the Commission's continuing commitment to a nation-wide celebration, and a question of whether sufficient time remained to make all necessary arrangements. The vote of the Commission was 23–4 against the exposition.

Also, I have been jointly advised by the Secretary of Commerce and the Director of the Office of Management and Budget, that we should not proceed unless certain basic conditions could be met. There is no evidence now that we can fulfill those conditions.

Under the full weight of these recommendations, I have reluctantly concluded that we cannot prudently go forward with the international exposition in Philadelphia.

I am therefore asking the Secretary of State to take action at the impending meeting of the Bureau of International Expositions to withdraw the registration of the international exposition in Philadelphia. I have also asked the Secretary to make clear to the Bureau of International Expositions that the United States, and its many State and local governments, will warmly welcome foreign participation—both public and private—in our Bicentennial. And, I am asking the American Revolution Bicentennial Commission to ensure that their plans include encouragement for such participation.

I remain firmly convinced that Philadelphia, in commemoration of its unique place in American history, will and should play a major role in the Nation's 1976 observances, and that the celebration of this birthday will reflect the vital and abundant spirit of our Nation.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

PROVIDING FOR CONSIDERATION OF H.R. 6788, MINING AND MINERAL RESEARCH CENTERS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 958 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 958

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research to supplement the Act of December 31, 1970, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may

have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion except one motion to recommit. After the passage of H.R. 6788, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill, S. 635, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 6788 as passed by the House.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 958 provides an open rule with 1 hour of general debate for consideration of H.R. 6788 to establish mining and mineral research centers. The bill is to be read for amendment by titles instead of by sections. After passage of H.R. 6788, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 635 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 6788 is to establish mining and mineral research centers in the various States and Puerto Rico to train and to encourage people to enter into the field of minerals science and engineering because domestic mineral technology is not advancing fast enough.

An amount of $500,000 would be authorized annually for each participating State, on a matching basis, to establish and maintain a research institute at a qualified, tax-supported college or university conducting research in the minerals engineering field. The Secretary of the Interior would have the responsibility of the administration of the act and the promulgation of regulations. Five million dollars would be authorized for fiscal year 1973 and each of the 4 succeeding years for the institutes.

Grants to or contracts with educational institutions of foundations and Government agencies or private foundations could be made for research in mining or mineral programs that would not be undertaken otherwise. Any patents or processes developed as a result of any of the grants are to be made available to the public unless there is a question of national security involved. An appropriation is authorized for these programs in the amount of $10 million for fiscal year 1973, increasing $2 million each year for 5 years, and continuing at $20 million annually thereafter.

The Secretary is directed to cooperate with other Federal and State agencies, as well as private institutions, to insure a lack of duplication of programs.

The President would establish a center to serve as a clearinghouse for current and projected research activities.

An advisory committee would be established, the chairman of which would be appointed by the Secretary. The committee would be composed of the Director of the Bureau of Mines, the Director of the National Science Foundation, the President of the National Academy of Sciences, the President of the National Academy of Engineering, or his delegate in each instance, and such other persons as the Secretary may appoint who are knowledgeable in the field.

The estimated Federal cost of the program is $40.5 million the first year, increasing to $48.5 million in the fifth year. Thereafter the maximum authorization would be $45.5 million annually.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, the purpose of H.R. 6788 is to stimulate research and training of engineers and scientists in the fields of mining and mineral resources.

The need for long-range planning arises because the United States consumes about one-third of the world's mineral production each year, and by the year 2000, U.S. consumption of primary minerals is expected to increase fourfold. By way of contrast, 20 years ago U.S. schools graduated more than four times as many mining engineers as last year. More trained people are needed for such projects as developing more efficient mineral-recovery techniques and new ways to get minerals from alternate sources.

H.R. 6788 authorizes up to $500,000 per year for each participating State and Puerto Rico to assist in setting up a mining research institute at a tax-supported school of mines. In order to qualify for these funds, each participating State and Puerto Rico must match each dollar from the Federal Government with non-Federal funds. In addition, the bill authorizes $5,000,000 per year for the next 5 years to support research at these institutes. Finally, the bill authorizes $10,000,000 in fiscal year 1973 for grants to foundations, educational institutions, or Government agencies to support mining and mineral resources research. This amount would increase by $2,000,000 each year for 5 years and continue at $20,000,000 annually thereafter.

The maximum annual cost, assuming maximum participation by all the States, would be $40,500,000 for fiscal year 1973, increasing to $48,500,000 in the fifth year. In the sixth and following years the cost would be $45,500,000 per year.

The Department of the Interior commented favorably on the bill, but recommended several relatively minor amendments not adopted by the committee. The Department of Agriculture and the Department of Health, Education, and Welfare deferred to the Department of the Interior.

Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. WYATT) and ask unanimous consent that he may speak out of the regular order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PORTLAND, OREG.'S LINCOLN HIGH SCHOOL

Mr. WYATT. Mr. Speaker, I thank the distinguished gentleman from Ohio.

Mr. Speaker, in my constituency there is a very fine school, Lincoln High School, in Portland, Oreg. They have an outstanding drama group and this morning they performed a patriotic skit with songs, on the steps of the Capitol on the House side, called "George M."

These young people are dressed in white. The girls have blue skirts with stars. The young fellows have striped red and white vests.

They gave an outstanding performance, and I think in this day and age, when there are so many demonstrations against our system, it is a very healthy thing to see a group trying to do something affirmative and trying to pull this country together. I salute them, and their excellent leader, Ron Campbell.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CONTE) and ask unanimous consent that he may speak out of the regular order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONGRESSIONAL BASEBALL GAME

Mr. CONTE. Mr. Speaker, on August 14, 1945, Japan surrendered to end World War II. This August 14, there will be another surrender as the Democrats get clobbered in the 11th annual Rollcall congressional baseball game.

Yes, sports fans, you can all breathe a sigh of relief, because there will be a congressional ball game this year—if the Democrats can scrape together a team with all of them off running for President.

The GOP troops are beginning to rally around the old standard: GOLDEN GLOVE GOLDWATER, KILLER MCKEVITT, FAST LOUIE FREY, FOXY FRENZEL, FEISTY PETE PEYSER, IRONMAN DAVIS, SPEEDY RUBBER ARM MICHAEL are among those who have already answered the clarion call, dusted off their spikes and are limbering up for the contest.

Oh, by the way, we are letting the Red Sox and the Mets play a game afterwards, in order to help them draw a big crowd. Keep the date in mind: August 14, for the ninth straight victory of the Republican Congressional Baseball Team.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I certainly will support this rule. I have some reservations about the bill itself, however. As it is presently drawn, the major emphasis in H.R. 6788 is placed on exploration, extraction, processing, development of mineral resources, research, investigation, experiment, production, and demonstration. All of these words refer to the production of minerals rather than the protection of the health and safety of those miners who work in these industries and, in addition, the protection of the environment, which is very casually mentioned in the course of this bill.

For this reason, Mr. Speaker, at the appropriate time I plan to offer amendments to redefine the purposes of the bill, to make it crystal clear that this bill should refer to and place proper emphasis on the protection of the health and safety of those who work in the minerals

industries as well as the protection of the environment.

Mr. Speaker, I ask unanimous consent to have printed at this point in the RECORD a letter dated May 16, 1972, which I wrote to Secretary Morton on this subject, as well as other extraneous material referring to the point that this bill should emphasize health and safety and the environment.

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

There was no objection.

The letter and material are as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 16, 1972.

Hon. ROGERS C. B. MORTON,
Secretary of Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: Today, Assistant Secretary of the Interior Hollis M. Dole, testified before the House Select Labor Subcommittee concerning the recent disaster at the Sunshine Mine in Idaho and your Department's enforcement actions under the Federal Metal and Non-Metallic Mine Safety Act of 1966.

Mr. Dole was asked why the Bureau of Mines had failed to hire an adequate number of inspectors to enforce the 1966 law. In reply, he referred to his prepared statement, in which he said:

"The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education. H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safer occupation. We urge your immediate attention to this proposed legislation."

Only a few weeks ago, Mr. Dole testified before the House Interior and Insular Affairs Committee about the disaster in West Virginia last February caused by the breaching of a retaining dam of the Buffalo Mining Company. At that hearing, he was asked why the Bureau of Mines had not enforced its regulations forbidding such retaining dams unless they were substantially constructed. At that time too, he indicated that the regulations were not adequate and urged enactment of the Administration's proposed surface mine legislation. (Later, a Department official, according to the May 12, 1972, edition of the Washington Post, said that the Bureau "missed opportunities to avoid the disaster by failing" to apply the regulations.)

It is, of course, quite convenient for Interior Department officials to cite pending bills in Congress and imply that, without the enactment of such legislation, the Bureau's efforts to protect miners and the public will be hindered. I deplore these efforts to excuse the failures of the Bureau of Mines in protecting the health and safety of miners and the public.

Since listening to Mr. Dole, I reviewed H.R. 6788, which is scheduled for floor debate next week. I fail to find, in that bill, any basis for Mr. Dole's statement that its "principal objective" is to aid "mining schools which are developing the talent we must have to making mining a safer occupation."

The stated purpose of the bill is "to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology." Health and safety is not mentioned in the bill.

The Department's March, 1972, annual report under the Mining and Minerals Policy Act of 1970 also states that the bill is needed "in order to attract and insure enough manpower of sufficient quality to meet the requirements of the minerals industries." Again, health and safety is not mentioned.

Strangely enough, Mr. Dole did not cite, in his testimony, S. 659 which passed the House last November and is now in Conference. (Possibly this is because S. 659 would be administered by HEW, while Interior would administer H.R. 6788.) Title X of that bill (p. 338) clearly provides money for educational institutions to provide an "adequate supply of mineral engineers and scientists" for the industry and "for the public agencies concerned with such mineral activities, with the health and safety of persons employed in such industries, and with the protection and enhancement of the total environment." No similar statement can be found in H.R. 6788.

It is doubtful that the production-oriented Bureau of Mines will insist that a significant portion of the funds authorized by H.R. 6788 must be used "to make mining a safer occupation" or to protect and enhance the environment. I feel certain that most, if not all of the funds appropriated, will be used to train engineers and scientists primarily for production purposes.

While I have no objection to this program being administered by your Department, I believe that H.R. 6788 should not be enacted unless it is substantially amended to insure greater emphasis on health and safety of workers and environmental protection in the training of scientists and engineers. I urge that your Department promptly recommend such amendments before next Wednesday.

Sincerely,

KEN HECHLER.

ENVIRONMENTAL POLICY CENTER,
Washington, D.C., May 16, 1972.

Re Sunshine Mine disaster and H.R. 6788.
Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: As you are well aware, the House Select Labor Subcommittee has been conducting oversight hearings this week concerning the most recent mine disaster—this one at the Sunshine Mine in Idaho. The Department of the Interior has been represented by Assistant Secretary Hollis M. Dole who today attempted to clarify the Department's history of implementation of the enforcement regulations pursuant to the Federal Metal and Non-Metallic Safety Act of 1966.

In his testimony before the Subcommittee, Mr Dole cited as a prime factor in the Department's failure to fully promulgate the 1966 Act, a shortage of qualified mining engineers. Mr. Dole assessed the Department's difficulties as follows:

"The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education."

Mr. Dole has well articulated the plight of mining engineering schools, but, still lacks a satisfactory explanation for the rather phenomenal delay of four years between passage of the 1966 Act and commencement of an inspection program pursuant thereto in 1970.

There have been two major disasters resulting from mining operations since the beginning of the year. The Department of Interior's response to disasters is becoming sadly predictable—an appeal by the Department to the Congress for quick passage of new legislation, which in neither of the last two cases has been responsive to the cause of the disaster.

Predictably, Mr. Dole recommended to the Subcommittee today that Congress respond to the Sunshine Mine disaster with passage of new legislation backed by industry and the Administration.

"H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safer occupation. We urge your immediate attention to this proposed legislation."

Not only is there a conspicuous absence of health and safety curricula in the mining engineering schools, but, the legislation supported by the Administration, H.R. 6788 and S. 635, studiously avoids any references or directives to engineering mining schools to integrate health and safety research and courses into the curricula.

The legislative history of H.R. 6788 and S. 635 in contrast with the legislative history of Title X of S. 659, originally H.R. 3492, suggest that the deletion of health and safety and environmental protection and enhancement from H.R. 6788 was anything but accidental. The findings and objectives of H.R. 6788 state:

"(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, minerals resources, and technology."

The legislative intent of H.R. 6788 is in sharp contrast to that of Title X of S. 659, the Higher Education Act now before Congress, which states under a new Title XIII:

"Sec. 1301. The Congress, in recognition of the profound impact of mineral exploration and development on industries and on the interrelations of all facets of the natural environment, including, but not limited to, ground subsidence, mine fires, air and water resources, and fish and wildlife, and on outdoor recreation, aesthetic, agricultural, and other similar values of national, regional, and local significance, and in recognition of the fact that the prosperity and future welfare of the Nation is dependent, in large measure, on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, declares that it is the purpose of this title to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists (a) for the mineral industries engaged in research, investigations, experiments, demonstrations, exploration, extraction, processing, developing, and production of such resources in a manner consistent with the need to protect and enhance the quality of the total environment, and (b) for the public agencies con-

cerned with such mineral activities, with the health and safety of persons employed in such industries, and with the protection and enhancement of the total environment."

The legislation endorsed by the Administration and offered by Assistant Secretary Dole as a mechanism to avoid further disasters such as the Sunshine disaster is not only clearly production oriented, but fails to recognize any need for health and safety curricula in the mining engineering schools, and does not even offer discretionary language under Section 100(b) for health and safety research, investigations, demonstrations, experiments, and training.

It seems increasingly inappropriate for the Department of Interior to offer totally unresponsive legislation as a panacea in the aftermath of disasters. The Secretary of the Interior is in a remarkably unique position at this time to amend H.R. 6788 to make it responsive to the health and safety and environmental protection and enhancement curriculum needs of the mining engineering schools. H.R. 6788 is expected to be brought to the floor of the House next week, and in the event that Title XIII is dropped from S. 659, now in conference, it will be imperative for the Department of Interior to respond favorably to that language embodied in S. 659, if it is to be in anyway responsive to the causes it has cited for its failure to fully promulgate the 1966 Act. In light of the fact that the Department of Interior did not comment on the language embodied in S. 659, there is no legislative history opposing it. Specifically, we would recommend amendments to H.R. 6788 which would incorporate language from S. 659 contained in Section 1301, Section 1303(a), and Section 1307 (a) and (b), the latter providing for an advisory committee of balanced representation with a significant role to carry out the Act.

We would urge the Secretary of the Interior to closely scrutinize the glaring inconsistencies between the Department's assessment of the difficulties in implementing the 1966 Act and its legislative recommendations to correct those problems. We would urge prompt action by the Department to recommend amendments to H.R. 6788 which will include those sections of S. 659 which are germane and responsive to health and safety research programs.

Sincerely,

LOUISE C. DUNLAP,
Washington Representative.

HECHLER HACKS AT MINE BILL

(By Willia M. Steif)

Rep. Ken Hechler, D-W. Va., today led an attack by safety and environmental experts on a bill that would enable the Interior Department to dispense up to $45 million yearly to colleges to establish-mining research centers.

Altho the critics don't object to setting up such centers, they think their purpose should be broadened to promote mine safety and health and protection of the environment.

The bill, due for a vote on the house floor Monday, would provide up to $500,000 yearly on a matching basis for each state to set up a center at a tax-supported college.

The House Interior Committee report virtually mandates that one center be set up at Colorado School of Mines, Golden, Colo. Chairman of the committee is Rep. Wayne Aspinall, D-Colo.

RESEARCH

The five-year bill also would authorize $15 million to $25 million a year to finance research and demonstration projects. Interior committee sources said 25 to 30 states were expected to apply for grants. Colleges seeking the money would have to have at least one mining course in their schedules.

Rep. Hechler today complained, in a letter to Interior Secretary Rogers C. B. Morton, that the purpose of the bill were distorted in testimony given by Assistant Interior-Secretary Hollis Dole to a house subcommittee this week.

Mr. Dole, testifying on the recent mine disaster in Idaho, put in a plug for the mining research bill and a similar Senate-passed measure. He said they "have as their principal objective financial assistance to mining schools which are developing talent we must have to make mining a safer occupation."

Not true, said Rep. Hechler. The bill's purpose, he said, was "to stimulate" mining research and production.

"Health and safety are not mentioned," he said.

He said it was "doubtful the production-oriented Bureau of Mines" would sink much, if any, money into mining safety or environmental protection.

The Environmental Policy Center wrote Mr. Morton a similar letter.

The mining subsidy, in a different form, was part of the huge higher education bill the House passed Nov. 4, but in that bill the mining research purposes included assuring "the health and safety" of miners and assuring "the protection and enhancement of the total environment."

Those purposes were dropped out of the bill approved by the House Interior Committee April 27. Further, the interior committee gave the task of running the program to the Interior Department. The higher education bill would have delegated it to the U.S. Office of Education.

Aides of Chairman Carl Perkins, D-Ky., of the House Education and Labor Committee, said Rep. Perkins agreed to drop the mining research section out of the higher education bill that House and Senate conferees approved this week.

MORE MODEST

When the Senate passed a more modest bill last July, the Interior Department took no position. Since then, the Interior Department has become the bill's foremost advocate. Mr. Dole, in the House Interior Committee report on the bill, said the legislation was needed because:

The United States consumes "unprecedented quantities of mineral . . . basic to our society and to national security."

"We are grossly neglecting the mineral technology needed for economical production and processing in the face of widening world competition."

Trained U.S. manpower is decreasing. The number of mining schools has dropped from 26 to 17 in a decade and the number of mining engineers graduating annually has dropped from 239 in 1960 to a low 114 in 1971.

The committee called these trends "alarming."

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. TAYLOR).

(By unanimous consent, Mr. TAYLOR was allowed to speak out of order.)

SUPPORT OF PRESIDENT NIXON IN NEGOTIATIONS IN MOSCOW

Mr. TAYLOR. Mr. Speaker, all American citizens should wish President Nixon success as he negotiates with the Government of Russia. Let us hope that progress is made in lessening tensions in Southeast Asia, ending the war in Vietnam, and finding a formula for world peace. Decisions on these subjects are more apt to be made in Moscow than in Hanoi.

Congress should take no action that could undermine the President's efforts in Moscow or that might show division in the ranks of our own Government. Congress, like the American people it represents, should feel an obligation to support our President as he enters the negotiations. This is no time for the President and the Congress to be moving in different directions.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 11627, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 959 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 959

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11627) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 11627, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 976, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11627 as passed by the House.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 959 provides an open rule with 1 hour of general debate for consideration of H.R. 11627, the Motor Vehicle Information and Cost Savings Act. The resolution makes it in order to consider the committee substitute as an original bill for the purpose of amendment and the bill will be read for amendment by titles instead of by sections. After passage of H.R. 11627, the Committee on Interstate

and Foreign Commerce shall be discharged from further consideration of S. 976 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 11627 is to protect the consumers and to give information to them that will be helpful in purchasing automobiles.

The legislation is designed to cut down on automobile repairs by prescribing bumper standards which would be set by the Secretary of Transportation.

The Secretary is directed to make tests on passenger vehicles on the basis of their susceptibility to damage and make the results public.

From five to 10 diagnostic demonstration projects would be set up in States which meet the qualifications set forth.

The legislation would make it illegal to set odometers back on used cars.

The cost of the legislation is $18.2 million for fiscal year 1973, $27.1 million for fiscal year 1974, and $38.1 million for fiscal year 1975.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my friend from Indiana, Mr. MADDEN. This rule makes in order the consideration of H.R. 11627—Motor Vehicle Information and Cost Savings Act. The underlying purpose of H.R. 11627 is to make automobiles safer and less expensive to repair.

The bill contains four titles, each directed at a different aspect of the problem.

Title I directs the Secretary of Transportation to set Federal bumper standards which will reduce damage to vehicles in low-speed collisions. This provision supplements existing law by authorizing bumper standards designed to reduce property damage, in addition to protecting safety systems and equipment.

Title II provides for a consumer information study focusing on susceptibility to damage crashworthiness, and ease of repair. The results are to be disseminated to consumers in order to permit comparisons of different models. In collecting this information the Secretary of Transportation is given broad information-gathering powers.

Title III provides for a series of vehicle diagnostic demonstration projects to find the best method for testing compliance with safety and emission standards. This program is to be carried out by selected States with Federal aid.

Title IV makes it unlawful to tamper with an odometer—mileage indicator—and provides civil remedies for persons defrauded by violators of this law.

The total cost of this bill is $18,200,000 for fiscal year 1973, $27,100,000 for fiscal 1974, and $38,100,000 for fiscal 1975.

The committee did not report out the administration bill, H.R. 9353. The Department of Transportation opposes H.R. 11627, but would have no objections if title I were deleted and titles II and III were amended. The Department is opposed to title I on the ground that it provides excessive Government regulation of the marketplace. The Department would amend title II to allow 2 years rather than only 1 year to complete the automobile consumer information study. The Department would amend title III to allow greater flexibility in the requirements for demonstration projects.

The Office of Management and Budget concurs with the Department of Transportation.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE SPECIAL REPORTS

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

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

There was no objection.

MINING AND MINERAL RESEARCH CENTERS

Mr. EDMONDSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes.

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

The motion was agree to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6788, with Mr. REES in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. EDMONDSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 6788, as amended, a bill to establish mining and mineral research centers and to promote a more adequate national program of mining and minerals research. H.R. 6788 would also supplement the act of December 31, 1970, commonly referred to as the Mining and Minerals Policy Act.

This latter statute, the Mining and Minerals Policy Act, was passed by Congress in recognition of the need in this country for a broad overall policy regarding the use of our domestic mineral resources. It was also a recognition of the critical domestic supply situation with respect to many of these minerals.

By establishing broad national goals, the Mining and Minerals Policy Act was a strong first step to assist our domestic minerals situation. It also focused attention on the industry and its need for long-range planning and the establishment of long-range objectives.

Although the 1970 legislation established a much needed national minerals policy, it did not go so far as to provide specific implementing provisions to carry out the policy guidelines.

The proposal before us today, H.R. 6788, would supplement the earlier legislation and by financial assistance to the various States would encourage research in the mining and minerals field. It would also, most importantly, assist in the training of minerals scientists and engineers necessary to meet the challenge facing this Nation in meeting its future mineral requirements.

This Nation is minerals and energy hungry. Although we have only about 6 percent of the world's population, we consume about one-third of its minerals. Our minerals consumption is five times the world average.

Not long ago we were largely self-sufficient in minerals and we looked to other nations for relatively few commodities. At the same time our schools and universities were turning out a large number of graduates trained in the mining and minerals fields. Now both situations have changed. Our list of mineral imports is increasing and the number of our mineral engineers and scientists has decreased alarmingly. Where we once lead the world in minerals technology, we now are sadly lagging. In the past 10 years our graduates from mining schools have decreased 50 percent and there has been a similarly alarming decrease in the entire minerals education field. An industrial nation such as ours cannot long maintain a position of leadership or security unless we maintain scientific and technological leadership as well.

H.R. 6788 provides grants and financial assistance of three general types. They are:

First, section 100(a) authorizes an appropriation to the Secretary of the Interior of $500,000 annually for each participating State to assist in establishing and maintaining a mining and minerals research institute at a tax-supported school of mines or a tax-supported college or university conducting research in the minerals field. The Federal money would be matched, dollar for dollar, by non-Federal funds.

Second, section 101(a) authorizes the appropriation of $5 million for fiscal year 1973 and for each of the succeeding 4 years, for the expense of specific research and demonstration projects of general interest that would not otherwise be undertaken.

Third, section 200 authorizes the appropriation of $10 million for fiscal year 1973—increasing by $2 million each year for 5 years and continuing at $20 million annually thereafter—for grants to or contracts with educational institutions, foundations, Federal, States, or private foundations for research in any aspect

of mining and minerals programs that would not otherwise be undertaken.

Under these provisions, maximum Federal expenditures, which incidentally we do not anticipate will reach maximum levels, could reach $40,500,000 for the first year—1973—and increase to $48,500,000 in the fifth. For the sixth and succeeding years the maximum authorization would level off at $45,500,000.

Mr. Chairman, in my opinion this is an excellent and much needed program that undoubtedly will return may times over the Federal expenditures authorized for its development. I support it and urge favorable action by the House.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, I rise in support of H.R. 6788, a bill to establish mining and mineral research centers, and to promote a more adequate national program of mining and minerals research.

Today in the United States, mineral technology is in a declining state, despite the key role of minerals in our society and the vastly increasing worldwide demand for mineral products. The United States is the largest single consumer of minerals and fuels in the world. With only 6 percent of the world population, the United States consumes between 30 and 40 percent of the world mineral production. In fact, during the last 30 years, this Nation has consumed more mineral raw materials than the entire world in all previous time.

These enormous mineral requirements are growing every day, and the rapid depletion of our mineral reserves is accentuated by the decline in the development of the mineral technology needed for their profitable production and processing.

The purpose of this bill is to answer the growing call for new mining and minerals technology, and to promote, encourage, and stimulate the training of mining and minerals scientists, engineers, and technicians in these fields. Our present technology is far from adequate, and the number of minerals programs in the universities across the country is rapidly declining. The number of mining schools has decreased from 26 to 17 in only 10 years, and during the same period the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year. This legislation would move to ease the growing shortage of trained professionals in this vital industry.

It is also important to recognize that as our domestic production of essential materials falls off, we must increasingly depend upon foreign sources. During the decade of the sixties, the net value of mineral imports over exports tripled. This has occurred partially as a result of the neglect that we have shown to research in the field of mineral resources.

Our concern for a safe and clean environment also supports the need for a strong educational program in the minerals sciences. This concern could be reflected in three areas that relate to the minerals industry: mine health and safety, protection of the environment from the adverse effects of mining operations, and the assurance of an adequate, dependable supply of minerals and fuels.

I believe such a program would be highly beneficial in each of the 50 States. Many, if not most, States have unique minerals and mining problems to which State universities can direct their programs. An example of a fine school in my own district which could benefit from this program is Michigan Technological University. They have an excellent mining program which has the potential of saving the depressed mining industry in that area. To date, the minerals field has been sadly neglected. The extent to which we can fulfill the increasing and changing demands for minerals and fuels will be determined largely by our willingness to invest now in the research which will bring in large returns in the future in the way of a safer, more productive mining and minerals industry in this country.

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

Mr. RUPPE. I am glad to yield to my colleague.

Mr. ESCH. Mr. Chairman, I would like to identify myself strongly with the remarks of my colleague from Michigan and compliment him on his leadership in this area and the fine work he has done in the committee in representing our excellent institution in Michigan the field of mining education. I am hopeful with some improvement that this legislation will do a great deal to put the needed funds into institutions such as Michigan Technological University which can provide the wherewithal to make the contribution that is necessary in the field of mining.

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

Mr. EDMONDSON. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I rise in support of H.R. 6788, as amended and approved by the Committee on Interior and Insular Affairs, and I wish to make a few brief remarks regarding the importance of this measure to our Nation's future security and well-being.

The purpose of H.R. 6788, as amended and approved by the committee, is to provide a more adequate national program of mining and minerals research in the broad fields of exploration, extraction, processing and development of our unrenewable mineral resources by establishing mining and mineral research centers in the various States. These centers would promote and encourage the training of mineral scientists, engineers, and technicians and also encourage minerals research.

Congress recognized the need for a broad national minerals policy that would guide and assist both the Federal Government and private industry and in the 91st Congress passed the National Mining and Minerals Policy Act of 1970—Public Law 91-631. At that time it was also recognized that one of the most critical needs of the minerals industry was the lack of an adequate supply of trained and qualified engineers and scientists in the minerals field. The present proposal, H.R. 6788, would supplement the earlier National Minerals Policy Act and for the first time provide the necessary Federal legislation to stimulate minerals education, minerals research and the training of the necessary scientists and technicians, H.R. 6788 would accomplish this by providing financial assistance to the various States in order to permit them to build up their minerals education and research facilities.

The need for this type of research and education cannot be overemphasized. Without taking too much of the committee's time I will only point out that this country was once a leader in mineral technology. This is no longer so. Since World War II we have lagged to the point where we now turn to other nations for new ideas. Much of our mineral technology is outdated. This is nowhere more clearly shown than in our schools and our research efforts. While most other scientific fields, whether they be space or agriculture, have experienced a substantial growth, the minerals education and research effort has sustained an unequalled decline. The number of mining schools has decreased 50 percent in 10 years and the number of engineers graduating has dropped proportionately. Similar trends hold for almost the entire minerals field, including petroleum engineers, metallurgists, and geologic engineers. This trend must be reversed quickly if this Nation is to maintain its position of leadership and as a world power of the first order.

As the Members will recall, the House earlier this year passed the Higher Education Act which is now in conference. As passed by the House, the Higher Education Act includes a title X which is similar but not identical to the provisions of H.R. 6788. The Senate version of the Higher Education Act did not include title X. The Senate has passed S. 635, which is the companion bill to H.R. 6788. The conferees have met on the Higher Education Act and have not included title X in their report. The principal difference between the former title X and H.R. 6788 is in the administration of the program. Since primary interest should be on research, I feel strongly that the program should be administered by the Department of the Interior. The funding for the program as proposed in H.R. 6788 would not be much greater than was anticipated for title X of the Higher Education Act.

Mr. Chairman, this concludes my statement on H.R. 6788. I will be happy to answer any questions the Committee may have.

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

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

Mr. EDMONDSON. Mr. Chairman, I simply want to commend the distinguished chairman of the full Committee on Interior and Insular Affairs for the long effort and the continuous effort the gentleman has made to get this kind of legislation on the books, and to do something of a very substantial nature to step up the training of our mining engineers,

scientists, and technical personnel in the mining field. In this effort the gentleman has been a strong voice crying in the wilderness for a long, long time, and I certainly believe that the country owes him a debt of gratitude for what he has done in this field.

Mr. ASPINALL. Mr. Chairman, I wish to thank my distinguished colleague for his friendly remarks, and in return may I say that I think that the entire membership of the Committee on Interior and Insular Affairs of the House have been very much interested in this legislation which has been under the leadership for the last many years of my friend, the distinguished gentleman from Oklahoma (Mr. EDMONDSON).

I would add this: that the House understood the situation as far as the problems of the minerals and mining industry are concerned, many years ago when we in the House adopted a policy similar to that policy contained in the National Mining and Mineral Policy Act passed in the 91st Congress. We have recognized the changed needs of our Nation. We are beginning to recognize the potential energy shortages of the near future. The Committee on Interior and Insular Affairs has just recently held a hearing, and one of the better hearings I believe, that our committee has held for a long time, and we realize that on the matter of energy fuels. We live in today's world, demanding all of the good things of life. At the same time we recognize that there is indeed a need that we must keep the world as clean as we possibly can to keep the environment in a satisfactory condition such as will keep the world in continual operation indefinitely—making it possible for man to live today and tomorrow in that world. We must at the same time realize that these good things of life, which we all demand, come from the earth itself.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I shall not take the full 5 minutes, but I do want to rise in support of this legislation that is directed toward advancing the research programs on mining and mineral resources, as well as the technological advancement in this field. At the same time we must maintain the kind of environment quality control that is going to be absolutely essential as we look to the future and evaluate, with foresight, the challenges and pending crises in the natural resource and energy categories.

There was a time when we were considered to be a land of abundance with limitless resources but with qualified expert projections, this is no longer the case. We on the Interior Committee have attempted to "wake the country and tell the people" but for too long our words have been falling on deaf ears.

With the rapidly changing international situation, the expression "self-sufficiency" takes on more meaning.

Water resources, energy resources, renewable wood resources and all natural resources have sustained and provided the good life for us all. But, unless we manage these resources more scientifically, upgrade our attitude and standards toward higher environmental quality, balanced with economic and social considerations, this Nation and her people will find themselves in a position of being unable to meet the challenges of international trade and competition—as well as meeting the demands for goods and services here at home.

Establishing the mining and mineral research centers will provide the necessary national impetus to properly address ourselves to the 4 E's—environment, economics, energy and education.

The time is now and I'm pleased to have been a participant in this legislative effort under the able leadership of our chairman, Mr. ASPINALL, Mr. SAYLOR, Mr. EDMONDSON, Mr. MCCLURE, Mr. DENT, Mr. HANSEN, Mr. MCDADE, Mr. WYATT, and the members of the House Interior Committee.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation.

I would like to join my colleague, the gentleman from Oklahoma (Mr. EDMONDSON) in commending the chairman of the full committee and members of the subcommittee on both sides of the aisle headed by the gentleman from Oklahoma (Mr. EDMONDSON) for the work they have done on this piece of legislation.

This committee has recognized for a long time the importance of this type of research and if the Members in the other body would have recognized it several years ago, then the House Committee on Education and Labor would not have had to bother with this problem when they took up the House education bill.

I want to commend my colleague the gentleman from Pennsylvania (Mr. DENT) for having taken the role he did in seeing to it that it came in the education and labor bill and in bringing this matter to the attention of the country.

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

Mr. SAYLOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, the gentleman from Pennsylvania who is in the well of the House like the distinguished chairman of our committee, the gentleman from Colorado (Mr. ASPINALL), comes from a great mining State, a State with a great mining tradition. He, I think, also has earned the appreciation of the Nation for his leadership in endeavoring to get this kind of legislation and program on the books and to get national recognition of the shortage that we are facing today in trained personnel in this very important industry.

Mr. SAYLOR. Mr. Chairman, I thank my colleague, the gentleman from Oklahoma, for his kind remarks.

Mr. Chairman, as a principal sponsor of this legislation, I rise in support of H.R. 6788 as amended and reported by the Committee on Interior and Insular Affairs. The purpose of the bill is to provide a more adequate national program of mining and minerals research by providing matching grants and other Federal financial assistance to mining and minerals research centers throughout the United States established by this legislation.

I want to bring to the attention of my colleagues that the program proposed in this bill is based upon the same type of program, presently in existence throughout the United States, providing for water resources research institutes, which was passed by this House on June 2, 1964, and is now Public Law 88-379. The program to be established by this bill is not a new type of program proposed for your consideration. It is the same type of program we now support for water resources. The bill proposes a similar program for the mining and mineral resources of this Nation.

I would also point out to my colleagues that the importance of the mining and minerals research program, proposed in this legislation, to the economic well-being and natural security of this country cannot, in my judgment, cannot be overstated. I ask my colleagues to reflect for a moment and consider what there is in this Chamber that has not come from the mineral resources of this Nation through some mining processes. If my colleagues will extend their reflection outside this Chamber and consider the importance of mineral resources and mining to our individual everyday living, the importance of a more adequate national program of mining and minerals research becomes apparent.

The need for the program proposed in this bill was eloquently and pertinently expressed to the committee by Hollis M. Dole, Assistant Secretary for Mineral Resources, Department of the Interior. This is what Assistant Secretary Dole said to our committee:

> The United States faces three fundamental and interrelated problems with regard to its mineral requirements. The first is that these requirements are large and growing rapidly. We are 6 percent of the world's people and we consume one-third of its minerals. Per capita, our consumption of mineral resources is five times the world average, and several multiples above that of the developing nations.
>
> Between now and the year 2000, our consumption of primary minerals is expected to increase fourfold. Demands for certain metals, such as aluminum and titanium, are expected to increase sixfold. Demand for energy will triple. This means, Mr. Chairman, among other things, that over the next 30 years we shall need 7 billion tons of iron ore, more than a billion tons of aluminum ore, a billion tons of phosphate rock, 100 million tons of copper, 250 billion barrels of oil, and 1,000 trillion cubic feet of gas—assuming that we can obtain it.
>
> Although these are projections, and subject to the vagaries of future events, it is clear that they involve quantities of imposing magnitude. And they immediately raise the question as to how our mineral industries and our Nation can provide these unprecedented quantities of minerals that are basic to our society and to national security.
>
> The Nation is currently ill-prepared to meet this challenge. The drain on our richest natural resources has been severe. The most accessible minerals and fuels have been consumed at an accelerating rate to meet demands of armed conflict, cold war, and better living conditions for an expanding population. The burgeoning pressures have made the United States increasingly dependent on foreign supplies of essential minerals.
>
> The second fundamental problem—on which the first is largely based—is our failure to advance domestic mineral technology at a fast enough rate.
>
> The United States is not running out of mineral resources in the sense that domestic

supplies will become completely exhausted. This never happens. But every analysis indicates that we are grossly neglecting the mineral technology needed for their economical production and processing in the face of widening world competition. The seriousness of this critical situation is emphasized in the major conclusion of the recent study on mineral science and technology conducted by the National Academy of Sciences, the National Academy of Engineering, and the National Research Council, entitled "Minerals Science and Technology; Needs, Challenges and Opportunities." This report warns that—"Despite the key role of minerals in our society, and the vastly increasing world-wide demand for mineral products, mineral technology in the United States is in a declining state, and serious trouble lies ahead for the country unless corrective actions are taken promptly."

The United States was once a leader in mineral technology, but since World War II industrial research and development have lagged to the point where the U.S. industry has produced few new minerals recovery processes and techniques, and has turned to other countries for ideas and processes. By way of example, foreign developments have included basic oxygen steelmaking, flash smelting of copper sulfide concentrates, the zinc-lead blast furnance, continuous refining of crude lead, the hydrocyclone for separating fine mineral particles from fluids, autogenous grinding, and electroslag melting for producing high quality alloy steels. The technology for these processes has come from such nations as Germany, Sweden, Canada, Finland, the Soviet Union, Holland and Britain.

The lag of minerals technology is further evidenced by the fact that many of our present minerals recovery techniques are relics of the past and are still being used today with only modifications. The cyanide and amalgam processes for recovering gold date from the last century; flotation techniques for concentrating minerals are nearly 60 years old, the original patents for the processes used to produce aluminum were issued in the 1870's. It is generally recognized that this Nation is not finding conventional petroleum reserves to keep pace with growing demand, yet we are a good 10 years behind where we should be in the technology for producing synthetic liquid and fuels from alternate sources such as coal, oil shale, and tar sands. Automation has been introduced into coal mining without the necessary complementary training and technology for improving the health and safety of the miners.

Only through the use of imported processes and with the economies of size—mostly the product of aggressive equipment manufacturers—has the U.S. minerals industry survived. Each year, however, domestic production has supplied a decreasing proportion of the minerals required by the U.S. economy.

Technologic change and development, energetically applied, is a powerful force that can be exerted to improve the competitive position of the U.S. minerals production industry. The extent to which domestic sources can fulfill increasing and changing demands for minerals and fuels will be determined by the size and scope of the investment in minerals research and development including mined land reclamation and other environmental challenges, and to the extent that new innovative, and economic techniques can be developed.

This brings me to the third fundamental problem—to which these bills are more directly addressed—the problem of technical manpower.

Technologic advance is the daughter of research, and for a dynamic research program it is necessary to have an adequate number of competent, trained people.

Awareness of the dearth of people trained in the mineral fields that are available to the minerals industry has been reflected by numerous articles in the technical press. In the previously mentioned National Academy of Sciences report, which reviews and documents this urgent situation, it is pointed out that the whole broad area of minerals science and engineering has been woefully under-supported during the last 15 to 17 years when other scientific fields have experienced a growth of unequaled proportions. During this time no significant action has been taken by industry, the States, or the Federal Government. As a result, the number of mining schools has decreased from 26 to 17 in only 10 years, and during the same period the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year. Twenty years ago nearly 500 mining engineers were produced each year. Similar trends hold for petroleum engineers, extractive metallurgists, and geological engineers.

We view the developments I have just described with deep concern. During the 1950's American universities and colleges graduated approximately 2,000 mineral specialists each year. During 1967 only 1,350 minerals specialists were graduated. If this trend continues, fewer than 1,000 specialists will be graduated in 1985.

Approximately 70,000 mineral specialists were employed in the United States during 1967. Thus, only one new specialist was trained for every 50 that were employed. Obviously, this ratio is too low to maintain the present technical labor force. Between now and 1985 over 40,000 persons trained in minerals science and technology would have to be available to the labor market in order to sustain this technical labor force at the current level. However, based on present trends, fewer than 20,000 new mineral specialists will be trained.

In examining these problems, one is inevitably led to the conclusion that we have a great challenge before us. How do we solve these problems that I have discussed? If this is a Federal responsibility—and it is certainly a Federal concern—what type of program is likely to be most successful?

The Federal Government currently supports research and training programs at universities in many fields such as agriculture, water quality, forestry management, marine resources, and the health sciences. We believe that this support has paid handsome dividends in terms of technologic development. It is, therefore, altogether appropriate that similar support—such as proposed in H.R. 6788—be extended to the minerals school.

H.R. 6788, as amended and reported by the Committee on Interior and Insular Affairs, is responsive to the need for a more adequate national program of mining and minerals research. Section 1 of the bill recognizes that the prosperity and future welfare of this Nation is dependent on the development of our unrenewable resources. This section also states that the purpose of this bill is to stimulate, sponsor, and provide for such research and development, and the training of mineral engineers, scientists, and technicians in the fields of mining, mineral resources and technology.

Title I of the bill authorizes an annual appropriation to the Secretary of the Interior of $500,000 to assist, on a matching basis, each participating State in establishing and maintaining a mining and mineral resources research institute. Section 100(a) sets forth what schools in a State can qualify, provisions if more than one school in the State qualifies, cooperation between schools and States, and requires the center or institute to plan for the conduct of appropriate research taking into consideration current needs and research already conducted.

Title I also authorizes the appropriation of $25 million for 5 years for grants on specific research and demonstration projects of industrywide application which would not otherwise be undertaken.

Title II authorizes the appropriation of $10 million in fiscal year 1973—increasing $2 million annually for the next 5 years and continuing at $20 million annually thereafter—for grants or contracts to educational institutions, private foundations, and so forth, to undertake research into any aspects of mining and mineral resource problems not otherwise being studied.

Title III of the bill directs the Secretary of the Interior to maintain cooperation of all parties involved, to eliminate duplication, and coordinate the mining and mineral resources research program, publish information, disclaims control over other research or programs, and makes processes or patents resulting from Federal grants available to the public unless it is not in the national interest. Title III also provides for cataloging and a clearinghouse for research activities and the establishment of an advisory committee on mining and minerals research to assist the Secretary on all matters involving or related to mining and mineral resources research.

The Federal estimated cost of this program, figured on the basis of 50 participating States and the Commonwealth of Puerto Rico, is $40,500,000 for the first year and increasing to $48,500,000 in the fifth year. Thereafter, the program will level off at $45,500,000 annually. The estimated cost of this program is not excessive if measured or compared to the fundamental and interrelated problems facing the United States in meeting its present and future mineral requirements. Moreover, if the prosperity and future welfare of this Nation is largely dependent upon the proper extraction and development of our unrenewable mineral resources with due regard to our natural environment, then it is imperative that we embark this Nation on a program of mining and mineral resources research that is adequately and sufficiently funded to obtain the desired results in the future.

Mr. Chairman, I urge my colleagues to support the passage of H.R. 6788, as amended and reported by the Committee on Interior and Insular Affairs.

Mr. EDMONDSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. BARING.)

Mr. BARING. Mr. Chairman, in late 1970 the Congress approved, without a dissenting vote, a measure establishing a national policy "to foster and encourage private enterprise" to develop and maintain an economically sound and stable domestic mining industry.

The House Interior Committee, on which I have had the honor to serve for many years in reporting this measure, had this to say about the need for such a policy:

There appears to be little argument about the need for a broad national minerals pol-

icy to guide both the Federal Government and private industry with respect to this Nation's long-range minerals position. Ours is more and more a mineral-based economy and whether viewed as a part of a peacetime economy or as a necessary mobilization base in times of emergency, the future well-being and national security of our Nation is directly tied to the supply and availability of minerals.

As a nation we enjoy the highest standard of living and consume an enormous volume of minerals and their products. As a nation we also seek to maintain and improve this position and at the same time assure that future mineral needs can be met at reasonable costs.

The long-range outlook for an adequate supply of minerals in the United States is cause for concern. The easily found, higher grade deposits are being rapidly depleted, the grade of the ore is declining and costs are increasing. For these reasons and others, including increased competition from low-cost, high-grade foreign deposits and a shortage of trained mineral specialists and engineers in the United States, the domestic mining and minerals industry needs to have firmly established long-range objectives. The establishment of a national minerals policy would be a major step in the right direction as such a policy would foster the improvement of all aspects of the industry.

That committee also pointed out that we can no longer afford to ignore the need to strengthen our domestic mineral base.

The measure which this House adopted and which later became law imposed upon the Secretary of Interior the responsibility for carrying out this policy and for reporting to Congress each year the status of our mineral industries and his suggestions for improving our domestic minerals position. His first report has just been submitted to us and it verifies the concern the House Interior Committee has frequently expressed that we must build and maintain a strong domestic mining industry and lessen, wherever possible, our dependence on foreign supply sources, particularly in these days when nationalist attitudes are on the rise, when expropriation is the order of the day, and when other mineral-consuming nations are rapidly pinning down available world supplies.

Our ever-growing population and our insatiable appetite for minerals and fuels are bringing us to the position where we must decide whether we have to lower our standard of living, thus reducing our mineral demands, or meet our mineral and fuel needs through enlightened policies which encourage our mineral development at home and in secure foreign sources.

The report of the Secretary of Interior responds to our requests for data to tell us where we stand mineralwise and what our outlook is for the future. It makes it clear that we have mineral deficiencies and that these deficiencies are growing. It points out that we use 91 different minerals, of which some 44 were imported in varying degrees. For example, in 18 instances, more than half the U.S. requirement was imported; and in 14 instances, more than three-fourths of the U.S. requirement was imported; and in 7 instances, all U.S. demand came from foreign sources. The percentages tend to grow each year.

The risks of such growing reliance can be lessened because with continuing encouragement as called for in the policy and creation of a more certain and favorable atmosphere within which to operate, U.S. private enterprise is competent to find and develop domestic mining materials in sufficient volumes to supply a large share of our growing national needs.

Firm and encouraging rather than discouraging mineral policies will prove highly important to the mineral development in Nevada. Our State has great mineral resources. It has been a producer throughout its history. But it has seen its production decline over the past year. A strong set of policies, geared to the long range, is needed to provide incentive for unlocking the minerals in Nevada's underground storehouse.

Last year saw a decline in mining activity in Nevada, particularly in the metals field. Lower production of gold, mercury, and copper resulted in a 14-percent decrease in the value of the State's mineral output.

Production values of metals decreased 19 percent, mineral fuels—petroleum—decreased 15 percent, while nonmetals increased 7 percent. I hope that these industries will record gains this year but I do not think we can achieve progressively greater production unless our national policies are changed to assure those risking their capital in mining that they can plan for greater future production without having the rules of the game changed so as to throw up roadblocks to development. It is a sad commentary that our domestic mercury mining industry has been shoved down the drain because of alleged, yet unproven, ill effects upon health and the environment. That industry has not only virtually ceased to exist in Nevada, but throughout the west as well. In Nevada alone the value of mercury production dropped from over $2 million in 1970 to slightly over $400 thousand in 1971, and the 1972 figure will be smaller yet. I understand that it is possible that our copper producing industry may be hard hit as a result of imposition of stringent sulfur emission standards which will cut down our copper smelting capabilities. Should this situation continue we shall, in effect, be exporting our smelting needs with the consequent loss of jobs in the United States.

I think all of us should take heed of the warning signals in Secretary Morton's report. We failed to heed the warnings of many years ago regarding our energy situation and look where we are today. If we are to avoid a minerals crunch in the future we should take action now to improve our domestic minerals base. We have been warned of our growing mineral dependency on foreign sources and this alone points to the need for policies to encourage private enterprise to find and produce more from domestic deposits, find more efficient methods of extraction and use, and reclaim and recycle those minerals and fuels now consigned to the scrap heap.

With our standard of living and perhaps our national security at stake I believe we must aim for expanded domestic mineral output under a favorable economic atmosphere and a realistic approach to environmental improvement balanced with production needs.

I hope that Congress will expeditiously consider ways and means to improve our mineral situations before our economy and security suffer serious shortages.

Mr. EDMONDSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT) one of the able advocates of this proposal.

Mr. DENT. Mr. Chairman and Members, I am pleased to rise in support of H.R. 6788, the Mining and Minerals Resources Research Act of 1972.

This bill—although reported by the Committee on Interior and Insular Affairs—is not unlike title XIII—Improvement of Mineral Conservation Education—of the Higher Education Amendments of 1971, reported by the Committee on Education and Labor and passed by the House last November. Title XIII was included in the higher education package on my motion and with the gracious consent of the gentlelady from Oregon (Mrs. GREEN), chairwoman of the education subcommittee with jurisdiction over the subject matter. While in conference with the other body on the higher education bill we agreed to delete our title XIII in the interest of and in deference to the bill now before us, H.R. 6788.

Mr. Chairman, this bill is needed and I am enthusiastic in support of it. The Chairman of the Committee, Mr. ASPINALL, and his ranking minority Member, Mr. SAYLOR, as well as Mr. EDMONDSON are to be commended for their diligence and concern in bringing it to this point. And I fully expect we will see a new public law on our statute books within the near future.

Mr. Chairman, I would be remiss if I did not at this time take this opportunity to tell the House that there was never any controversy between the gentleman from Colorado (Mr. APINALL) and the gentleman from Pennsylvania (Mr. SAYLOR) or the gentleman from Oklahoma (Mr. EDMONDSON) on this legislation with myself, the original sponsor of the act in 1969.

We agreed that we would try both avenues, that we would bring it through the Committee on Education and Labor and also through the Committee on Interior and Insular Affairs in order to obviate any question as to the germaneness of the subject or as to its proper position in the legislative process. We all agreed that whichever bill that was decreed to be the correct one, that is the one we would support.

I wish to thank all three of these gentlemen for their enthusiastic support of this very much needed legislation. They have been unselfish, cooperative, and very helpful all the way along the line, both in relation to the bill before us as an amendment to the Education and Labor bill, and in this particular primary legislation.

Mr. Chairman, the bill recommends the expenditure of funds to establish and support mineral resource research institutes at land-grant universities and mining schools. The institutes will be dedicated to the further development of mineral science and technology to in-

crease the Nation's mineral resource base and strengthen its mineral industries.

The legislation, when passed and funded, will do for our nonrenewable resources—minerals—that which we traditionally have been doing for our renewable resources—agricultural products. We are concerned here with solid waste disposal, recycling of waste materials, energy blackouts, and the pollution of the underground, to name only a few.

Whether the problem is in preventing roof falls, mine fires, gas explosions, conducting mining without surface subsidence or strip mining in such a way as to be able to restore the natural beauty and utility of the land, every State in the Union has problems pecular to its geology and the patterns of land use and population. Techniques of mining, procedures assuring safety, and methods of restoration, all will differ radically from one place to another. The setting up of agricultural experiment stations in every State of the Union was not a matter of political expediency. It recognized the infinite variety of farming techniques and farm life that exist within the United States. Can anyone deny the success of this State-by-State approach in resulting in the most productive agricultural economy the world has ever known? Unfortunately we are not in the same position relative to our mineral economy. With each day that passes, we become more dependent on foreign supplies of minerals which in turn become less dependable in terms of price and supply. We find controversies raging over regulation of mining and mine safety. Not a small part of this controversy arises from the fact that adequate research and education have not been focused on the problems of the individual States in the Union so that local regulations could be made suitable to the local situation with both the economy and quality of the environment improved. It is essential that education and research in these fields have the broadest possible base and reach the broadest and largest number of people possible. Not only do we need information and professional practitioners of the technology, but we must help as many students as possible to obtain a broad liberal education including opportunities to participate in research and development in mineral exploration, extraction, and in conservation and to rub shoulders with and sit in the classroom with the men who understand the complexity of the problem.

The application and implementation of research results, just as in the case of the Agricultural Experiment Station, needs to be carried out by people who are familiar with local industries and people. One of the greatest problems America faces now is how to communicate the results of our billions of dollars worth of research and translate them into changes in our industrial and social life. This does not come about through an edict from on high but only through personal conduct and demonstration in the field of the feasibility of these changes. Again this has been amply demonstrated in every State and in every county of the United States by the Agricultural Extension Service. There is no reason to believe the situation is any different in mining and mineral extraction from what has been faced and is currently faced in agriculture. Some States and regions of States which have not been considered great mineral producing areas have very serious mineral and material problems if only in the sand, gravel and construction material areas. How to extract these materials locally with the least disruption of life and commerce, how to locate new sources and to restore mined areas is, and will continue to be, a major problem in areas considered more metropolitan than mineral producing areas. There is no State which does not have these problems or which will not very rapidly develop these problems.

Mr. Chairman, this legislation addresses itself to these realities. And it offers remedial relief.

I urge its acceptance.

Mr. Chairman, I have also introduced similar measures since 1969. My colleagues are aware of my deep interest in mining practices; an activity which has been of major proportion in my State since the 1800's. The legislation is years overdue.

The two recent disasters associated with mining—the Buffalo Creek flood in West Virginia, and the Sunshine Mine fire in Idaho—are sad testimony of the neglect by Government of mineral education and research. My committee brought before you the toughest mine safety law in this country's history which subsequently became law—the Coal Mine Health and Safety Act of 1969. The act recognizes that research is one of the keys to safe mining practices. It mandated that research to improve working conditions and practices be conducted and even went so far as to provide an exemption to any mandatory health or safety standard for the purpose of permitting accredited educational institutions the opportunity for experimenting with new and improved techniques and equipment to improve the health and safety of miners. The sad truth is that the mineral research base in the universities of our Nation is far too weak to support this significant research at the high level envisioned.

Strong schools concerned with mineral resources are needed and should exist in each of the major mineral States, just as we have strong agricultural schools in the important agricultural States. Not only to prevent disasters and protect the lives of miners who toil every day to give this country the highest standard of living in the world, but also in the interest of conserving our natural resources, we must invigorate our university mineral engineering programs. This will provide crucially needed research results and at the same time the required engineers and scientists who will have appropriate training in mining and related fields. These experts are needed to staff our industry and Government programs designed to solve the Nation's serious mineral resource and environmental problems.

This bill will be an important step in the direction of building up the needed mineral engineering programs in our institutions of higher education. Its operative provisions call for a sustained, annual funding sorely needed for establishing and maintaining mineral resource schools, supplemented by research funds to solve local and industrywide problems by both the institutes as well as other qualified laboratories. I urge my colleagues to give it their full support.

Mr. QUIE. Mr. Chairman, the need for more adequate national programs for mining and minerals research through the establishment of these mining and minerals research centers, I think, cannot be overemphasized. The previous speakers have laid out good testimony about why we need legislation of this nature. I want to indicate my strong and full support for the objectives of this bill.

I would like to point out one problem, however, and that is the unlikelihood that all the States would secure a research center or institute, nor do I think it would be wise if all the States would secure one if they wanted it. I think this ought to be more on a regional basis. As previous speakers indicated, there are 16 institutions offering mining engineering degrees at the present time. Let me read them:

Pennsylvania State; VPI; University of West Virginia; Michigan Technological University; South Dakota School of Mines and Technology.

Montana College of Mineral Science and Technology; Colorado School of Mines; New Mexico Institute of Mining and Technology; University of Nevada (Reno); University of California (Berkeley).

University of Idaho; University of Alaska; University of Utah; Wisconsin State; University of Minnesota; and University of Missouri (Rolla).

Mr. Chairman, I will propose an amendment that we limit these institutes or centers to 20. This would take care of the 16 that presently exist, and if some other parts of the country should need a research center for their region there would be four that could be distributed in those parts. If there is need for any more than that, I think it would be wise for us to come back to the Congress again and find out if there is need and if Congress wants to authorize the money for those.

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

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

Mr. ASPINALL. Mr. Chairman, do I understand that the amendment the gentleman will offer will provide that there be an institute in each one of these 16 schools that the gentleman has named, and it will allow for four more? Is that what the gentleman has in mind?

Mr. QUIE. My amendment provides for 20 centers, and it would be assumed those 16 presently in operation providing mining engineering degrees would qualify, because those States have an ongoing program. If that was the case, there would be four more that the other States could compete for.

Mr. ASPINALL. Mr. Chairman, if the

gentleman will yield again, I wonder if it is fair to assume that, with the authority being given to the executive department, it would naturally follow that the 16 would remain and that they would be a part of those areas which the gentleman would provide for? If we consider Montana, Utah, and Colorado, they are all within the same region. Yet they offer at the present time some of the best opportunities in this field under the provisions of this act. I would hate to have either one of them denied the possibility of serving and providing the quality of service which they are qualified to render.

Mr. QUIE. The need for extensive mining research in those States no doubt should continue. I do not think we ought to be passing a bill here that would deny a State, which has already committed its resources to mining research, any benefit under this legislation.

Mr. ASPINALL. I thank the gentleman.

Mr. QUIE. The other provision of the amendment would be to drop out the sentence under section 102 which reads:

> The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships.

The gentleman from Pennsylvania (Mr. DENT) commented here that we in the conference committee on the higher education bill agreed to delete the title having to do with mineral education, because it in the meantime came out of the Interior Committee, and a comparable bill had passed the other body, and that, therefore, we should not assume a responsibility which was that of the Interior Committee. The conference did go ahead and authorize fellowships under sections 961, 962, 963, and 964 of the higher education bill, which provides a $1 million authorization for 1973 and the two succeeding fiscal years to assist graduate students of exceptional ability who demonstrate an exceptional ability in the fields connected with mining of oil, gas, coal, oil shale, and uranium, et cetera.

With this authorization for the additional fellowships, I do not think there is an additional need, and it would leave the $500,000 per State for research centers or institutes for this purpose, and it need be used for fellowships.

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

Mr. QUIE. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The Engineers' Council for Professional Development lists approximately 30 universities in the country that have degrees in mining, metallurgical, mineral or geological areas, all of which would be potentially eligible for participation in this program.

Mr. QUIE. Those are undergraduate degrees, not graduate degrees.

Mr. EDMONDSON. These are first degrees.

Mr. QUIE. First degrees. And 16 provide graduate degrees.

Mr. EDMONDSON. I believe, when we look at the potential present in these more than 30 institutions we are really contemplating an injustice to some of these States that have a great mineral potential but do not have at the present time graduate programs that would qualify and come in under a strictly limited program, holding it to only 20 regional centers.

I hope the gentleman's amendment will be defeated.

Mr. QUIE. I say to the gentleman, if we are going to have 30 centers around the country, the research money is going to be dissipated where we will not have effective research. We have seen this in other areas and have had to limit the centers to concentrate it for effective research.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is the gentleman from Minnesota aware of the provision dropped in the higher education conference which referred specifically to "recognition of the profound impact of mineral exploration and development on the health and safety of persons working in the mineral industries and on the interrelations of all facets of the natural environment?"

Health and safety and the environment were all mentioned in that section dropped from the higher education conference, and are not mentioned in the language of H.R. 6788.

I want to call this to the attention of the Members of the House. It would seem to me that health, safety, and the environment are very important subjects which must be put into proper perspective.

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

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

Mr. QUIE. Mr. Chairman, I read from section 964, which says:

> A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded—

Which is mineral education.

So I do not see anything in the language in the conference report we agreed to having to do with health and safety. The entire field of domestic mining, minerals, mineral fuel conservation, including oil, gas, coal, and uranium would be involved.

I do not see such language in part D of the conference report at all.

Mr. EDMONDSON. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, first I should like to add my voice of commendation to the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL); the chairman of the subcommittee, the gentleman from Oklahoma (Mr. EDMONDSON); and the gentleman from Pennsylvania (Mr. SAYLOR); for helping to focus attention on the shortage of scientists, engineers, and others in the mineral industries.

Certainly, since I come from one of the two largest coal producing States in the Nation, I am cognizant of the tremendous need for additional training of scientists and engineers to strengthen our mineral industries.

The major defect, as I see it, in the way that the bill is now drafted is that it places the emphasis almost exclusively on production and processing of minerals rather than recognizing the need for protesting both the miners who extract these minerals and the environment.

Mr. EDMONDSON. Will the gentleman yield at that point?

Mr. HECHLER of West Virginia. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I know how keenly the gentleman feels responsibility in that area, and I commend him for it.

I direct the gentleman's attention to the fact that the rules of the House specifically place the welfare of miners within the jurisdiction of the Committee on Education and Labor and specifically limit the jurisdiction of our committee in that field. I think this has the result that it has been generally conceded that mine safety legislation and all legislation dealing with the hours and pay and working conditions of miners will originate in the Education and Labor Committee. Our committee has long regretted the fact that the Mines and Mining Subcommittee does not have jurisdiction in the field of safety, but I think the gentleman has to recognize that we are trying to deal in the area of our jurisdiction.

Mr. HECHLER of West Virginia. I thank the gentleman from Oklahoma. I believe he is downgrading the importance of his own committee when he says it cannot deal with the protection of health and safety.

Mr. EDMONDSON. Will the gentleman yield further at that point?

Mr. HECHLER of West Virginia. I certainly will.

Mr. EDMONDSON. I said the health and safety matters affecting the miners themselves. We have recognized the need for general responsibility in the field of the environment. The gentleman incorrectly stated that our bill does not mention environment. As a matter of fact, if you look at page 4 of the bill, you find reference to the ecological aspects of mining and how it relates to the natural environment.

Mr. HECHLER of West Virginia. In the 5 minutes I have I think the best thing I could do, Mr. Chairman, is to read the bill. Listen to the bill, Mr. Chairman.

On page 1 it says:

> In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources . . . the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, expiration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

If that is not an emphasis on production, Mr. Chairman, I submit I certainly cannot read or understand the English language.

Mr. ASPINALL. Will the gentleman yield to me?

Mr. HECHLER of West Virginia. I am glad to yield to the distinguished chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. The gentleman read the qualifying sentence which is the phrase "a large measure." We did that because we were and are thinking in terms of what is necessary for the people as far the minerals in the country are concerned. We do not downgrade the rights and the health and safety of those working in the industry. Actually, we supported the Committee on Education and Labor on the matter of furthering the health and safety of those engaged in the industry and we will support your committee further. Here is a bill that has to do with just exactly what you read—with the finding, exploration, production, and processing of minerals, so that they can serve the public. How should they serve them? They should serve them in accordance with the best interests of the environment. The qualifying statement that my colleague from Oklahoma read certainly takes care of the situation.

I do not want to interfere, I say to my colleague, with the jurisdiction of the Committee on Education and Labor. We made a point of order about title X, and we were overruled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDSON. I yield the gentleman 2 additional minutes.

Mr. HECHLER of West Virginia. At the appropriate time, if and when the committee offers a point of order, of course, I will discuss this more specifically. It is very clearly stated in the rules of the House that the Committee on Interior and Insular Affairs does have jurisdiction over training and mining schools. This jurisdictional authority is set forth in rule XI, under clauses 10(k) and 10(l). I simply want to make sure in the amendment that I am offering to this bill that equal attention is given to the health and safety of the persons working in those mineral industries and equal protection is given to the natural environment. In the past 18 months we have witnessed three major disasters in the mining industry culminating in a total of 239 preventable deaths.

I think it is absolutely essential that the training provided for in this legislation place the same emphasis upon the protection of those who work in these industries as is placed on production.

The development of the "continuous miner" now used in the production of coal is no lifesaving machine. It goes "gung ho" on the production of more coal, but it provides great risks to both the health and safety of miners. It stirs up more dust and weakens the roof. We need trained scientists and engineers not only to increase production but also to protect the men who work in the mines. The Committee on Interior and Insular Affairs has full jurisdiction of placing this entire problem in the necessary perspective in which it should be placed.

Mr. Chairman, I trust that there will be sufficient support for an amendment that will indicate very clearly where Congress intends the perspective and priorities to be placed on the training of these mining engineers and scientists, not only in the production and extraction of minerals but also in the protection of the miners and the environment.

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

Mr. HECHLER of West Virginia. Yes, I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I take this time to inquire as to how this money will be coordinated——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

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

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I think it is time to inquire as to how this fund will be correlated with the Office of Science and Technology. Later this week we are going to be asked to appropriate $2.1 billion. How will this authorization relate itself to that office in the administration of that fund?

Mr. EDMONDSON. Is the gentleman directing that question to me?

Mr. VANIK. Yes, I am directing the question to the chairman of the subcommittee, the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. I think the President is given authority to coordinate all of these research programs and to make the adjustments and coordinating requirements within the various programs that are necessary.

It is entirely possible under section 306 on pages 13 and 14 that people from the Office of Science and Technology could be designated as part of the Advisory Committee participating in this program.

The Secretary is given a wide latitude in the designation of the Advisory Committee which will be in charge of the program.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. EDMONDSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I would like to also inquire as to why this act omits any reference to the need for developing new resources of energy.

As I understand it, it is directed solely to the processes of mining and extraction.

What about the problem of new sources of energy, why is that omitted from this proposal

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield, I do not think this proposal necessarily eliminates it. As a matter of fact, I think the emphasis on the vital minerals that are involved is very necessary with reference to sources of new energy processes and new power sources which will be directly dependent upon the minerals research authorized here.

Mr. VANIK. Would sources of new energy be included in the development of research in the extraction industry?

Mr. EDMONDSON. It certainly would be.

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

Mr. EDMONDSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in favor of H.R. 6788.

Mr. Chairman, there has been a serious lag in the advancement of mining and mineral production and technology during the last several years in this country. This bill should be helpful in alleviating that problem and I recommend the passage of the measure, H.R. 6788.

It is with a great sense of urgency that I ask the Members of this House to give favorable consideration to this much needed legislation. At a time when we are faced with a great need for increased mineral production we see a decrease in the number of students preparing to become mining and mineral scientists, engineers, and technicians. The Federal assistance that this bill would offer for research along with the matching grants should go a long way toward alleviating the problem of decreasing specialists in these fields and help us to prepare the necessary number of students with the needed expertise in these areas.

At this point I would like to share with this body the language from a letter I received from Chancellor Merl Baker of the University of Missouri at Rolla:

> Due to the national interest in and support of nuclear, space, and other technologies during the past two decades the total enrollment in our mineral engineering disciplines of ceramic, geological, metallurgical, mining and petroleum engineering of our School of Mines and Metallurgy has declined from some 620 students in 1959 to 385 in the current academic year. Because of the increase in salaries and cost of materials and supplies, which have attended this decline in enrollments during this period, our instructional cost in these degree programs has increased by more than a factor of four and are the highest of all engineering programs in the University. In the past decade twenty-three mineral engineering degree programs in this country have been terminated because of instructional costs, and according to recent reports some four others are scheduled for termination at the close of the current academic year.
>
> As I am sure you appreciate, the lead district in Missouri is the world's largest lead producing region, and in 1970 it accounted for three quarters of the total lead produced in this country. In the period from 1968 to 1970 the total value of all mineral products of Missouri increased from $276 million to $395 million, and the production for the current calendar year is anticipated to exceed a half billion dollars. The mineral industries make a significant contribution to the economy of the state, as well as the country. Current projections suggest that mineral production in this country must be approximately quadrupled by the turn of the century to sustain the nation's economy and security. If this is to be fulfilled and the mining industry concurrently brought into compliance with the environmental, health and safety, and land-use legislation, it is essential that the mineral engineering manpower needs of industry, government, and universities be met.
>
> While the funding recommended in the provisions of H.R. 6788 may not suffice to encourage the initiation of new academic pro-

grams in these disciplines, it will certainly be adequate to bring the costs of on-going programs in line with those of other degree programs. In our judgment the on-going mineral engineering degree programs probably have the capacity to fulfill the manpower needs to the middle of this decade, and we would sincerely hope this legislation will be enacted such that these programs might be sustained.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, in a very short time we will be discussing a bill regarding auto safety, and if we establish the same pattern we are establishing on this bill, I suppose we could include something regarding rubber plantations in Latin America and all of the steel mills which produced materials that go into automobiles.

There is nothing environmental, there is nothing about research on processing of minerals in the Mine Safety Act. It is a different proposition. We have a Mine Safety Act, we have a Environmental Protection Act. Every time you have any mining venture you have to have an economic impact statement. That is already there. We do not include all aspects of every industry in each bill we consider. The House Rules do not permit such inclusions.

But just let me go a little further into what this bill does. We have had some delineation of what the bill does not do.

The bill says:

Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology, supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological,

Et cetera, et cetera. Those are the possibilities.

Now, why do we have this bill? We have a bill on mine safety, we have an environmental bill. We have fallen behind in the production of metals, minerals, and the oil that we need to make this country run. That is the purpose for the bill. And it is a legitimate purpose. No one need apologize for bringing in a bill to do this one thing. We are going to have to import half of our oil by 1980, and this raises some problems even as far as future foreign relations are concerned. That is one of the reasons for the need of this bill. The only resource for energy that we have at the present time which is plentiful is coal. We have about 2 trillion tons of coal in known reserves. How do we use it? Well, after we pass the Land Protection Act, the Strip Mining Act you are not going to be able to do any mining for coal, unless somebody comes up with a new method of extraction. Who is going to do it? We have to have somebody trained to do that job. How are we going to get that coal out without disturbing the environment? And then having extracted it then we have got to clean it, to clean out the sulphur, and so forth. We can scrub it, and we can put all these devices in the smokestacks to control the emissions of the sulfur. We still do not have the technology. We have to get that job done. We have an Office of Coal Research in the Federal Government which has appropriations to try to do that job. This bill tries to control duplication of effort.

If we did all of the things that some of the Members suggest that we add to this bill, we would have duplication of effort all over the place. This bill is designed to try to help make the wisest use of our mineral resources we can find in this country, and to utilize those resources even through recycling. We do not want to reduce our environmental considerations.

This is the purpose of this bill, and we had better get on with locating and with the complete utilization of all our minerals in this country.

I want to return to the oil business for 1 second. We will be importing half our oil very soon, and most of that oil will come from the Middle Eastern nations. I think you can conjure up in your mind the kind of foreign diplomacy problems that brings up. You will have to build oil tankers costing probably $12 billion in order to carry the oil, and then you will have to spend $2 or $3 billion to build the ports in order to handle these tankers. All the time we have some resources ourselves under our own control which are not located, which are not readily available. So we must get on with the job of locating our resources if we are going to exist as one of the leading nations in the world. We need technology in mining and utilizing vast oil shale deposits.

This is what the bill is all about and, for Heaven's sake, let us not hang all of the trinkets on it that cover every possible connection with mining and mineralogy, because if we do we will not accomplish the task that we seek to achieve here today.

Mr. LLOYD. Mr. Chairman, I am pleased to support H.R. 6788, a bill to establish mining and mineral research centers, and promote a national minerals research program.

The University of Utah College of Mines and Minerals is recognized by both Government and industry experts as one of the leading schools in the Nation in mining and mineral sciences. As such, it is expected to be one of the leading candidates for the high-quality research required under this legislation.

Our requirements for more energy and mineral resources are growing rapidly, but we are lagging behind in technology and training for personnel to help meet these needs.

The United States contains only 6 percent of the world's population, but consumes one-third of the world's minerals.

In testimony before our committee, it was stated that, between now and the year 2000, U.S. consumption of primary minerals will increase fourfold, and demands for energy will triple. To produce the staggering quantities of minerals we need more advanced technology and a greater number of trained professional personnel in the mineral sciences.

I believe H.R. 6788 gives us the means to provide for these needs, and I encourage the House to give this legislation its approval.

Mr. McCLURE. Mr. Chairman, I rise in support of H.R. 6788, a bill "To establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes."

Nowhere has the need for this legislation been better stated than by Hollis M. Dole, Assistant Secretary for Mineral Resources, Department of the Interior, in his testimony before the committee. Briefly, Assistant Secretary Dole's testimony is to the effect that our demand for mineral resources exceeds production and is increasing at an alarming rate; that our mineral technology has not kept pace with those demands; that domestic research is necessary to produce the technology our demand for minerals consumption dictates—and which requires trained technical manpower—but the numbers of mineral specialists, scientists, and engineers graduating from our schools has been dwindling, not increasing.

We are aware of the problem, but we have not provided the implementing wherewithal to solve the problem.

H.R. 6788 is designed to help remedy that situation. This bill picks up where the National Mining and Minerals Policy Act of 1970 (Public Law 91–631) left off. The bill provides for implementation of that legislation which focused attention upon the ills of our minerals industry and provided long range guidance for Government and private industry. The stated purpose of this bill is to establish mining and mineral research centers to promote a more adequate national program of mining and minerals research and to provide authorization for the necessary funding.

To accomplish that purpose, $500,000 are authorized to be appropriated annually to each participating State to assist them in establishing and maintaining research centers or institutes at their tax-supported school of mines or tax supported college or university conducting research in the minerals engineering field. That grant would be matched on a dollar-for-dollar basis by each recipient State. Where more than one institute within a State qualifies for matching funds, in the absence of a designation to the contrary by act of the State legislature, the Governor of the State is authorized to designate the institute to receive the funds. This matching grant might be termed "seed money"—the funds necessary to start things rolling.

The bill also provides for an additional appropriation of $5 million to the Secretary of the Interior for fiscal year 1973 and each of the next succeeding 4 fiscal years for the expense of specific research projects which are of industry-wide application and which would not otherwise be undertaken. These funds would be available upon application approved by the Secretary of the Interior, which application would show, among other things, the need for the knowledge which the project would be expected to produce and the opportunity that the project provides for training of engineers and scientists.

The bill contains provisions assuring that the results of research will be published and programs will be coordinated

in order that the solutions to mining and mineral resources problems involved will be disseminated. Specific requirements and controls upon the qualifications for fund receipt and upon fund use are set forth within this legislation to ensure that the objectives of the legislation are met.

This bill also provides for the appropriation of $10 million in fiscal year 1973, to be increased by $2 million annually for the next succeeding 5 years for grants to or contracts with other educational institutions, Federal, State or local government agencies and private organizations to conduct research into mining and mineral resource problems related to the mission of the Department of the Interior which are desirable and which are not otherwise being studied. The Secretary of the Interior is to prevent duplication of effort and to utilize existing facilities wherever practicable in this regard.

Specific provisions are contained in the bill providing for Federal and State interagency cooperation and coordination; providing for a central "clearinghouse" for resulting information; for Presidential clarification of agency responsibility where uncertainty may arise; for the establishment of an advisory committee; and for the protection of patent rights in the interest of national defense.

The cost of all this is not going to be cheap—but neither is it as expensive as letting things go on and trusting to wishful thinking to provide the minerals and mining technology that we will need within the predictable future. It is conceivable that the maximum annual cost of the projects envisioned by this legislation, after the 6th year, could reach $45.5 million. As is stated in the committee's report, a more realistic appraisal will be far short of that figure. Several States may not wish to participate; the ability of States to match, dollar for dollar, will be limited by State allocation of priorities—and that is as it should be.

This bill has been thoroughly and carefully considered by the Committee on Interior and Insular Affairs. It has my support and I urge the support of my colleagues for its passage.

Mr. ZWACH. Mr. Chairman, I am pleased to lend my support today to the passage of H.R. 6788, which would establish mining and mineral research centers and would promote a national program of mining and minerals research.

The United States comprises 6 percent of the world's total population, yet we consume one-third of its minerals. We are facing an acute situation because of the growing demand for these nonrenewable resources, while at the same time, lagging in our attempts and technology for economic production and to conserve our resources.

I am especially pleased by the fact that this will result in stepped up research in manganese and other ores on the ranges in Minnesota.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 6788, a bill which I was pleased to introduce as a cosponsor and urge its passage by the House. Before commenting on its contents, I wish to commend the chairman of the House Interior Committee, Mr. ASPINALL, the ranking minority member, Mr. SAYLOR, and the chairman of the Subcommittee on Mines and Mining, Mr. EDMONDSON, for their diligence and quick action in bringing this bill to the floor for our consideration.

Mr. Chairman, those of us who have had the opportunity to study the increasing energy demands upon our country cannot help but be shocked at the burgeoning scope of those demands. We cannot also help but be shocked at the lag in Government-sponsored mineral research to meet this crisis.

Today, the United States contains 6 percent of the world's population, yet we consume 33 percent of its minerals. Our per capita consumption is five times that of the world's average. The situation is getting worse, too. Between now and the year 2000 our mineral consumption will quadruple, and our energy demands will triple. But, because we are so ill prepared, we are becoming increasingly dependent on foreign supplies.

In the rush to meet this challenge head on, our Nation is caught in a slow-moving, dangerously inadequate commitment to mineral technology and mineral research. This Nation was once a leader in the field of mineral technology. However, since the end of World War II, the industrial research at the heart of this technology has lagged. Many of our present resource recovery techniques are relics of the past. We are not finding petroleum reserves to keep pace with our increased demand. We are 10 years behind where we should be in the technology needed to produce synthetic and liquid fuels from alternate sources.

A key contributing factor in this technological lag is the lack of adequately trained technical manpower. The last 10 years have seen a decrease in the number of mining schools in this Nation from 26 to 17. The number of graduating mining engineers has decreased from 239 in 1960 to 114 this past year. Similarly disturbing trends are found among graduating petroleum engineers, metallurgists, and geologists. By 1985, 40,000 new mineral specialists will be needed to maintain the present workforce of 70,000 specialists. However, at the present rate, only 20,000 will be trained.

To meet these and other related problems, 2 years ago the Congress passed the National Mining and Minerals Policy Act of 1970. This bill, H.R. 6788, will implement the worthy goals set forth in that policy statement.

Funds authorized by this bill will total 10 million for fiscal year 1973, increasing by 2 million annually for 5 years, reaching a continual funding level of $20 million annually. Each State or institution desiring to participate would be eligible for $500,000 in full matching funds to maintain a mining and minerals research institute. What will these funds do? Student enrollment in mines and mineral-related programs will increase. The quality and variety of mineral research programs should improve. With a guaranteed Federal commitment, we can assure a solid future for mineral resources education.

The committee has modified the original bill somewhat to include tax-supported educational institutions as well as land-grant colleges. Both would be eligible for assistance under this bill. The committee also made clear that Federal funds are to be used only for problems of major significance to the mining and minerals industry.

Mr. Chairman, the entire field of mineral research has been badly neglected. While research support for nearly every national need from agriculture to health care has been strengthened, mineral research has become the stepchild of our time. With the passage of this bill, we are bringing mineral and mines technology to an even footing with other research disciplines. If we are to meet this Nation's energy demands, if we are to develop a sound policy of developing and using our Nation's minerals, we need the passage of this bill.

I urge its adoption.

Mr. VANIK. Mr. Chairman, I share the concern of the gentleman from West Virginia, the Honorable KEN HECHLER, when he states that this legislation completely ignores environmental research and the training of personnel qualified to solve environmental problems.

This bill is a supplement to the Mining and Minerals Policy Act of 1970 (Public Law 91-631) which claimed as one of its major priorities minerals and metals reclamation, as well as mined land reclamation to lessen any adverse environmental impacts of mineral extraction and processing. Why, then, does this bill completely ignore the question of environmental research and the training of personnel qualified to solve environmental problems?

Since this bill will greatly aid the research and development efforts of private industry in mining and mineral industries, will there be a proportionate increase in the meager royalties the Federal Government receives on mineral land leases?

I am also concerned that this bill does not make any provision for research into future sources of energy, an area in which only $10 million is being spent by the National Science Foundation even though our fossil fuels of oil, natural gas, and coal are being rapidly depleted.

Since utility companies are major users of the minerals developed in this program, it is time to insist that the utility companies of America develop adequate research programs. In 1970, the utility companies of America spent $400 million in advertising and only $46 million on research.

It is time to insist upon a partnership in research—substantial contribution is due by the extraction industries and the utility companies of America.

Mr. SAYLOR. Mr. Chairman, it is an honor to be associated with the distinguished chairman of the House Interior and Insular Affairs Committee, other Members of that body, our colleagues from the Interior Appropriations Subcommittee, members of the Education and Labor Committee, Members of the other body, and additional cosponsors of H.R. 6788, H.R. 10950, and S. 635, who bring before the House measures that realistically face a crisis and resolutely maps a practical solution.

It is not often that we can say with

confidence that our work in this House will "solve" a problem; nevertheless, passage of H.R. 6788 will lead to the solution of a very large problem facing our Nation.

I know it is not fashionable to say that we have a "solution" to anything; perhaps my enthusiasm for this piece of legislation should be tempered with an additional comment, to wit: We have a "solution" for a current crisis and, with any luck and cooperation from the States and various educational institutions, we will head off further crises caused by the shortages of technologically trained manpower for the mining and mineral industries of the United States.

That, in brief, is what H.R. 6788 and its companion measures seek to accomplish. No more and no less. This piece of legislation acknowledges, grapples with, and overcomes the disastrous trend we have witnessed over the past two decades of a declining technological manpower base for our critical, basic, mineral industry.

Is it possible, one might ask, that I am overstating the case because of "pride of authorship"? I am indeed proud to have been involved with the creation of the legislation from the start, but the statistics prove beyond reasonable doubt that our national mineral industry faces a crisis of major proportions.

The number of mineral schools has decreased from 26 to 17 in only 10 years.

During that same period, the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year.

Twenty years ago, nearly 500 mining engineers were coming into the industry each year. During the 1950's, American universities and colleges graduated approximately 2,000 mineral specialists each year. During 1967, only 1,350 minerals specialists were graduated.

Were the country and the Congress to allow the trend to continue, the effect on the total national interest would be incalculable.

Mr. Chairman, I do not apologize for speaking in dramatic terms. The crisis facing the mineral industry is infinitely more serious than the "crisis" we acknowledged back in the late 1950's when the U.S.S.R. sent the first sputnik "beeping" over our country. Because of sputnik, we launched the Mercury, Gemini, and Apollo programs. The Nation went on a "crash program" to demonstrate a technological superiority in the exciting new space sciences. We succeeded beyond our wildest dreams.

But consider this fact: What has our space program, and especially the Apollo program, brought back to earth for study and evaluation? Rocks, minerals, and mineralogical data. Yes, there have been other "spinoffs" of the space program in various fields of science, medicine, materials manufacture, information systems, and the like, but the fact remains that the guts of the space program has been to expand man's knowledge and the critical line of inquiry is the study of the moon's rocks and minerals. I do not believe I have overstressed the comparison of the space program to the mining and mineral research program contemplated by H.R. 6788. The "crisis" situation is obvious; unfortunately, too few in the Nation have seen it as such.

With regard to mining and mineral research here on earth and especially in the United States, there has been an atmosphere of, "we'll muddle through somehow." Who? When?

There are many alarms being sounded and a variety of fears for the future are currently in vogue, some are real and some imagined. However preoccupied we become with these concerns, the fact remains that the foundations of this society rest upon its agricultural, mineral, and human resources.

We have for a hundred years invested wisely and generously in agriculture. We have for 200 years sought to improve the human lot and extend the intellect and productivity of man.

On the other hand, for 200 years we have acted as if our mineral resources would never be expended and as if we thought that the technology to extend them to meet the needs of the future would spring from the ashes of our furnaces.

We are rapidly exhausting our better mineral deposits. We have ravished the land by our crude techniques of removing them. We are not exploring for new ones or improving our ability to extract useful materials from poorer grade minerals at a pace that will enable us to keep up with the demand for materials. We have instead, become more and more dependent upon foreign sources of minerals of all kinds. As one example: Soviet policy in the Middle East is based largely upon oil and the internal mineral policies adopted by nations all over the world will increasingly affect the availability of mineral resources essential to our economic strength.

Within the next decade we have some hard choices to make. We can, if we choose, become more nearly self-sufficient in mineral resources and at the same time preserve the quality of our environment. We can try to use coercion on our suppliers to keep minerals flowing into the country. We could be forced to submit to foreign domination, because of foreign control over the basic resources we need. There are, of course, many who would have the United States return to an agrarian society with a reduced standard of living, thus decreasing our need for the resources of Mother Earth.

The logical choice of the alternatives listed above is the first: We must become more nearly self-sufficient in mineral resources. Following that—if we fail to support acceleration of research and education in the mineral sciences and engineering is to accept the gloomy forecasts of the doomsayers. Research and education are long term investments. We cannot start a "crash" program in mining and mineral education on the day our foreign supplies of minerals are cut off.

H.R. 6788 does not project a crash program; it is a long-term, realistic program to make sure the day never comes to America when we are at the mercy of others, because of a lack of minerals and/or an equally disastrous lack of trained manpower to properly extract minerals.

Every State in the Union has mineral problems peculiar to it and State regulations which take cognizance of these peculiar conditions. Geology and differing economic structures and social patterns make it necessary to tailor research and education in mineral exploration, extration, and conservation to the needs of each State. It is essential that legislation setting up centers for research and education recognize these differences.

Where centers of educational expertise already exist, they should be strengthened, but no State should be prevented from establishing such a center as its needs dictate.

Changing mineral needs and economic facts of life have caused and will continue to cause new problems in extraction processing, and environmental protection. No State should be without the intellectual and technical resources to cope with the problems peculiar to its geological and social setting.

Before concluding, I want to specifically acknowledge the part that my colleague, Congressman JOHN H. DENT, played in bringing this bill to the floor of the House. The bill originally was introduced during the first session of this Congress as H.R. 3492 and since it laid greater stress on the educational aspects of the bill, it was referred to the Committee on Education and Labor.

After consultation with scientists from schools involved, with representatives of the U.S. Bureau of Mines, and with Congressman DENT, I introduced H.R. 6788 which we are now considering. This legislation stresses the research needs of our mineral industries and was naturally referred to the House Committee on Interior and Insular Affairs where Chairman ASPINALL and other members recognized the critical nature of the legislation to the problems our Subcommittee on Mines and Mining, and the whole committee, are constantly grappling with. Subsequently, our committee held hearings on the legislation late last year, receiving testimony from experts from the mining and mineral industry, educational institutions, and the Government. We felt then, and do now, that the matter of our future mining and mineral industry was so important to the Nation that our particular expertise should be applied to the examination of the implications of the legislation.

As our colleagues know, Congressman DENT'S bill was incorporated into the Higher Education Act which is now in conference. I want to commend Mr. DENT for generously requesting that his colleagues in the conference committee delete his mineral research bill in favor of the legislation we are discussing today. By his act of conviction, Congressman DENT has, I believe, insured passage of the legislation and I wanted to give him full credit for the part he played in the preparation and support of this measure.

Mr. Chairman, I wish to state in summary that the United States was once the leader in mineral technology, but since World War II industrial research and development have lagged to the point where the domestic industry has produced few new minerals recovery process

and techniques, and has turned to other countries for ideas and processes.

It is time to turn the trend around. We must reverse the trend.

I do not expect the Nation nor the intellectual community, nor the press, to rise up in vociferous support of our request here today as they did when Sputnik entered the language, but I submit that the issue and challenge to the United States is just as great. I do expect the Congress of the United States to recognize its responsibility to lead the country with regard to forestalling a mining and mineral disaster.

The mining and mineral research centers bill before you now is farseeing, yet practical, legislation. It is in the national interest that it become law.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

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 (a) this Act may be cited as the "Mining and Minerals Resources Research Act of 1971".

(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91-631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "1971'." and insert "1972'.".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I have three amendments at the desk which I ask unanimous consent to be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HECHLER of West Virginia.

Page 1, line 5, strike all through the period on page 2, line 9, inclusive; and insert in lieu thereof the following:

"(b) The Congress, in recognition of the impact of mineral exploration and development on the health and safety of persons working in the minerals industries and on the natural environment, and in recognition of the fact that the prosperity and future welfare of the Nation is dependent, in large measure, on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, declares that it is the purpose of this Act to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists:

"(1) for the minerals industries engaged in research, investigations, experiments, demonstrations, exploration, extraction, processing, developing, and production of such resources consistent with the need to protect the health and safety of persons and to protect and enhance the environment; and

"(2) for the public agencies concerned with such industries, with the health and safety of persons working in such industries, and with the protection and enhancement of the environment.".

Page 4, line 7, after the word "provide" insert a comma and the following: "in accordance with the purpose of this Act,".

Page 14, line 3, strike the period and insert therein the following: "and its impact on health and safety and the environment."

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia that the amendments be considered en bloc?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, I assume that having the business if a unanimous-consent request intervening will not prevent a point of order being made against the three amendments?

The CHAIRMAN. No, it would not.

Mr. EDMONDSON. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia that the amendments be considered en bloc?

There was no objection.

POINT OF ORDER

Mr. EDMONDSON. Mr. Chairman, I would like to state a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDMONDSON. Mr. Chairman, I make a point of order against the amendments offered by the gentleman from West Virginia on two principal grounds: First, the gentleman's amendments would change substantially and very completely the basic purpose of the legislation, which is "to establish mining and mineral research centers, to promote a more adequate national program of mining minerals research, to supplement the act of December 31, 1970, Public Law 91-631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology."

The gentleman from West Virginia has declared that, rather than having this basic research purpose, it is the purpose of this act to assist in assuring the Nation at all times of an adequate supply of mineral engineers and scientists, which is a totally different and substantially different purpose than that stated in the act.

Furthermore, I make a point of order against the amendment, because the gentleman has made the principal thrust of his amendments the development of health and safety of persons working in the minerals industries, and he has restated the health and safety of persons in such industries at two points in the amendment which he has offered.

Paragraph No. 689 of rule XI, which outlines the jurisdiction of the various committees, defines the jurisdiction of the Committee on Education and Labor to include the wages and hours of labor and the welfare of the miners.

Paragraph 702 of the same rule defines the jurisdiction of the Committee on Interior and Insular Affairs, stating that that jurisdiction extends to "mineral land laws and claims and entries thereunder; mineral resources of the public lands; mining interests generally; mining schools and experimental stations." But you will note in the note directly under the section 703 the statement appears—

The subject of welfare of men working in mines formerly under the jurisdiction of a Committee on Mines and Mining, which committee was absorbed by the Committee on Interior and Insular Affairs, was vested in the Committee on Education and Labor by the Reorganization Act (60 Stat. 812).

If this House wants to put the health, safety, and welfare of miners within the jurisdiction of the Committee on Interior and Insular Affairs, I am perfectly willing to accept the decision, and I think the committee would try to do a good job with it. But the rules have not placed it there, and I do not think by this amendment the committee should be moved into an area not within its jurisdiction.

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard on the point of order?

Mr. HECHLER of West Virginia. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, according to the gentleman from Oklahoma, the amendments would substantially change the basic purpose of the basic legislation, H.R. 6788. On the contrary, it would merely expand the purpose of the bill and include those aspects of health, safety and environment which deserve equal emphasis.

It will be recalled that on the 4th of November 1971, the gentleman from Oklahoma (Mr. EDMONDSON) raising a point of order against the higher education bill, said the subject matter of that bill, and a similar bill, S. 635, which also authorized grants to establish mineral research institutes, should be under the jurisdiction of the Committee on Interior and Insular Affairs.

In ruling on the point of order which the gentleman from Oklahoma raised on the 4th of November 1971, the temporary chairman, Mr. BOLAND of Massachusetts, indicated—

To be sure, the Committee on Interior and Insular Affairs has jurisdiction under Clauses 10(k) and (l) of Rule XI over measures relating to mining schools and mining interests.

At that time the Chair said that the Speaker had properly referred the bill to the Committee on Education and Labor, and therefore since it was properly referred, it was within the jurisdiction of that committee, and he overruled the point of order.

It is my understanding that the Speaker referred, under rule XI, H.R. 6788 to the House Committee on Interior and Insular Affairs. That bill, the bill we are presently considering, provides,

among other things, the training of engineers and scientists at mining schools, colleges, and universities. It also provides for the conduct, research, experiment, and demonstrations with regard to mining. As the gentleman from Oklahoma said in the CONGRESSIONAL RECORD, volume 117, part 30, page 39264, both of those subjects are matters within the jurisdiction of the Committee on Interior and Insular Affairs.

I think it would be a terrible travesty on the legislative process to rule at this point that we cannot extend the basic purpose of this bill beyond production in order to protect and to train others in the protection and health and safety of those who work in the minerals industry.

The CHAIRMAN (Mr. REES). The Chair is prepared to rule. The gentleman from Oklahoma makes the point of order that the amendment offered by the gentleman from West Virginia (Mr. HECHLER) is not germane to the bill. The purpose of the bill, as stated on page 2, lines 3 through 9, is to encourage programs for the conduct "of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the field of mining, mineral resources, and technology."

The amendment would change the statement of purpose contained in the bill to one primarily oriented toward the training of engineers and scientists. The amendment would also introduce into this statement of purpose the subject matter of the health and safety of miners and—as the Chair reads the amendment—would declare it to be part of this purpose to assure an adequate supply of mineral engineers and scientists for "the public agencies concerned—with the health and safety of persons working in such industries," meaning the mining and mineral resource industries.

The subject of the health and safety of miners is, of course, placed by the rules of this House under the jurisdiction of the Committee on Education and Labor. The training of scientists primarily concerned with this particular subject could also fall under that jurisdiction.

For these reasons, the Chair holds that the amendment is not germane and sustains the point of order.

Mr. EDMONDSON. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time—and it will only be a minute—to say that while the Chairman has upheld the point of order made a moment ago, it is the feeling of this member of the Interior Committee, and I think of practically every member of the Interior Committee, that the council which is named to advise the Secretary of the Interior in connection with this program should certainly include people with a great level of competence and with a great level of experience in the field of mining safety, and that they should have at all times in mind in connection with their programs in research the development of additional safety in the mines.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield on that point?

Mr. EDMONDSON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Oklahoma on the statement he has just made, because I think the history of the Bureau of Mines certainly demonstrates we do not have to give them any further encouragement to cause them to put a greater degree of emphasis on production. It is important that Congress repeatedly emphasize to the Bureau of Mines that they must pay more attention to the health and safety of miners as well as environmental considerations. I say to the gentleman from Oklahoma I am most appreciative of the remarks he has made.

Mr. EDMONDSON. Mr. Chairman, I have been disappointed in the level of successful effort by the Bureau of Mines in the inspection field. I think I share deeply with the gentleman the sense of sorrow over the tragedies that have occurred in our mines, some of which I am quite sure would have been averted by adequate inspection by the Bureau of Mines. I commend the gentleman for his continued effort in this field.

Mr. HECHLER of West Virginia. Mr. Chairman, I am pleased with the comment of the gentleman from Oklahoma.

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

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

Mr. ESCH. Mr. Chairman, I was going to rise in support of the amendment offered by the gentleman from West Virginia. I do appreciate the indication of the chairman of the committee that safety will be an inherent part of the work done under this bill.

Mr. Chairman, these perfecting amendments would have recognized our continuing concern for the interdisciplinary nature of problems facing mineral engineers. In my work on the Science and Astronautics Committee it has become evident to me that we must look to solving scientific problems from many points of view. Thus mineral engineers should broaden their range of study to include the human and environmental issues involved in mining and mining processes.

It seems important to me in light of continued congressional concern expressed in the Federal Metal and Nonmetalic Safety Act that the bill as presently written does not include additional funding for desperately needed health and safety curriculums in mining and engineering schools. The bills as presently written are more concerned with the problems of production and extraction of minerals than with the environmental and health related aspects which go into all mining operations. I believe we needed a balance and these amendments will do just that.

I commend the gentleman from West Virginia for his continued concern in this area and regret the ruling of the Chair.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from Michigan for his support and the cogent arguments he has made.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972, and for each succeeding fiscal year thereafter the sum of $500,000 to assist each participating State in establishing and carrying on the work of a competent and qualified mining and mineral resource research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts" or some other institution designated by Act of the legislature of the State concerned: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

SEC. 101 (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

SEC. 102. Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the selection of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State, whether it is entitled to receive its share of the annual appropriations for mining and mineral resources research under section 100 of this Act, and the amount which it is entitled to receive.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1972, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable utilize the facilities of institutes designated in section 100 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for inter-agency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communication at management levels.

SEC. 306. (a) The Secretary of the Inte-

rior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent; and

(5) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resuorces research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Mr. EDMONDSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 13, strike out "1972," and insert "1973,".

Page 2, line 15, strike out $500,000 to assist each participating State" and insert "$500,000 for each participating State, to assist it".

Page 2, line 21, after the words "shall be" strike the remainder of the line and the language through "concerned:" on page 3, line 2 and insert in lieu thereof "the tax supported school of mines or a tax supported college or university having an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering fields:".

Page 3, line 10, after "State," strike out "established in accordance with said Act of July 2, 1862,".

Page 4, line 4 after "experiments" insert "on mineral resource problems having industry-wide application,".

Page 4, line 25, strike out "1972," and insert "institutes".

Page 6, line 2, strike out "the States" and insert "institutes".

Page 6, line 4, strike out "to their designated institutes".

Page 7, line 17, strike out "section" and insert "solution".

Page 8, line 17, strike out "State," insert "State." and strike all of lines 17, 18, 19 and 20.

Page 9, line 13, strike out "1972," and insert "1973,".

Page 9, line 18, after "institutions" insert a semi-colon.

Page 14, following line 22, insert a new section as follows:

SEC. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 2, strike out line 10 and all that follows down through and including line 24 on page 3 and insert in lieu thereof the following:

"TITLE I—MINING AND MINERAL RESOURCES RESEARCH INSTITUTIONS

"SEC. 100. (a) The Secretary of the Interior is authorized to make grants, in accordance with the provisions of this title, to not more than twenty colleges and universities as he may select in the United States and the Commonwealth of Puerto Rico, to establish and carry out the work of a competent and qualified mining and minerals research institute, center, or equivalent agency (hereinafter referred to as an "institute"). Each college or university selected shall be a tax supported college or university having an administrative unit, such as a school or department, wherein education and research are being carried out in the minerals engineering fields. Colleges or universities selected under this subsection are encouraged to cooperate with other such colleges and universities in participating in the work of the institute, and shall be selected so as to serve the needs of the region in which such institute is located.

"(b) There are authorized to be appropriated to the Secretary of the Interior for grants under this section, for the fiscal year ending June 30, 1974, and for each succeeding fiscal year thereafter, such sums, not exceeding $500,000 for each institute, as may be necessary to pay the estimated yearly cost of establishing or carrying out the work of each such institute. Such sums shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support such institute".

Page 3, line 25, strike out "(b)" and insert in lieu thereof "(c)".

Page 6, beginning on line 6, strike out "The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships.".

Page 7, line 6, strike out "State" and insert in lieu thereof "institute".

Page 7, line 8, strike out "any institute of such State" and insert in lieu thereof "such institute".

Page 8, line 20, strike out "State." and insert in lieu thereof "institute.".

Page 8, line 23, strike out "in all States".

Page 9, line 1, strike out "State" and insert in lieu thereof "institute".

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. EDMONDSON. Reserving the right to object, Mr. Chairman, I would like to have a copy of the amendment.

Mr. QUIE. I have another copy.

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

There was no objection.

Mr. QUIE. Mr Chairman, if the gentleman from Oregon (Mr. DELLENBACK) had been here, he would have offered this amendment, and that is why, I say to the chairman, his name appears on the copy I have given to you. But he has to remain in Oregon. Therefore, he asked me if I would offer the amendment for him.

As my colleagues know, in the higher education bill that passed the House, we provided for 10 regions. However, in looking at this and at subsequent information with the provision of the 16 institutions that now could qualify, we felt it would be asking too much for us to limit this to 10 institutions on a regional basis. Undoubtedly, since the States committed their own efforts to 16 of them, those institutions would want to benefit from this program and establish an institute to conduct the kind of research that is necessary for us to understand and know what we will be doing in mining and mineral resource development. Therefore we set the figure at 20.

The authorization of the amount per institute is the same as in the committee bill.

As I had indicated earlier, it removes the authority for the fellowships in section 102, which is just one line in the bill, because we included and let remain in the higher education bill the authority for fellowships in which we set aside $1 million for that purpose.

As I have indicated earlier, this provides for fellowships in the whole area of mineral education, including all minerals that we produce in this country.

Mr. Chairman, since I have talked on this general debate before, I do not want to take up any more of your time. I will be glad to yield for any questions you might have, but since you understand the situation, I think we can bring it to a vote.

Mr. KYL. Will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

First of all, your general idea is that you could have regional centers rather than centers by States, but because we have presently centers of learning in this particular field which are adjacent, this would first of all be a modification of your regional idea, would it not?

Mr. QUIE. That is correct. The original concept was to have 10 centers, and this is a modification.

Mr. KYL. Now we come up with 20 centers. Is that kind of an arbitrary figure?

Mr. QUIE. It is arbitrary to some extent, I imagine, but not totally. There are regions of the country that ought to be covered, but the present institutions cover most of those regions. Therefore, we felt the four additional ones were all that were necessary now to make certain that there would be regional efforts throughout the United States. We could have said 21, I imagine.

Mr. KYL. Will the gentleman yield further?

Mr. QUIE. Yes.

Mr. KYL. There is nothing in the bill that says a State has to do this job, is there?

Mr. QUIE. No. That is true. You are correct. There is nothing that states the State will have to do it, and of course, the State has to pick up the matching money before they can do it. But it would be unwise to encourage States to involve themselves in this, assuming every State ought to do it. It ought to be on a regional basis, because with the mobility of students now, there is no problem in their attending other institutions.

I know the committee bill has it in mind where there is language occurring and the two go together in the committee bill.

Mr. KYL. Will the gentleman yield further?

Mr. QUIE. I am glad to yield.

Mr. KYL. I thank the gentleman for making that last point, because it does permit States to give it.

Can the gentleman cite one State of these United States in which there is not an institution which in some way deals with the sophistications that are covered by this bill? This would include recycling and the legal aspects as well as the social aspects.

Is there one State in the Union which does not have a university which does not deal with some of these aspects?

Mr. QUIE. I do not know what work the universities are doing with reference to these aspects, but I know they are involved with many facets of this question.

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

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

Mr. ESCH. In answer to the gentleman from Iowa as to why we should have a specific number and why we should limit it to 20 is because we have very limited funds. We want to target in on those meaningful institutions and not have a shotgun approach for everyone in every State going into these research programs.

The intention of this amendment is to do just that, to go to those institutions which are primarily concerned and have the expertise and add and supplement to it and to target the funds into those areas so we can have adequate research.

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

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know how your State feels with reference to this regional business, but Oklahomans are getting so tired of going to Texas in order to do business with the Federal Government that it is getting to be unbearable.

If you are in one of those States that does not have the largest city in the four-State area, you are confronted with the same situation of having to drive or fly 300 or 400 or 500 miles to another State to do some business with the Federal Government.

We have at this time in the Nation 36 States that have institutions that conceivably could qualify under this program of dollar matching for funds for a minerals research program.

Why would we say under any kind of an amendment that 20 of your 36 States can have one of these programs and 16 of those cannot? Who is going to make that decision? The Secretary of Interior? Do you want him to decide that it will be the State next to you and your State is not qualified?

We say let every State that has one of these institutions and which wants to get into the minerals research field, let every State have an equal opportunity to put up its money and match the Federal dollars in carrying out this kind of program.

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

Mr. EDMONDSON. Yes, I yield to the gentleman from Michigan.

Mr. ESCH. I appreciate the gentleman yielding.

I think the point is that mining processes and safety know no State boundaries. It is a national problem.

What we are attempting to do in this bill is not reflective of State jurisdiction but rather the funds will be used to develop on a national basis in the mining industry both in terms of safety and production in research.

Mr. EDMONDSON. Would the gentleman be happy if his fine school which is located in his State did not get one of these centers but that instead it went to Illinois?

Mr. ESCH. I would like to see those institutions with the highest degree of expertise receive these funds.

Mr. EDMONDSON. And, if there are 36 of them that have a good basis for this kind of program, are you just going to eliminate 16 of them?

Mr. ESCH. I am suggesting that the testimony before the full committee indicates that there are only 16 rather than the 36.

Mr. EDMONDSON. At least 36 institutions have accredited curriculums, leading to first degress in 1970 and I think every university of this category should have a chance to participate.

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

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

Mr. BURTON. I join with the distinguished chairman of the subcommittee (Mr. EDMONDSON) in his remarks.

I happen to serve both on the Committee on Education and Labor as well as the Subcommittee on Mines and Mining.

The fact of the matter is that in the Education and Labor Committee we had very little in the way of testimony in depth on the need for the most comprehensive funding of the widest range of institutions of higher learning, testimony that we did receive and that we were able to consider in depth on the Mines and Mining Subcommittee.

I think the point which has been made by the gentleman from Oklahoma is most well founded, and it has very particular application, perhaps, in specific portions of the East, but most assuredly in the Western States where all of those States are confronted with the need to enrich their mining programs.

This is a very modest and useful step in that direction, and the limitations posed by the amendment would be in my judgment counterproductive.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from California.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was not offered in the subcommittee, although the gentleman from Oregon (Mr. DELLENBACK) who is a member of the House Committee on Interior and Insular Affairs, did tell us that he intended to offer such an amendment when H.R. 6788 came to the floor.

This amendment arbitrarily limits the number of States that can participate in the program. It therefore treats them all unequally. This amendment will promote favoritism in choosing the States that can participate.

Very frankly, the dwindling supply of competent personnel trained in the mining and minerals fields is one reason why our mining and mineral technology is inadequate to cope with the demands of our country for mineral production. Prohibiting some States from participation will deprive this country of the research results and the trained manpower that would have been produced by those States. A less than halfway measure will not materially contribute to the solution of our mining and minerals problems.

The water resources research program, established by Public Law 88–379, is similar in scope to H.R. 6788. The water resources research program has stimulated and expanded research, produced new technology and produced more people trained in the water field.

Expanded research, technology, and more qualified scientists, engineers, and technicians are just what is needed in the mining and minerals fields. The water resources research program does not arbitrarily limit State participants and this program should not either.

Our mining and minerals technology faces differing problems in each one of the 50 States and Puerto Rico. Limiting the centers to 20 or any other arbitrary number reduces the probability that our technology will be enhanced and increases the time frame for the technological improvement contemplated by this legislation.

Let us remember that not all of the 50 States and Puerto Rico will participate in this program. The report of the committee which reported this bill states:

The Committee does not believe the program will involve maximum participation by all States for a number of reasons: First, the annual Federal expenditure will be decreased by the inability of each State or institute to match, dollar for dollar, the Federal contribution. Second, the fact that the institute must be a tax-supported institution, having a research program in the minerals engineering fields, limits the number of colleges and universities that can quality under the Act. Thirdly, it is anticipated that only those States having a substantial mining and mineral economy will participate in the program.

Nevertheless, this bill will allow participation by those States capable of and desiring to participate.

Mr. Chairman, I hope that the amendment will be defeated.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I should like to ask

someone knowledgeable with respect to the bill, several questions, the first one concerning the creation of an advisory committee.

I note that four members are specified the Director of the Bureau of Mines, or his delegate; the Director of the National Science Foundation, or his delegate; the President, National Academy of Sciences, or his delegate; and the President, National Academy of Engineering, or his delegate.

What influence will the advisory committee have upon the appointments or designations as contained in the amendment just offered to the committee? Will they have any influence on that?

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

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

Mr. EDMONDSON. The bill, as brought to the floor by the committee, would leave the designation of the institutions within the State basically to the State as to which State institution would get the dollar funding.

Mr. GROSS. Would the advisory committee have any influence upon that decision?

Mr. EDMONDSON. The advisory committee, to my way of thinking, would have no way of influencing the decision as to what State institution was designated by the State.

Under the amendment the gentleman has offered, limiting it to 20 regional facilities, each State is not given an equal opportunity to participate. I would anticipate that some of those on this committee are going to have something to say about which institution is designated as a regional center.

Mr. GROSS. It seems to me, that is rather important because the language of the bill goes on to provide, beyond those specified, that the Secretary of the Interior may appoint an additional unlimited number.

This could be a 100-member advisory committee paid at the rate of supergrade GS–18. Why is this advisory committee unlimited as to the number?

Mr. EDMONDSON. I can only assume that the Secretary of the Interior, a man well known to all of us for his prudence and for his good judgment while he served in this body, would exercise both in holding the number of advisers on this committee, who are not specifically designated by this legislation, to a reasonably small number of people.

Mr. GROSS. I am sure the Secretary of the Interior is an honorable and capable gentleman. But when you throw the door wide open to an unlimited number of appointments it could be a mighty expensive advisory committee, I will say to the gentleman.

Moreover, there are in this Government today somewhere between 2,600 and 3,200 advisory committees, advisory boards, and advisory commissions and, Lord knows, it is time to abolish some of them. Yet, here you are creating another in this bill and the door is wide open in the creation of this one.

Let me ask the gentleman this question. I believe the report indicates that the annual cost starts at $40,500,000 and ascends to $48,500,000 annually in a 5-year period; is that not correct?

Mr. EDMONDSON. The authorization would begin at those levels. It is not anticipated that that amount of money would be appropriated. As we have explained in connection with the discussion on this particular amendment, we doubt very much it would be possible for all 50 States to participate, but since they have to match dollar for dollar within their own boards. We doubt very much that more than 25 or 30 of them would get involved in the program.

Mr. GROSS. May I ask the gentleman this question. Where in the report is there any reference as to the position of the Office of Management and Budget? Does the administration approve of this bill?

Mr. EDMONDSON. The report of the Department of the Interior, as I understand it, stated:

> The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

That can be found on page 13 of the committee report.

Mr. GROSS. That may well be. I have seen other reports on bills from various departments of Government that carry such language but that does not specifically answer the question of whether the administration supports this huge spending and for so many years when the financial situation is so uncertain. We ought to have some word as to whether this is budgeted—whether this kind of spending is part of the Federal budgeting?

Mr. EDMONDSON. The gentleman knows as well as anyone in this body that it is not customary after marking up a bill and making changes as they are felt necessary in the bill before the committee—it is not customary to resubmit that bill to the Office of Management and Budget for a further advisory opinion on the bill.

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

(Mr. GROSS asked and was given permission to proceed for 2 additional minutes.)

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

Mr. GROSS. Yes, briefly, because I have another question.

Mr. ASPINALL. When the Department of the Interior was asked for their opinion, they gave us their position on the bill on November 12, 1971, and the report of the Office of Management and Budget merely states that they have no objection to the report of Interior.

Mr. GROSS. I would say to my friend from Colorado that this is 1972. We are half way through the year and, believe me, the financial situation of the Federal Government is getting no better fast.

Let me ask this question in connection with this bill: What do you do in this bill with respect to depletion allowances? Are not depletion allowances for the purpose of encouraging private industry to carry out research and development? Is that not the purpose of such tax write-offs?

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

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

Mr. ASPINALL. Of course, my friend is partly right. He is not wholly right on this particular. The depletion allowance, of course, was designed to take care of the values of the nonrenewable resources that were taken away, to be used primarily for the purpose of finding new deposits of value in the minerals field.

Mr. GROSS. And the expenditures in this bill would be right on top of the depletion allowances.

Mr. ASPINALL. It would, of course, have no material effect on the amount of the depletion allowance that the Congress, not this particular Congress, but other Congresses have provided.

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

Mr. ASPINALL. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. ASPINALL. When we decreased the depletion allowance by 4 percent, we certainly took care of the amounts so far as the income of those engaged in the minerals and mining industry far in excess of anything we are talking about in this bill. My colleague knows that.

Mr. GROSS. Let me ask the $64 question: Where is it proposed to get the $48,500,000 to spend each year?

Mr. ASPINALL. As the Bureau of the Budget and as the appropriation process of the U.S. Congress see fit to honor this particular legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was rejected.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. HECHLER of West Virginia. Mr. Chairman, I plan to vote against H.R. 6788, and I will briefly outline the reasons why I will vote against it.

Under title I of the bill, $5 million is authorized annually for the next 5 years for mining institutes at tax-supported schools—not for training, but for "specific mineral research and demonstration projects of industrywide application."

Title II of the bill authorizes up to $20 million annually by 1978 for "grants, contracts, matching, or other arrangements," with educational institutions, private foundations, private firms, and individuals, and governmental agencies "to undertake research into any aspects of mining and mineral resource problems related to the mission of the Department of the Interior."

Thus, the bulk of the research money is not even guaranteed to go to mining schools to support research that might result in some training for scientists and engineers. Private firms and individuals will probably get the lion's share of this money.

Only $500,000 annually is authorized for "each participating" State to aid it in "establishing" institutes and tax-supported mining schools to conduct "competent research, investigations, demonstrations, and experiments on mineral

resource problems having industrywide application" and to train engineers and scientists "through such research," et cetera. The committee report states that "it is anticipated that only those States having a substantial mining and mineral economy will participate in the program."

The committee report states:

It is anticipated that only those States having a substantial mining and mineral economy will participate in the program.

Having listened to Assistant Secretary of Interior Hollis Dole testify on the Sunshine Mine disaster at Kellogg, Idaho, before the House Select Labor Subcommittee further confirms my decision to vote against this bill. Mr. Dole was asked why the Bureau of Mines had failed to appoint an adequate number of inspectors to enforce the 1966 law, the Federal Metal and Nonmetallic Mine Safety Act of 1966. Secretary Dole acknowledged that only half of those inspectors needed had been hired. He went on to place the blame on Congress for not having acted on legislation such as H.R. 6788. He said:

The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education. H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safe occupation.

I think it is quite convenient for the Interior Department officials to cite pending bills in Congress and imply that without the enactment of this legislation, the Bureau effort to protect miners and the public will be hindered.

Mr. Chairman, I deplore these efforts to excuse the failures of the Bureau of Mines in protecting the health and safety of the miners and the public.

The stated purpose of this bill is, once again, to stimulate and sponsor, and provide for and supplement present programs for the conduct of research and investigation, experiment, and demonstration in the broad field of exploration, extraction, processing, and development and production of unrenewable minerals resources.

Mr. Chairman, it is about time in Congress that we stop this onrushing emphasis exclusively on production. It is high time we pay some more attention to the protection of those individuals who work in these mines, and the natural environment which is being raped, ravaged, and exploited.

For these reasons, Mr. Chairman, I urge a negative vote on this bill.

AMENDMENT OFFERED BY MR. LENNON

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

The Clerk read as follows:

Amendment offered by Mr. Lennon: Page 13, between lines 19 and 20, insert:

"(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;"

Page 13, line 20, strike out "(2)" and insert "(3)".

Page 13, line 22, strike out "(3)" and insert "(4)".

Page 13, line 24, strike out "(4)" and insert "(5)".

Page 14, line 1, strike out "(5)" and insert "(6)".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, is this amendment the one that has been supplied to us?

Mr. LENNON. That is the amendment that has been supplied to the chairman and the ranking minority Member last week.

Mr. EDMONDSON. Mr. Chairman, may I say I have no objection to the amendment being considered as read, and also there is no objection on this side of the aisle to having the amendment accepted.

Mr. SAYLOR. Mr. Chairman, if the gentleman will yield, there is no objection on this side to the amendment.

Mr. EDMONDSON. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. LENNON. Mr. Chairman, very hurriedly, section 306(a), title III, page 13 provides for an "Advisory Committee on Mining and Minerals Resources Research" that the gentleman from Iowa has recently referred to. The justification for this amendment is simply because this House in October 1970, under Reorganization Plan No. 4 of 1970 creating the National Oceanographic and Atmospheric Administration transferred from the Department of the Interior to the Department of Commerce the functions vested by law in the Department of the Interior, which were administered through the Marine Minerals Technology Center of the Bureau of Mines. This would simply authorize the Secretary to appoint one additional member of the Advisory Committee; the Administrator of the National Oceanographic and Atmospheric Administration, because the Agency now operates the Marine Minerals Technology Center, which is engaged in investigations relating to marine minerals technology and particularly efforts to minimize the deleterious effects on the environment of the mining industry. It is simply to bring into this program the expertise and skill developed by this Marine Minerals Technology Center in the Department of Commerce. The information and expertise involved in these investigations may be of significant value in the consideration of mining policy matters. It is for that reason that I believe that the Advisory Committee created under section 306 of the bill should include the Administrator of NOAA or his delegate. The proposed amendment would accomplish this purpose.

I thank the gentlemen on both sides for acceptance of this amendment, and I hope the House will adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. LENNON).

The amendment was agreed to.

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

Mr. Chairman, I oppose this bill in its present form because it undertakes to shift the burden of extraction industry research to the general taxpayer.

The extraction industry, as was pointed out by my colleague, the gentleman from Iowa, Mr. GROSS, enjoys more tax benefits than any other comparable industry in America. I believe it should contribute substantially to the cost of research, which is of some benefit to the general public but of infinitely greater benefit to the extraction industry.

If this legislation were to provide for a partnership in research, in which the industry would make some kind of a contribution to the research effort, I believe it would be a lot more acceptable.

In the present form I must oppose the bill.

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

Mr. VANIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The money going into this program is primarily going to the public institutions, organizations and foundations, and private industry is making a tremendous contribution to these various organizations and institutions at this time, both in the form of tax rebate for their support and in the form of specific grants and endowments for those purposes.

The gentleman is a distinguished, able, and leading member of the House Committee on Ways and Means, and is certainly aware of the fact that there are sizable contributions made by private industry to foundations and State universities and colleges in these various fields.

Mr. VANIK. I just want to say in response that I do not believe those contributions are at all related to the tremendous tax advantages and benefits provided under intangible drilling costs and the depletion allowances.

In checking the contributions of the various segments of American industry to the support of this Nation, I feel that the extraction industry is practically at the bottom of the list. I believe it is time that the industry recognize its responsibility to the public, in consideration of this tremendous advantage it has, and make an even greater contribution than it does to the cost of research.

Mr. EDMONDSON. Can the gentleman cite his authority for his statement that the extraction industry is at the bottom of the list in terms of contribution to the national welfare, and its programs that contribute to the national welfare?

Mr. VANIK. I said it is near the bottom of the list. I will submit either for the RECORD today or in the next day or so a compilation of contributions of every particular segment of the American economy to the tax burdens of this country.

My statement today is that the extractive industries are near the bottom of the taxpaying list and pay taxes far disproportionate to the volume of business.

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

I should like to ask the distinguished chairman of the subcommittee a couple of questions that the gentleman from West Virginia (Mr. HECHLER) earlier addressed himself to.

I am a little disturbed by the fact that the statement of purposes, to the extent one can call it that, in section (b) of the preamble to the bill, as well as the committee report, says very, very little about the extent to which this research is to focus on some of the environmental aspects of the extraction industries, particularly land reclamation and other conservation matters.

I am just wondering whether, without more emphasis, we are not going to have most of this money used simply to develop techniques for better extraction without the necessary techniques for protecting the environment. I wonder if the gentleman has an comment on that?

Mr. EDMONDSON. Well, I think the gentleman is as capable of reading the words as I am, and on page 4——

Mr. SEIBERLING. Well, I have read——

Mr. EDMONDSON. On page 4 it includes as a purpose and defines the research, investigations, demonstrations, experiments, and training and includes conservation and the best use of available supplies of minerals and includes the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and reclamation having due regard to the interrelation on the natural environment. I do not say that these are perfect words on the subject, but they certainly make it clear that problems of ecology and problems of environment and problems of conservation are included problems and target areas for research and development and for general investigation and experiment. The gentleman may have preferred to have some of them stated earlier than they are stated, but he certainly cannot say that they are omitted from it.

Mr. SEIBERLING. No. I did not intend to say that, but it did seem to me that this language is permissive in character. It is not stated anywhere that the policy of this act is, among other things, to encourage research in extractive technology which will help to preserve our environment, which, as you know, is a matter of very great concern particularly in my own State of Ohio with respect to the mining of coal, for example.

Mr. EDMONDSON. The gentleman testified on that subject and testified well. I think he will find a bill forthcoming from the Committee on Interior and Insular Affairs on the subject of reclamation and on the subject of the control of mining practices in this country that will accomplish a very, very great deal in this field. We are grateful to him for his suggestions with regard to that legislation.

Mr. SEIBERLING. I thank the gentleman very much.

I would like to ask one other question.

Is it your interpretation of this legislation that research directed simply and purely to environmental concerns would be authorized to be undertaken by these research centers or would it also have to deal with and include extraction? In other words, would this statute cover research projects that would be directed solely to reclamation?

Mr. EDMONDSON. I think a research project could be directed strictly at the reclamation phases of a mining operation. I think it could be directed strictly at the ecological impact of certain mineral processing facilities and to corrective methods to improve their processing and to eliminate pollution of the area that accompanies some of these processes. It is our hope that it will cover the entire field in terms of involving our mineral and mining processes and give us a better economy and efficiency and a better country in the process.

Mr. SEIBERLING. I thank the gentleman for his clarifying explanation of this bill and also for his hopeful assurances on the other legislation relating to strip mining.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. REES, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes, pursuant to House Resolution 958, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

Mr. HECHLER of West Virginia. 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 272, nays 33, not voting 126, as follows:

[Roll No. 166]

YEAS—272

Abbitt	Gaydos	Obey
Abernethy	Gettys	O'Hara
Abourezk	Gialmo	O'Konski
Adams	Gonzalez	O'Neill
Anderson, Tenn.	Goodling	Passman
	Grasso	Pelly
Andrews, Ala.	Gray	Pepper
Annunzio	Green, Oreg.	Perkins
Archer	Green, Pa.	Pettis
Arends	Griffin	Peyser
Aspinall	Griffiths	Pickle
Barrett	Gude	Pike
Begich	Hagan	Pirnie
Belcher	Haley	Poff
Bergland	Hall	Powell
Betts	Hamilton	Preyer, N.C.
Biester	Hammer-schmidt	Price, Ill.
Blackburn		Quie
Boggs	Hansen, Idaho	Rees
Boland	Harrington	Riegle
Bolling	Harsha	Roberts
Brademas	Harvey	Robinson, Va.
Bray	Hathaway	Robison, N.Y.
Brinkley	Hawkins	Roe
Brooks	Hays	Rogers
Brotzman	Heckler, Mass.	Rostenkowski
Brown, Mich.	Heinz	Rousselot
Broyhill, N.C.	Helstoski	Roybal
Broyhill, Va.	Hicks, Mass.	Ruppe
Buchanan	Hicks, Wash.	Ruth
Burke, Fla.	Hillis	Ryan
Burke, Mass.	Hogan	St Germain
Burleson, Tex.	Horton	Sandman
Burlison, Mo.	Hosmer	Sarbanes
Burton	Howard	Satterfield
Byrne, Pa.	Hull	Saylor
Byron	Hungate	Schneebeli
Camp	Hunt	Schwengel
Carlson	Hutchinson	Scott
Carney	Ichord	Sebelius
Carter	Jacobs	Seiberling
Casey, Tex.	Jarman	Shipley
Cederberg	Johnson, Calif.	Sikes
Chamberlain	Johnson, Pa.	Sisk
Chappell	Jones, Ala.	Slack
Clancy	Jones, N.C.	Smith, Iowa
Clark	Kastenmeier	Smith, N.Y.
Clausen, Don H.	Kazen	Spence
	Kee	Springer
Cleveland	Keith	Staggers
Collins, Tex.	Kemp	Stanton, J. William
Conable	Kuykendall	
Conte	Kyl	Stanton, James V.
Corman	Kyros	
Cotter	Landrum	Steed
Coughlin	Latta	Steele
Culver	Leggett	Steiger, Ariz.
Curlin	Lennon	Steiger, Wis.
Daniel, Va.	Lent	Stephens
Danielson	Lloyd	Stokes
Davis, Ga.	Lujan	Sullivan
Davis, Wis.	McClory	Symington
de la Garza	McCollister	Talcott
Delaney	McCulloch	Taylor
Dent	McDade	Teague, Calif.
Derwinski	McDonald, Mich.	Teague, Tex.
Devine		Terry
Dickinson	McEwen	Thompson, Ga.
Dingell	McFall	Thomson, Wis.
Donohue	McKevitt	Thone
Dorn	Macdonald, Mass.	Udall
Downing		Ullman
Dulski	Madden	Van Deerlin
Duncan	Mahon	Vander Jagt
du Pont	Mailliard	Vigorito
Eckhardt	Mallary	Waldie
Edmondson	Mathias, Calif.	Ware
Edwards, Ala.	Mathis, Ga.	Whalen
Eilberg	Matsunaga	White
Erlenborn	Mayne	Whitehurst
Esch	Mazzoli	Williams
Evans, Colo.	Miller, Ohio	Wilson, Bob
Fascell	Minish	Winn
Fisher	Mizell	Wolff
Flood	Mollohan	Wright
Flynt	Montgomery	Wyatt
Forsythe	Morgan	Wylie
Fountain	Mosher	Wyman
Frelinghuysen	Moss	Yatron
Frenzel	Murphy, Ill.	Young, Tex.
Frey	Natcher	Zablocki
Fulton	Nedzi	Zion
Garmatz	Nelsen	Zwach

NAYS—33

Abzug	Dow	Grover
Ashbrook	Drinan	Gubser
Aspin	Edwards, Calif.	Hechler, W. Va.
Bennett	Findley	Jonas
Byrnes, Wis.	Gibbons	Landgrebe
Collier	Gross	McKinney

Michel	Rarick	Scherle
Mikva	Reid	Smith, Calif.
Mitchell	Reuss	Vanik
Patten	Rosenthal	Whitten
Price, Tex.	Roush	Yates

NOT VOTING—126

Addabbo	Flowers	Murphy, N.Y.
Alexander	Foley	Myers
Anderson, Calif.	Ford, Gerald R.	Nichols
	Ford, William D.	Nix
Anderson, Ill.	Fraser	Patman
Andrews, N. Dak.	Fuqua	Poage
Ashley	Galifianakis	Podell
Badillo	Gallagher	Pryor, Ark.
Baker	Goldwater	Pucinski
Baring	Halpern	Purcell
Bell	Hanley	Quillen
Bevill	Hanna	Railsback
Biaggi	Hansen, Wash.	Randall
Bingham	Hastings	Rangel
Blanton	Hébert	Rhodes
Blatnik	Henderson	Rodino
Bow	Holifield	Roncalio
Brasco	Jones, Tenn.	Rooney, N.Y.
Broomfield	Karth	Rooney, Pa.
Brown, Ohio	Keating	Roy
Cabell	King	Runnels
Caffery	Kluczynski	Scheuer
Carey, N.Y.	Koch	Schmitz
Celler	Link	Shoup
Chisholm	Long, La.	Shriver
Clawson, Del	Long, Md.	Skubitz
Clay	McCloskey	Snyder
Collins, Ill.	McClure	Stratton
Colmer	McCormack	Stubblefield
Conyers	McKay	Stuckey
Crane	McMillan	Thompson, N.J.
Daniels, N.J.	Mann	Tiernan
Davis, S.C.	Martin	Veysey
Dellenback	Meeds	Waggonner
Dellums	Melcher	Wampler
Denholm	Metcalfe	Whalley
Dennis	Miller, Calif.	Widnall
Diggs	Mills, Ark.	Wiggins
Dowdy	Mills, Md.	Wilson, Charles H.
Dwyer	Mink	Wydler
Eshleman	Minshall	Young, Fla.
Evins, Tenn.	Monagan	
Fish	Moorhead	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.
Mr. Waggonner with Mr. Snyder.
Mr. Addabbo with Mr. Fish.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Rooney of New Jersey with Mr. Halpern.
Mr. Hébert with Mr. Young of Florida.
Mr. Brasco with Mr. King.
Mr. Rodino with Mr. Widnall.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Thompson of New Jersey with Mr. McClure.
Mr. Stratton with Mr. Hastings.
Mr. Hanley with Mr. Anderson of Illinois.
Mr. Henderson with Mr. Wampler.
Mr. Biaggi with Mr. Keating.
Mr. Blatnik with Mr. Bow.
Mr. Celler with Mr. Wydler.
Mr. Denholm with Mr. Dennis.
Mr. Fuqua with Mr. Brown of Ohio.
Mr. Murphy of New York with Mr. Bell.
Mr. Miller of California with Mr. Wiggins.
Mr. Conyers with Mr. Koch.
Mr. Bingham with Mrs. Hansen of Washington.
Mr. Diggs with Mr. Pucinski.
Mrs. Chisholm with Mr. Fraser.
Mr. Nix with Mr. Gallagher.
Mr. Bevill with Mr. Whalley.
Mr. Ashley with Mr. Minshall.
Mr. Holifield with Mr. Del Clawson.
Mr. Karth with Mr. Martin.
Mr. Collins of Illinois with Mr. Podell.
Mr. Scheuer with Mr. Metcalfe.
Mr. Rangel with Mr. Galifianakis.
Mr. Cabell with Mr. McCloskey.
Mr. Davis of South Carolina with Mr. Quillen.
Mr. Foley with Mr. Broomfield.
Mr. Carey of New York with Mr. Rhodes.
Mr. Alexander with Mr. Crane.
Mr. Kluczynski with Mr. Dellenback.
Mr. Link with Mr. Skubitz.
Mr. Mann with Mr. Schriver.
Mr. Moorhead with Mr. Eshleman.
Mr. Anderson of California with Mr. Schmitz.
Mr. Meeds with Mr. Railsback.
Mr. Randall with Mr. Myers.
Mr. Roncalio with Mr. Shoup.
Mr. Long of Louisiana with Mr. Mills of Maryland.
Mr. Colmer with Mr. Hanna.
Mr. Jones of Tennessee with Mr. Tiernan.
Mr. McCormack with Mr. Andrews of North Dakota.
Mr. Nichols with Mr. Patman.
Mr. Rooney of Pennsylvania with Mr. Monagan.
Mr. Roy with Mr. Baring.
Mr. Stuckey with Mr. Blanton.
Mr. Runnels with Mr. Flowers.
Mr. Stubblefield with Mrs. Mink.
Mr. Long of Maryland with Mr. Pryor of Arkansas.
Mr. McKay with Mr. Purcell.
Mr. McMillan with Mr. Caffery.
Mr. Clay with Mr. Badillo.
Mr. William D. Ford with Mr. Dellums.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 958, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 635, to amend the Mining and Minerals Policy Act of 1970.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. EDMONDSON

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

The Clerk read as follows:

Mr. EDMONDSON moves to strike out all after the enacting clause of the bill S. 635 and to insert in lieu thereof the provisions of H.R. 6788, as passed, as follows:

That (a) this Act may be cited as the "Mining and Minerals Resources Research Act of 1972".

(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91-631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

RESOURCES RESEARCH INSTITUTES

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1973, and for each succeeding fiscal year thereafter the sum of $500,000, for each participating State, to assist it in establishing and carrying on the work of a competent and qualified mining and mineral resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be the tax-supported school of mines or a tax-supported college or university having an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering fields: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments on mineral resources problems having industry-wide application, of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of minerals resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

SEC. 101 (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1973, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for

a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

SEC. 103. Sums available to institutes under the terms of sections 100 and 101 of this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an apropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1973, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable utilize the facilities of institutes designated in section 100 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for inter-agency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communication at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;

(3) the Director of the National Science Foundation, or his delegate, with his consent;

(4) the President, National Academy of Sciences, or his delegate, with his consent;

(5) the President, National Academy of Engineering, or his delegate, with his consent; and

(6) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The

Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

SEC. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

Amend the title so as to read: "An Act to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes."

The motion was agreed to.

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

The title was amended so as to read: "To establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6788) was laid on the table.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

GENERAL LEAVE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

REPORT ON COMMUNICABLE DISEASE CONTROL ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–298)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

As required by Public Law 91–464, I hereby transmit a report on communicable disease control activities prepared by the Secretary of Health, Education, and Welfare.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

ON-THE-JOB PROTECTION OF AMERICAN WORKERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–303)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed, with illustrations:

To the Congress of the United States:

On-the-job protection of American workers continues as a high priority goal in this Administration's effort to improve the quality of life for all Americans.

The Occupational Safety and Health Act of 1970, which I signed into law on December 29, 1970, is a major step towards improving workplace conditions. As I said at that time, this legislation is one of the most important measures ever taken in behalf of those American workers who are covered by the provisions of the act.

The accompanying President's Report on Occupational Safety and Health describes what has been done to implement the act during the first year of its operation, and it also indicates the magnitude and direction of the task ahead. The report examines the responsibilities of the Department of Labor for setting safety and health standards, and for gaining compliance with those standards. Another part of the report explores the activities of the Department of Health, Education, and Welfare in research and training.

Like many problems that we face today, the improvement of job safety and health cannot be accomplished by simply pressing a button. If we are to reduce the injuries, the illnesses, and the deaths connected with working conditions, we must take determined actions: we must increase the number of people who are trained in health and safety techniques; knowledge of the causes of accidents and illnesses must be developed; this knowledge must be translated into effective standards; employers and employees require adequate instructions; and standards must be enforced through energetic and rigorous inspection programs.

Above all else, if we are to be successful, the full collaboration of private industry, the States and the employees must be enlisted.

The Occupational Safety and Health Act of 1970 recognizes the need of reinforcing the role of the States in resolving our national problems. As a consequence, the implementation of the act has emphasized cooperative programs with State Governments. The involvement of the States in these programs has been gratifying. It is a testimonial to the flexibility and vigor of our Federal-State system that the 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands have all expressed a willingness to develop plans for setting and enforcing standards that are at least on a par with the Federal requirements fixed by the act.

In addition, many States are actually aiding the Federal Government by gathering superior statistical data that will provide a basis for charting the future direction of safety and health programs. Many States, too, are now assisting the Federal Government in the enforcement of standards.

In short, I feel that the essential groundwork has been laid for genuine progress in on-the-job safety and health. This report describes the structures that have been set in place, and it outlines how the building process will continue.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11627) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11627, with Mr. REES in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 11627. This bill, which is to be entitled "The Motor Vehicle Information and Cost Savings Act," is designed to relieve the American consumer of the high cost associated with the repair of accident damage to his automobile. I believe that most Members know that tests have shown that contemporary automobiles sustain substantial damage in collisions with a fixed barrier at 5 miles per hour. This is the rate of speed which we reach while walking down to the corner store. Incredibly, tests for 1972 models show that vehicles sustain a range of damage from $154 to $402 at this low speed.

This is a cost to the American consumer which is entirely unnecessary. The committee has received clear evidence

that the technology already exists which would allow manufacturer to equip their vehicles with functional bumpers which would prevent damage to the vehicle at barrier equivalent impacts of 5 miles per hour.

This bill before us today would require manufacturers to apply this technology and to produce cars which can sustain minor bumps and bangs without damage. Data supplied to the committee show that the savings to the consumer will be immediate and could amount to many millions of dollars. Indeed, the committee has received estimates that the savings could amount to over $1 billion.

H.R. 11627 contains four titles whose contents I will briefly summarize. Title I of this bill directs the Secretary of Transportation to adopt Federal bumper standards which are to be designed to eliminate or substantially reduce the damage susceptibility of contemporary automobiles in low speed collisions. This authority would supplement the Secretary's existing power under the National Traffic and Motor Vehicle Safety Act of 1966 to establish motor vehicle safety standards. Thus, this title would empower the Secretary for the first time to set bumper standards which are designed to reduce motor vehicle property damage in addition to protecting safety systems and equipment. The standard setting and enforcement mechanisms of this title are closely patterned after those contained in the Motor Vehicle Safety Act.

Title II of this bill directs the Secretary to conduct a study of the methods for comparing passenger motor vehicles on the basis of their susceptibility to damage, their relative costs of repair, and the extent to which they offer protection to their occupants in motor vehicle accidents. Upon completion of the study, the Secretary is directed to disseminate information to the public which would permit prospective purchasers to compare various makes and models of automobiles based upon these characteristics. This title also directs the Secretary to establish procedures under which automobile dealers would be required to supply prospective purchasers with insurance rate information. A consumer would thereby be armed with information which would better enable him to judge the true cost implications and risk of personal injury which may follow from his owning a particular make and model of motor vehicle. It is the intention of this title that a consumer information program of this type would stimulate competition among manufacturers to produce cars which are more resistant to damage, less expensive to repair, and which are safer.

Title III of this bill requires the Secretary to establish a series of demonstration projects to determine the feasibility of using diagnostic procedures to test for compliance with safety and emission standards. No more than 10 nor less than five projects are to be established. The projects are to be operated by States which meet certain qualifications set forth in the title. The Secretary is to provide technical and financial assistance to eligible States.

Lastly, title IV proposes to make it unlawful to tamper with a motor vehicle odometer—mileage indicator. Because consumers commonly rely on the odometer reading as a measure of the vehicle's condition and fair value, unscrupulous dealers will often disconnect or reset odometers in order to deceive prospective purchasers. Title IV is intended to curb this practice on a national level. In order to preserve individual State initiative in this area, however, care has been taken to prevent title IV from infringing upon State odometer laws.

This legislation would authorize a total expenditure of $83 million in the first 3 fiscal years. The committee has recommended authorizations in accordance with cost estimates supplied to it by the Department of Transportation.

Mr. Chairman, the committee has worked very hard on this legislation. The first bill reported by its Subcommittee on Commerce and Finance was rejected and ordered recommitted. Thereafter, the subcommittee met for several weeks in executive session and was finally able to agree upon a bill which gained the support of the full committee.

Legislation in this difficult area is not likely to win the unanimous support of all Members. The committee has reported a bill, however, which I believe deserves and will win the support of the House. The statistical record over the past several years shows clearly that the Congress must act to protect the American consumer from the enormous economic waste which results from motor vehicle property damage. This legislation represents a restrained yet firm commitment on the part of the Federal Government to give the consumer some relief from the continuing assault on his pocketbook.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, here is a brief description of the bill:

TITLE I

First. Directs DOT to adopt bumper standards to reduce front and rear damage in low speed collisions.

These would expand present bumper standards intended to protect safety features only.

Second. State standards would be preempted once Federal standards are promulgated.

Third. Civil penalties plus private lawsuits allowed, but no recovery if the model was approved and built with due care.

Fourth. Authorizations: 1973, $5 million; 1974, $9 million; 1975, $10 million.

TITLE II

First. Directs a study of ways to compare cars as to repairability.

Second. DOT is to devise a scheme for having auto dealers give out information on insurance premiums.

Third. Authorizations: 1973, $3 million; 1974, $3 million; 1975, $3 million.

TITLE III

First. To establish diagnostic centers as demonstration projects.

Second. Between five and 10 projects. No more than one-half where inspector also sells repairs.

Third. Grants up to 90 percent.

Fourth. Authorizations: 1973, $10 million; 1974, $15 million; 1975, $25 million.

TITLE IV

First. Make it unlawful to change or stop odometers so as to defraud.

Second. Civil remedy is provided to victims.

Total authorizations—$83 million for 3 years.

H.R. 11627—MOTOR VEHICLE INFORMATION AND COST SAVINGS

There is an old saying, "You cannot tell about a book by its cover."

In forming judgments on the desirability of this proposed legislation do not rely too heavily upon the purposes indicated in the title. It is not helpful in telling what the act does or how it does it. In fact, forget the title and look to the history of the bill and the problems attendant upon the whole concept of Government standard setting in the field of automobile design.

The idea of manufacturing automobiles which will better stand the bumps and collisions of everyday driving is most appealing. It seems to most of us who use cars constantly that Detroit ought to be able to design autos that would do better than they do. In fact, we all have a keen suspicion that they could easily do so if they wished to. The insurance industry would be most happy if it were done. The repair shops could be brokenhearted.

Starting from this general feeling have been the bills which have worked their way through both House and Senate committees. Most of them assume that the Federal Government can make decisions in this area and set standards for any part of an automobile to make it less susceptible to damage. It sounds simple enough until you look at it closely and then it falls apart.

First of all, the creation of overall standards for damageability entails all of the elements of car design. Now you may want a car designed by a Government bureau, but I doubt it. I know I do not. Design is a very complicated interplay of appearance, function, and engineering. The factor of cost cannot be ignored—at least the buyer would like to have it considered. How well does this kind of thing work in Government? Just take one quick look at the examples which recent history provides. Government set up the specifications for the F–111, for the aircraft carriers, for the Lockheed C–5A, for the tanks. In every instance they finally cost from three to 10 times as much as the Government planners said they would cost when they left the drawing board. No matter how repairable it may be, no one is going to pay $10,000 for a subcompact. But left to the bureaucrats you might do so, and they would try to convince you that it was both desirable and inevitable.

Looking somewhat further into the stated purpose of the Senate-passed bill—cost savings—we should ask who will realize whatever savings are accomplished. One thing we know—whatever it costs to beef up cars so that they will resist damage will be a direct burden on the purchaser. But what happens when the repairs become necessary? With the

ordinary insurance policy the auto owner will choose a deductible of $100 or whatever amount he has elected as a deductible. Thereafter the insurance company pays the repair bill. Government required ease of repair will certainly save insurance companies large wads of money. Whether a respectable proportion of that will be passed along to the auto owner is debatable. If, for example, that fine damage-resistant auto costs Citizen Smith $800 more to buy than the present tinfoil variety, and the insurance company reduces his insurance by $40 a year, it will take him 20 years or about two and a quarter times the life of the car to get even. And that is a bargain?

I have been talking against a bill, but I aim for this bill. It is not the same as a bill previously passed by the other body which is subject to all of the objections I have been discussing. Our bill originally came out of the subcommittee as an information bill purely. It created a scheme for a damageability index, based upon actual repair experience, which could be used in making comparisons before buying. This version was returned to the subcommittee by the full committee for further work. Thereafter the subcommittee sent forward a bill which provides for bumper standards, front and rear. This, it seems, is the most promising area of cost reduction. That is the bill which we have brought to you now.

A word about bumper standards. There are already bumper standards in existence based upon the safety provisions of the Motor Vehicle Safety Act. They were intended to require protection for the safety related equipment on the front and rear of the car—headlights, taillights, radiators, and the like. This bill merely *expands* the authority of the Department of Transportation to require protection of other front and rear equipment and sheet metal in low-speed collisions. This makes some kind of sense and I go along with it. Just how much it does for anyone beyond what is already possible is hard to say. But I support it for one reason—if there is to be a bill, and there are other features of this bill which are worthwhile, I feel that the House must be very positive in its acceptance of a bill which does not even remotely emulate the bill passed by the other body. This is as far as we should go, at least for now. Pass this bill and then insist upon it.

Going on to other features of the bill, we should note carefully the content of title 2. It provides for a thorough study of the subject of auto repairability and crashworthiness. This is a commendable idea and it presupposes that we do not currently know enough about it to plunge the Federal Government headlong into it. Whatever is learned will be made public for the benefit of auto buyers. The bulk of all data will come from insurance companies and governmental entities. In any event, there is much to be learned and it may well be worth the $3 million per year for 3 years that it will cost.

A third title of the bill would provide funds to create and operate a few pilot projects involving the use of diagnostic equipment in automobile inspection. Although the subject of auto inspections has been handled as part of the Highway Safety Act and therefore under the jurisdiction of another committee, the provisions included here are of a research nature and therefore well within the purview of our committee. If these projects show whether or how electronic diagnostic equipment can be incorporated into inspection systems, States can be encouraged or perhaps assisted in making them a part of inspection systems which will keep unsafe klunkers off the roads.

One more subject is covered by the bill. The tampering with odometers to help cover up the true mileage and condition of a used vehicle has been one of the more odious practices in the used car business for many years. Some States have legislated sanctions. This bill will not affect them. It makes it unlawful to advertise, sell or use any device to set back an odometer. It also makes it unlawful to sell a car and not disclose the truth about mileage. Although the penalties imposed are civil in nature, the creation of a Federal law on the subject bolstering those of the States, and particularly the information requirements, should deter the practice of odometer tampering. New car dealers and legitimate used car dealers support this provision.

Taking H.R. 11627 all together, there is more to be commended than condemned. I recommend that the House pass it. In so doing, however, I wish to again remind the Members that a return to the provisions of title I as passed by the other body will and should call for the defeat of the conference report. I trust that the conferees will carry out the will of the House.

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

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Do I understand the gentleman from North Carolina to say that this legislation would authorize the expenditure of $83 million in the next 3 years?

Mr. BROYHILL of North Carolina. Yes.

Mr. GROSS. And it includes such things as diagnostic centers to be operated within the States?

Mr. BROYHILL of North Carolina. That is correct. These are demonstration projects. The bill does not envision going into a permanent program of diagnostic centers. These are demonstration projects only.

Mr. GROSS. I am sure the able gentleman from North Carolina and the members of the Committee on Interstate and Foreign Commerce are aware of the fact that diagnostic centers are already in operation in Arlington, Va., and I suspect in all other States and heavily occupied areas of the country. Is that not true?

So what is new about diagnostic centers?

Mr. BROYHILL of North Carolina. These diagnostic centers would permit the automobile owner to go in and have a complete checkup of his car by an impartial person to determine what it is going to cost to repair it and to determine what is wrong with it, and he can take that information which is given to him by these impartial inspectors and go to a person who is in business and make a better judgment on the services that he should purchase.

Mr. GROSS. What would make a State employee any more impartial than the operator of a service station operating a diagnostic outfit? What would make them any more impartial than the man from whom you buy your gasoline and who changes the oil in your car, and so forth? He is not in business to lose your business.

Mr. BROYHILL of North Carolina. The language in the bill does not say there is anything wrong with their services. I happen to agree with the gentleman that they provide good service. But this is an effort to see if we can obtain more information quickly about what is wrong with an automobile. Perhaps there are others on the committee who have had far more experience than I in seeing these types of centers set up in other countries. It is possible in certain systems, by attaching the automobile to computers, to actually have a read-out of what is wrong with the automobile.

Mr. GROSS. This bill does not provide for an advisory board, an advisory committee, or an advisory commission; does it?

Mr. BROYHILL of North Carolina. There are no advisory committees set up in this bill.

Mr. GROSS. I am glad to hear that.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding. I have been trying to understand the need for this bill at this time. I do have some questions I would like to ask about the bill. Perhaps the chairman of the committee would be willing to respond to my questions or try to answer those that I have.

For example, I am concerned about the civil actions that are provided in the bill. There is a provision for civil actions in which the damages to be recovered would be not less than $1,000 and as much as $400,000. I assume that those civil actions could be instituted by an individual against a car manufacturer; is that correct?

Mr. STAGGERS. What the gentleman is referring to, as I interpret his question, is a court action by the Secretary against the manufacturer.

Mr. MCCLORY. How do you arrive at the $400,000?

Mr. STAGGERS. That is the limit. They cannot go beyond that. That is provided in the original Motor Vehicle Safety Act. That is the wording.

Mr. MCCLORY. This bill authorizes a new type of action; does it not?

Mr. STAGGERS. It is under the Safety Act and in conjunction with it.

Mr. MCCLORY. And private attorneys would be authorized to bring civil actions; would they not?

Mr. STAGGERS. I did not hear the gentleman's question.

Mr. MCCLORY. Individual private attorneys would have to represent people in bringing civil actions; would they not?

It would not be the Attorney General who would bring the action, would it?

Mr. STAGGERS. I think the question is a little bit confusing, or else you are confused. The penalty provision comes under the authority of the Secretary, and that comes out in the court. There can be private suits brought, but in that respect we do not talk about $100,000 or $400,000. The judgment would be an entirely different matter in private suits.

Mr. McCLORY. Is there any limit to the damages in private civil actions?

Mr. STAGGERS. I would think so, after the case would get to court.

Mr. McCLORY. The bill also authorizes, in addition to the damages, the collection of attorneys' fees and court costs; is that correct?

Mr. STAGGERS. I think that is correct; yes.

Mr. McCLORY. This is all new; is it not?

Mr. STAGGERS. Yes.

Mr. McCLORY. Does anybody have any estimate as to how much additional attorneys' fees this bill is going to provide for the legal profession?

Mr. STAGGERS. Not any more than any other thing you might take up would provide. We say "reasonable." We certainly hope it would not be exceptional.

Mr. McCLORY. It is my understanding that most fatal automobile accidents are related somehow or other to the consumption of alcohol by the operators of the automobiles. Is there anything in here to try to reduce the loss of life from automobile accidents because of the use of alcohol by the driver?

Mr. STAGGERS. This is not a bill related to that subject in any way. This is a cause and repair bill. This is joined in with the safety bill and has nothing at variance with that. It is stated in there that it shall not interfere with the safety program we have already set up and passed.

Mr. McCLORY. There is one other question I have. As I recall the hearings, there were extensive hearings conducted, mostly in the other body, which showed the terrible abuses that were occurring or resulting from repairmen overcharging customers, installing parts that were not required, and all sorts of things like that. Is there anything in here which is directed against the repairmen or the repair industry, or are we only involving the Government in telling the manufacturers how to manufacture automobiles?

Mr. STAGGERS. We are not telling them how to manufacture automobiles. We are saying, with the knowledge they already have, they should consider the consumers of the Nation. We are not going into the repair industry. I think in all probability we will add more to the safety bill in other fields.

Mr. McCLORY. May I say the consumer is going to be the one who pays through the nose as a result of this legislation. This bill represents governmental interference in the private industry, the like of which, it seems to me, we have never had before. I think when we initially interfered in the automobile manufacture, we were meddlesome. I question the wisdom of the seatbelt legislation, and certainly the headrest legislation was most offensive. I, myself, had a costly accident as a result of having my vision blocked by the headrest when I was making a turn. It seems to me when the Government of the United States substitutes itself for the consumer and gets into the business of dictating to the manufacturers and purchasers of merchandise details of construction such as is authorized by this bill it causes injury and permanent harm to the American people.

Mr. Chairman. I am opposed to this legislation.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I appreciate what the committee has endeavored to do in this legislation, but there does not appear to be in this legislation any means of standardizing bumper heights. When we drive along the highway, we often follow vehicles such as Volkswagens, Fiats, and some American sports cars which have bumper levels 5 or 6 or 8 inches below the bumper levels of the average American automobile.

Mr. Chairman, it seems to me if we are going to reduce accidents and the high cost of accidents and the great physical damage which people sustain on the highways, certainly this legislation ought to be directed toward providing uniform bumper levels, so that they meet. If there is an impact, it will be the bumpers that meet rather than other parts of the vehicle in which there will be exposure to the passenger injury and increased cost of repair.

Will the gentleman tell me whether or not this legislation does anything about providing regulations about uniformity of bumper levels?

Mr. STAGGERS. It does not, but we state to the Secretary he shall set the standards, and we would expect the Secretary to standardize the bumper heights even of imported cars. That would be my intention in regard to this.

Mr. STAGGERS. Mr. Chairman, the gentleman from California had asked me to yield, and I yield to the gentleman at this time.

Mr. VAN DEERLIN. I thank the chairman.

Mr. Chairman, this legislation, as has been noted, does undertake to preempt all State statutes on bumper standards. Indeed, the report itself accompanying the bill, on page 28 says:

> Section 110 preempts state authority to establish or continue in effect bumper standards which are not identical to Federal bumper standards. This section is intended to be interpreted as a Federal preemption of the field in order to assure uniformity of bumper standards.

Mr. Chairman, six States have acted in this field. Three of them—my own State of California, the State of Maryland, and the State of Florida—have established bumper standards which would require the ability to withstand damage both front and rear at a speed of 5 miles an hour. The California law will become effective on September 1 of next year, 1973, the Maryland statute on the first day of 1974, and the Florida law on September 1, 1974.

Three other States—Georgia, Minnesota, and North Carolina—have adopted standards which provide for 5 miles an hour for the front bumper and 2½ miles an hour for the rear bumper.

Now, if we are going to preempt State standards, I should assume we are entitled to know that the Department charged with responsibility would not establish standards less stringent than those already ordered by the three States—5 miles an hour front and 5 miles an hour rear.

Would the chairman of the committee comment on that?

Mr. STAGGERS. I shall be happy to.

We refrained from setting standards or limitations in the committee. Certainly the intention was that Federal bumper standards would be as strong as any State now has, and perhaps stronger.

We leave it up to the Secretary. We know the States have a 5-mile-an-hour provision. We certainly expect him to come up to that or beyond. We hope in a year or two it will be far beyond.

Mr. VAN DEERLIN. It is to be noted that both the Ford Co. and General Motors have indicated to California that they can go along with that law, can meet it, and comply with it, and live with it.

Mr. STAGGERS. That is true. We certainly expect the Secretary to set the standards at least this high if not higher.

Mr. VAN DEERLIN. I should hope the gentleman's assurances here will be read by the Secretary, and go a long way toward influencing that judgment.

Mr. STAGGERS. I am sure they will be, because that was the intent of the committee. We have not specified that standards be set at a specific speed level of 5 miles per hour because we hope in the near future they will go way beyond that.

The CHAIRMAN. The time yielded by the gentleman from West Virginia has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I should like to speak to the question the gentleman so ably presents here, because it is a problem the committee was concerned with, and I believe I can show the gentleman how we met that problem.

Mr. VAN DEERLIN. I would appreciate that.

Mr. ECKHARDT. On page 47 of the bill, in section 110(a) there is a preemption clause which broadly preempts all State law and puts into effect Federal law.

In subsection (b)(1) we have the exception, and we had specifically the California standards in mind there.

We did want to make this as narrow as possible, because we did not want to create a standard for a different kind of automobile for every State of the Union. So we said that until the Federal standard takes effect with respect to a given aspect of performance—as, for instance, the 5-mile-an-hour rear and front end requirement—until an action is taken by

the Federal Government the State standards may continue in effect.

We did not want to open this any wider than necessary, so we said it would apply only where a State had in effect such a standard or had one promulgated. As we understand it, in California it is not now in effect but it is promulgated. So we really tailor-made this for California.

We are reasonably sure that no standard will be established by the DOT at a level less than a 5-mile-an-hour front and rear standard.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

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

Mr. VAN DEERLIN. Does the gentleman have anything other than his own pious hope that this would be so?

Mr. ECKHARDT. I may say this: If the worry were that the DOT would do nothing, I would join in the worry. In other words, I certainly would not want to set aside an existing standard for one that is not yet promulgated. But I believe we have a pretty good assurance that when they do act it will not be less than 5 miles an hour front and rear.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 1 minute.

I would like to join this colloquy just completed here.

We have discussed this at some length in the subcommittee, and I am convinced that the DOT is going to promulgate a standard that is going to be completely adequate to do the job. I do not think they are going to ignore the actions that other States have taken. My own State of North Carolina, for example, enacted a bumper standard. The gentleman from California enumerated some of the other States that have enacted these standards. I feel that the DOT is going to take into consideration what they have done in this field and certainly they are not going to have a standard that is so far below these others that it will be either meaningless or it will be very obvious that it does not mean anything.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of North Carolina. I yield myself 2 additional minutes.

I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. I thank the gentleman for yielding.

One thing that I cannot understand—and maybe you can help me to understand it—is under title II, the automobile consumer information study, and on page 50 under section 201(e) it states:

> (e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passengers motor vehicles.

Does that mean someone by February 1, 1975, can go in to price a Ford automobile and the Ford dealer has to have all of the insurance rates of all of the competitive automobiles available?

Mr. BROYHILL of North Carolina. I would like to say in all fairness to the gentleman from Texas I wish you would direct this question to the gentleman from California. I think he will recall I tried to strike this section in the subcommittee.

Mr. CASEY of Texas. I will direct it to anyone who wants to explain it.

Mr. BROYHILL of North Carolina. But it does require the Secretary to establish these procedures so that when a purchaser of an automobile goes in to buy this automobile he will have available there for the consumer to see the range of insurance costs that he will have to pay in that State or under the State laws. This section sets up procedures so that a car purchaser can go from one model to the other so that he can make a comparison of what the actual automobile insurance costs will be.

Mr. CASEY of Texas. Is it not going to be burdensome on each automobile dealer to have the various automobile premium rates available on all of the automobiles? You will have to have the $25 deductible, the no deductible, fire, theft, collision, and whatnot. Or else what is meant by this section?

Mr. BROYHILL of North Carolina. As I was saying to the gentleman, I was advocating in the subcommittee that a study be made on this and not actually require the Secretary to establish these procedures; however, it is in the bill, we arrived at a consensus, and I do not feel it will be overly burdensome to the auto dealers.

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

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Texas on his own time if he wants to pursue this matter further.

Mr. CASEY of Texas. I am anxious to learn more about it. Would the chairman of the subcommittee care to respond? Was it his proposal?

Mr. MOSS. No, it was not my proposal, but I can report to you the consensus of the committee. The consensus was that by granting rulemaking authority to the Secretary to come up with a format that we would not be imposing any onerous burden on dealers. In all probability, this would become published information readily available to every automobile dealer in the country and something that would be in his showroom for study or at least available to the purchaser.

Mr. CASEY of Texas. Well, with reference to that, I wonder if the gentleman could also go into the requirement that the Secretary shall require insurers of automobiles to furnish all the data that the bill calls for on pages 54 and 55?

Is that going to end up in higher insurance premiums?

Mr. MOSS. It is the judgment, if the gentleman will yield, of the overwhelming majority of insurance writers that it will reduce rather than increase the cost of insurance. That was the impact of the testimony of those from the auto insurers before the committee in rather extensive hearings.

Mr. CASEY of Texas. As the gentleman knows, every once in a while we will pass something and then we will start hearing about the paperwork required in carrying out the congressional intent. The agencies get so involved in paperwork that the next thing you know it runs the cost up more than we anticipated.

Mr. MOSS. I am quite confident that each member of the subcommittee was as desirous as the gentleman himself to avoid any buildup of paperwork. We do not anticipate the buildup of paperwork, and we certainly would admonish the Secretary not to undertake rules and regulations which would impose undue burdens on the industry.

Mr. CASEY of Texas. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Thank you, Mr. Chairman.

I want to make one thing clear. I am in support of the general principles of this bill. I think they are reaching a very important subject matter.

However, my concern goes to title I relating to bumper standards. I have spoken with the gentleman from Texas (Mr. ECKHARDT) for whom I have great respect and in my opinion there are few who have greater skill in the legislative process.

I would like to ask the gentleman whether it is not true that if the Federal Government, pursuant to this law, were to enact a regulation calling for 3 miles per hour, for example, bumper standards on the front and rear, would this not then preempt our California law which calls for 5 miles an hour?

Mr. ECKHARDT. Yes, the gentleman is correct.

Mr. DANIELSON. The answer was in the affirmative.

This is the portion that bothers me. I do not in any respect whatever doubt that the committee intends to have the Department of Transportation issue regulations as strong as those in California, but I have no assurance that they will.

I say this, and I do not doubt the chairman's word or the members' word, but, what we are doing here is indulging in our old fallacy of delegating to the executive department the right to do something which is truly legislative.

I respectfully submit that I do not think I have any choice but to represent my State and try to see to it that we are allowed to have our own law remain on the statute books.

Mr. STAGGERS. I will say to the gentleman that if the Secretary comes up with anything less than 5 miles per hour, we would have an oversight hearing with reference to it.

Mr. DANIELSON. I assure the chairman that I thoroughly believe him, but I do not want the Secretary to even have the chance.

Mr. STAGGERS. But, we will go into the matter and have the experts appear before the committee and determine what has been done.

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

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

Mr. DANIELSON. Thank you very much.

I would like to respond to that by say-

ing that in my own State legislature hearings were held on this subject. Our law was not pulled out of the blue sky. Witnesses appeared before the committee and they testified, and the act was responsibly passed by the legislature and approved by the Governor and I believe it is indeed responsible legislative action.

Appropriate bumper standards, as provided by the existing California law, would save the citizens of California an estimated $1,000,000,000 per year in savings from automobile insurance premiums and repairs to automobiles. It is only good sense to keep such laws in effect until such time as the Federal Government promulgates regulations which are equally effective.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. The answer that I gave the gentleman was absolutely candid in answer to his question, but his questions did not relate to what the Federal Government now has enacted as a standard to go into effect on September 1, 1973.

The Motor Vehicles Safety Standard No. 215 provides in section 562 as follows:

> Except as provided in S5.2.1 and S5.2.2, each vehicle manufactured on or after September 1, 1973, shall meet the protective criteria of S5.3.1 through S5.3.6 during and after impacts by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle—

Now, note this:

> while traveling longitudinally forward at 5 mph and while traveling longitudinally rearward at 5 mph, under the condition of S6.

Stripped of the bureaucratic gobbledygook, that means that the Federal Government has already enunciated safety standards to take effect in September of 1973 that will make an automobile meet the requirements of a 5-mile-an-hour collision, front or rear.

As I understand, that is what the California law does or will do with respect to property damage as soon as it is put into effect. Until this happens under the Federal act the preemption clause of the Federal act does not supercede any existing California law. Therefore until 1973 if the California law goes into effect it will remain in effect until September 1, 1973, at which time it will become identical with the Federal law if the Federal agency applies to its safety standard and responsibility standards the same speed provisions, as I believe it surely will do.

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

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the Chairman of the subcommittee, the drafter of the bill, the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I would say to my colleague, the gentleman from California (Mr. DANIELSON) that, as the chairman of the subcommittee reporting this legislation, I believe I was quite cognizant of the interest of the California motorist in a good bumper law, and I think we have achieved that kind of law in the bill here. I do not feel that the preemption section takes anything away from California.

The gentleman from Texas (Mr. ECKHARDT) has just read the bumper safety standard which has been promulgated for 1973 model automobiles. If you will refer to page 34 of the bill before the committee at this time, beginning on line 18, the language is very clear that:

> Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966.

And certainly if we had a different standard proposed to the industry by the Secretary under this new authority, and it called for less than the 5 miles per hour and 5 miles per hour—front and rear—it might well be a standard in conflict with standards being proposed under the Motor Vehicle Safety Act.

So I think we can have the assurance as indicated by the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) that if the Secretary should be so unwise as to promulgate a lower standard that he would immediately have oversight hearings before the Interstate and Foreign Commerce Committee.

I think that the gentleman from North Carolina (Mr. BROYHILL), the distinguished ranking minority member on the Subcommittee on Commerce and Finance, would agree with me that in the entire span of discussion in the committee there was a consensus that we were talking of a 5-mile-an-hour standard. We did not feel it desirable to freeze that into the statute, but rather to make clear our intent and acquaint the Secretary with that intent.

Mr. BROYHILL of North Carolina. Mr. Chairman, if the gentleman will yield, as he well knows, and of course as is well known in the industry, the present standard which has been promulgated by the Department of Transportation with respect to safety-related bumper standards calls for 5-mile-an-hour standards.

Mr. MOSS. I thank the gentleman.

Mr. BROYHILL of North Carolina. So I do not think there are going to be all these difficulties to meet a 5-mile-per-hour standard from the standpoint of repairability.

Mr. MOSS. I will say to my colleague, the gentleman from California, you can vote for this with the assurance that we have been as careful as the California Legislature.

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

Mr. MOSS. I yield to the gentleman.

Mr. DANIELSON. You have raised another question in my mind on the setting up of the standards—when is the Secretary going to set these standards under the bill?

Mr. MOSS. He is instructed to set the standards as promptly as possible, but not earlier than July 1, 1973.

Mr. DANIELSON. As I read section 102(a)—this does call for the Secretary to set the standards but does not say when.

Mr. MOSS. On page 35, line 15 of the bill, it provides "in no event shall the Secretary establish an effective date which is earlier than July 1, 1973".

Having an awareness of the fact that there are already safety related standards promulgated with an effective date I believe of September, 1973, it would seem probable that the repair standards will be promulgated within the same time.

Mr. DANIELSON. Is there anything in the bill that says when the Secretary shall set the date?

Mr. MOSS. No; there is not. I would suggest that if we start here to draw up the rules and make them spell out the process on dates and times—then we might as well go ahead and write the standards ourselves. I assure you that would be most difficult.

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

Mr. MOSS. I yield to the gentleman.

Mr. ECKHARDT. Mr. Chairman, I think the clear answer to the gentleman's question is that if the Federal agency does not set any standards with reference to repairability, the California standards will remain in effect.

Mr. MOSS. That is correct.

Mr. Chairman, I urge the committee to support the bill.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. SEIBERLING. In the hopes of avoiding a multiplicity of statutory requirements to be met by our already somewhat overburdened auto tire industry, I just wonder if I could ask a couple of questions, first, with respect to title II, Automobile Consumer Information Study.

As I read this, this would not cover studies and investigations of the tire components of motor vehicles, that is, the motor vehicle's tires. Is that correct?

Mr. STAGGERS. That is correct, because when we passed the original National Traffic and Motor Vehicle Safety Act of 1966, we included the standards there for tires. They are not repeated in this legislation.

Mr. SEIBERLING. Could I ask the same question with respect to title III—diagnostic inspection demonstration projects. Is the answer on that the same?

Mr. STAGGERS. It would be the same there because we set specific standards in 1966 in the original act.

Mr. SEIBERLING. The answer would be the same?

Mr. STAGGERS. That is right.

Mr. SEIBERLING. I thank the gentleman very much.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, it is common and painful knowledge to all of us, of the high cost of repairing automobiles damaged by a collision—first, with reference to the cost of the automobile itself and the cost of repairing them and the cost of the insurance.

The committee has set about to try to find a reasonable way of reducing those costs.

The committee was faced with this proposition: The Secretary of Transportation would set Federal standards for reducing the cost of repair. This proposal came close to getting into the area of actually entering into the design of the automobile. That was strongly opposed.

Another proposition that was argued was that it would be sufficient if we simply published information compiled by DOT about the cost of repair.

The idea was that if this information was published and make knowledgeable, then this would sufficiently protect the consumer. After lengthy consideration of these two proposals the committee has reached a good compromise, I think. The committee bill says that the Secretary may establish cost of repair standards in the area of bumpers. This will probably go to the heart of a great deal of our problem and give us a little time to see what kind of cost can be eliminated.

I commend the bill to the committee. I think it is a good consumer bill and should be supported by the Members of the House.

Mr. THOMPSON of Georgia. Mr. Chairman, no one is more in favor of better automobile bumpers than I am and, likewise, no one is more in favor of a law prohibiting the turning back of odometers on automobiles than I am. However, in looking at H.R. 11627 in its entirety, I can only conclude that these two desirable provisions are not sufficient to vote for the measure because of the very undesirable measures and purposes of the bill.

For example, it is not necessary to have a bill 57 pages long simply to accomplish these two desirable purposes. This can be done in one page. The balance of the pages is what makes the bill unacceptable.

Higher and higher taxes and increased costs of Government bring cries for relief from my constituents for the spending of an additional $81 million of taxpayers' money for a variety of purposes other than providing bumpers and prohibiting odometer changes.

As pointed out by Congressman CLARENCE BROWN, the bill is so broad that it would allow the Secretary of Transportation to require an ordinary citizen to give a report on the performance standards of his automobile—both mechanical and electrical—and were he to fail to do so, he could be subject to a fine of $1,000 and up to a year in jail. It is argued that the Secretary of Transportation would never be so foolish as to promulgate such a regulation, but I personally feel that we in the Congress should not be so foolish as to vote for such a measure that would give him this authority.

In order to carry out the provisions of this act, it would be necessary to hire a large number of Government employees who would be charged with the responsibility of taking each make and model of automobile each year and evaluating it as to repairability indexes for all of the various component parts. Further, even insurance information would have to be taken into studies and evaluation.

This will be wasteful of taxpayers' money and I frankly do not feel the American public wants its tax money to be wasted.

By giving the Secretary of Transportation the power to establish performance standards for each part of an automobile, we will find that the cost of the automobile will be increased. The exact amount I cannot say, but the increase is certain and could be $500–$600 in order to save $7–$10 on annual insurance premiums. Further, when a severe crash does occur, because the structure of the automobile is heavy and more complex due to Government regulation, we may find that, rather than having a bent fender, we may have a bent frame, thus making a repair of damages due to collision far more expensive than it would ordinarily be.

Another reason for my opposition is contained within a statement on May 16, 1972, sent out to all Members by Congressman BOB ECKHARDT of Texas, an author of many of the provisions of the bill. In it, he stated:

> Their (GM and Ford Motor Company) manufacturing techniques involve the wasteful annual style changes which, year in and year out, delivered to the public inordinately fragile, costly to repair and non-environmentally compatible vehicles. This annual style changing creates enormous manufacturing costs.

He further alleges that part of the reason he feels passage of the bill is necessary is because of the practice of the manufacturers to use "advertising to convince the car-buying public that they wanted these needless style changes and assortment of models." In brief, it is apparent that Congressman ECKHARDT is attempting to legislate by this measure against style changes which a manufacturer deems desirable and necessary to market this automobile. Further, he is apparently opposed to advertising efforts made on behalf of the automobile companies who are trying to convince the public that their new model is prettier, more attractive, and more desirable than the old one. I cannot vote for a bill designed to do this.

Maybe Congressman ECKHARDT's world would be a much better world if we were not style conscious and if women would not buy new wardrobes every time the fashion world introduced a new style in fabric, pattern or length of skirt. However, it is part of the American way of life that we create jobs and employment for people because of the desire of Americans to have something better, a little prettier and a little more useful than they had in the past.

Therefore, I for one, have no intention of supporting a bill which I feel would prevent our American system of manufacturing, marketing, and advertising from functioning—and this is certainly substantiated by Congressman ECKHARDT's remarks. I do not believe the American public wants their tax money being used to relegate them to the use of tank-like automobiles which are more expensive to purchase and operate. Further, because of added weight of the automobiles due to complying with regulations promulgated by this bill, we will cause more pollution in the air because more gasoline is used to move the increased tonnage down the highway.

Frankly, I doubt that repair costs will be reduced by this bill and so far as a bumper standing up under a 5-mile-per-hour collision is concerned, this is already required under current law and additional legislation is not needed since the 1973 cars are already required to have it.

In short, this measure will just spend more tax money to hire more Federal employees and will be part of the cause for a tax increase to be imposed on the people in the future.

Mr. BROYHILL of North Carolina. Mr. Chairman, we have no further requests for time.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 11627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the

trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual, association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occasional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c) (1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information, in-

cluding the supplying of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c)(1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3)(A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injuction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f–6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with advice to the Secretary. Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person

against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise ,may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107 (b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transfer to fail to give the following disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false state-

ment to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of this inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Mr. VANIK. Mr. Chairman, I am shocked that this legislation did not mention standardized bumper height and hope that the statement by the chairman of the Interstate and Foreign Commerce Committee, the distinguished gentleman from West Virginia (Mr. STAGGERS) will bring about the adoption of regulations relating to uniform bumper levels.

The present-day intermix of trucks and passenger automobiles of various bumper levels constitutes an invitation to suicide. The Italian-made Fiat has a front bumper which stands 19 inches off the ground allowing it to completely fit underneath the rear bumper of a Ford Mustang, a Plymouth Barracuda or a Buick Le Sabre. A Volkswagen without the bumper guard which is sold as an extra is only 17½ inches off the ground—allowing it to telescope under most other vehicles.

All American and foreign made passenger vehicles are defenseless against the high-platform trucks which have rear decks varying between 2½ to 5 feet.

Telescoping accidents are cruel and costly and can be reduced by prudent regulations.

It is also incredible that trucks are omitted from any obligation to provide matching rear bumpers to prevent telescoping accidents.

Although the prudent motorist maintains an assured clear distance between his automobile and the truck ahead and operates at a speed which will permit him to stop if he must—the appropriate safe distance is a matter of judgment—thousands of accidents and physical injuries result from the haphazard mixing of vehicles and trucks which have bumpers which miss instead of match.

Although there is much to be said for bumpers which can sustain impact, there is even more to be said for uniform standards in bumper levels of all passenger vehicles and trucks, so that they are designed to meet—if they must.

I am advised that while the Department of Transportation had been considering issuing regulations to require restraining structures on the back of trucks, the proposed regulations have been withdrawn due to the "economic impact" of the requirement.

This legislation is completely inadequate if we fail to provide bumper regulations which can provide more safety in the mixing of automobiles and trucks on our highways.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. DANIELSON

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

The Clerk read as follows:

Amendment offered by Mr. DANIELSON: Page 47, strike out line 4 and all that follows down through and including line 3 on page 48 and insert in lieu thereof the following:

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State or a political subdivision thereof to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment. If a Federal bumper standard is in effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, a State or political subdivision thereof may continue to enforce, any bumper standard applicable to the same aspect of performance of such vehicle or item of equipment if the Secretary determines such standard is identical to the Federal standard or imposes a higher standard of performance than the Federal standard.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f-6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use if such standard is identical to the Federal standard or imposes an additional or higher standard of performance.

Mr. DANIELSON. Mr. Chairman and colleagues, the amendment would do only one thing, and that is it would permit any State which already has in effect a law establishing bumper standards to continue to enforce those standards until such time as the Federal Government establishes similar standards which are just as strong as those established by the State government. I am offering the amendment because the State legislature of my own State of California passed a law during the 1971 session, which is now in effect, which calls for a 5-mile-per-hour bumper standard for both the front and the rear bumpers.

During the colloquy and the general debate which just preceded, I will concede, we have pretty well covered this subject and I am not going to wear it to a frazzle. But the point simply is that if the Federal Government is in fact going to have a standard which is the equivalent of the California standard, then there can be no valid reason to object to this amendment. The most we would be doing would be assuring that such a law can remain in effect until such time as the Federal Government sees fit to adopt a similar law.

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

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

Mr. ECKHARDT. Mr. Chairman, I know what the gentleman intends to do, but I am a little bit concerned about whether this really does that. The gentleman did strike from his amendment in the third paragraph under (b)(1) the language "or may establish and enforce," so the gentleman left only the words "may continue to enforce."

Mr. DANIELSON. Excuse me, where is that?

Mr. ECKHARDT. That is on the second page of the gentleman's amendment.

It is where the gentleman originally had "may establish or enforce"—I note that was the gentleman's original intent.

Mr. DANIELSON. I struck "or may establish and enforce."

Mr. ECKHARDT. Because the gentleman does not want to protect a standard established after this act, as I understand his intent.

Mr. DANIELSON. I would accede to the implication of the gentleman's comments which, I think, are valid, that we should not go on forever here in estab-

lishing maybe 50 different standards, conceivably, for bumper standards.

However, those laws which are already passed by the appropriate legislative authority should be able to remain in effect until the Federal Government has something the equivalent or better.

Mr. ECKHARDT. Will the gentleman yield for a moment again?

Mr. DANIELSON. I would be pleased to yield to the gentleman.

Mr. ECKHARDT. It seems to me, however, that when the language says "shall not affect the authority of a State or a political subdivision thereof to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or items of equipment," that language would permit a State to enforce a bumper standard, no matter when it was promulgated, particularly when it is noted that this language is taken verbatim from the bill or very closely verbatim by striking the last portion of the language in 110, which added "which was in effect or had been promulgated on the date of enactment of this Act." Now, to strike those words seems to me to permit 50 different rules to be established at any time, even after the enactment of this act. Does the gentleman read the language the same way I read it?

Mr. DANIELSON. I read it the same way the gentleman reads it, but I do not share his concern.

Mr. ECKHARDT. I thank the gentleman.

Mr. DANIELSON. I do not in that the chairman and the other committee members have so ably demonstrated it is their belief, and I am sure it is well founded, that the Department of Transportation is going to promulgate standards eventually which will be set in excess of 5 miles per hour. I even heard words bandied about somewhere to the effect of 20 miles per hour. I will not attribute them to anyone. So, therefore, I do appreciate the comment, I think it is an excellent comment, but I think it takes us nowhere, and I, therefore, share no concern.

Mr. ECKHARDT. Will the gentleman yield once again?

Mr. DANIELSON. It is a pleasure to yield to the gentleman.

Mr. ECKHARDT. I thank the gentleman very much.

This does mean that the State of Arizona, for instance, after the enactment of this act could set a 6-miles-an-hour repair standard, and the State of Michigan a 7-mile standard, and the State of Alaska a 10-mile standard, and so on, each of which the manufacturers would have to comply with in respect to the cars sent to these destinations. Is that not correct?

Mr. DANIELSON. That is true as a hypothetical matter. Yes, that is true.

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

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. DANIELSON. I thank the gentleman very much.

I would say that at that point in our life the real truth of democracy would come to the forefront, because those people in Alaska who were setting the standard higher just simply would not be able to buy cars, and then the people in Alaska would get realistic and compel their legislature to impose a standard the manufacturer could meet.

Mr. Chairman, I offer my amendment and pray my colleagues to join me.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I think the subcommittee and the full committee took full cognizance of the argument made by the gentleman from California when the committees passed this bill.

As the gentleman from Texas has said, it would allow 50 different standards to be imposed in the United States. If a State said a bumper had to be made in a certain fashion, with an x or a cross or something like that in order to make a better bumper, the States could impose that and have the manufacturers making 50 different kinds of bumpers.

I do not believe that we here, as a legislature in the Nation's Capital, want to really cause any great hardship or to put any impediment in the way of the manufacturers. We want them merely to apply existing technology and equip their vehicles with functional bumpers to help the American consumer.

SUBSTITUTE AMENDMENT OFFERED BY MR. VAN DEERLIN FOR THE AMENDMENT OFFERED BY MR. DANIELSON

Mr. VAN DEERLIN. Mr. Chairman, I offer a substitute amendment for the amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. VAN DEERLIN for the amendment offered by Mr. DANIELSON: Page 47, line 11, insert "(A)" after "(b)(1)".

Page 47, after line 18, insert the following:

(B) This Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to an aspect of performance of a passenger motor vehicle or an item of passenger motor vehicle equipment and which was in effect or had been promulgated before January 1, 1972, unless a Federal bumper standard of at least equal stringency applies to the same aspect of performance of such vehicle or item of equipment.

Mr. VAN DEERLIN. Mr. Chairman, I have no disagreement in principle with the gentleman from California (Mr. DANIELSON) nor, indeed, with my colleagues on the committee.

However, the amendment for which my proposed amendment would be a substitute does open the way to the charge which has been leveled against it—that under its provisions there might be up to 50 different bumper standards in the land.

My substitute amendment would merely "grandfather," if you will, the existing statutes in Maryland, Florida, and California for 5 miles front and back, and the statutes already adopted in Georgia, Minnesota, and North Carolina for somewhat lesser rear-end standards.

True, it is possible to look upon this as a separate State standard, if the Secretary should come up with less stringent standards than are in the California law. But I would point out that California alone has 12 million automobiles on its streets and highways. This is more than 10 percent of the cars that are sold nationally. Southern California alone buys about 10 percent of Detroit's product.

If we put together Florida and Maryland with California, this would make a very appealing market to the auto industry to serve their individual needs, even if that should come about.

The assurances of the members of the subcommittee who have spoken are that there will not be less stringent standards ordered by the Secretary. I say if that is so, then there will be no harm done by nailing it down in the law we are about to adopt.

Thank you, Mr. Chairman.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are two difficulties with this provision. The first is the procedural one; that is, determining what is at least equal stringency and who determines what is equal stringency. Does the State determine it, does the DOT determine it, does the Federal court determine it? Who makes this decision of what is equal stringency? We are talking about performance tests which have to do with injury or damage to the physical parts of an automobile. When we describe these performance standards they may be measured with respect to pendulum tests, they may be measured with respect to driving a vehicle into a stationary object, and so forth. The State standard may be based on one criterion and the Federal standard on another. Who determines which is the more stringent?

I do not think we ought to leave that question open. I think that that kind of language is too loose language to place in the act.

My second point is, Mr. Chairman, more basic than this. It is this: If we are to require automobile dealers or manufacturers who sell automobiles all over the United States to comport with different standards with respect to seven States which have presently either promulgated or have put into effect standards with respect to damageability, then we not only place a burden on the automobile manufacturer but also on ourselves, because we are calling on automobile manufacturers to produce a somewhat different product in six different States.

If I live in Texas and I am satisfied with a uniform standard, I ought to be able to buy an automobile that is built on the basis of mass production meeting that standard without having to pay for the experimentation of the State of Minnesota or Florida or California or a number of other States.

I go along with the observation that up to a certain point these State regulations should be in effect. That point is where the Federal Government steps in. I think we have clearly established here that the Federal Government has already decided to step in with respect to safety standards at 5 miles an hour, the same as the California standard. It seems inconceivable to me that after already enacting a 5-mile standard with respect

to safety that the Federal Government would establish a 2.5-mile standard with respect to repairability. Is that assurance not enough?

Mr. VAN DEERLIN. Will the gentleman yield?

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

Mr. VAN DEERLIN. The gentleman speaks of six different State standards. The most standards you can possibly have under the terms of my substitute are two. A California standard for 5 and 5, assuming that the Secretary did not come up with equally stringent standards as the Federal standards.

In response to the first question the gentleman asked, the definition of stringency, I think I can be helpful to the gentleman; 2.5 miles an hour would be considerably less stringent than 5 miles an hour.

Mr. ECKHARDT. Two and one-half miles an hour as the speed that the pendulum hits the bumper, or 2.5 miles an hour as the standard speed at which an automobile strikes a fixed object, or 2.5 miles an hour as the standard with respect to the speed at which an automobile hits another automobile? Which of these three?

Mr. VAN DEERLIN. The gentleman has failed to discombobulate me, because, if he has applied the same standard in all cases, then 2.5 is still less stringent than 5.

Mr. ECKHARDT. That is clearly correct and I agree with the gentleman, but the point I am making is these are three different bases for standards to be appiled in different States, and someone is going to have to decide.

Mr. VAN DEERLIN. The auto industry has indicated that it can meet and will meet by September 1, 1973, the standards already established in California.

Mr. ECKHARDT. Well, that is what we had in mind. I think we have taken care of that.

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

Mr. ECKHARDT. Surely.

Mr. HARVEY. I want to join the gentleman from Texas in opposing this substitute amendment.

I would agree with him that I think, as a matter of practice, the Secretary will pick the toughest standard. He will not select a 2-mile-per-hour standard when there is a 5-mile-per-hour standard already in the law.

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

(By unanimous consent, (at the request of Mr. HARVEY) Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. HARVEY. Mr. Chairman, if the gentleman will yield further, it seems to me, however, that there is an additional reason for opposing this substitute. I refer the gentleman to page 34 of the bill wherein the committee has very wisely set forth in my judgment the criteria to be followed by the Secretary in making this decision concerning the type of standard we shall have. It says that he shall take into account:

First, the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

Second, the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

Third, savings in terms of consumer time and inconvenience; and

Fourth, considerations of health and safety, including emission standards.

Well, if we are to say to the Secretary, forget all of these criteria that we have set forth and accept this particular standard, because it is the toughest, then we are disregarding all that is written into the bill.

As a matter of practice, and as the gentleman says, the Secretary certainly is not going to ignore what we have put into this bill.

In my opinion it would be a very grave error if he has to make this decision, and ignore these particular criteria.

Mr. ECKHARDT. I thank the gentleman for his comments and certainly they are ones that I had not raised.

We have set standards and limitations with reference to the Federal agency, but when we permit competition by States in setting standards, then the only way that the Federal agency may preempt those standards is by making them more stringent. Therefore, we put pressures on the Secretary to ignore a limit set forth in our bill.

Mr. HARVEY. What we have told the Secretary to do is to proceed in such fashion as makes some sense. We assume here that the other States have done this also, but they have not been so judged as a Secretary is judged right here.

Mr. ECKHARDT. That is exactly right and I certainly agree with the gentleman.

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

Mr. ECKHARDT. Yes, I yield to the gentleman from California.

Mr. DANIELSON. The California law provides a standard which I think would be satisfactory to anyone. It provides that the automobile shall be "equipped with an appropriate energy-absorption system so that it can be driven directly into a standard Society of Automotive Engineers—SAE J-850—test barrier at a speed of 5 miles per hour without sustaining any property damage to the front of such vehicle and can be driven at a speed of 5 miles per hour into such barrier without sustaining any property damage to the rear of such vehicle."

Would that not be a rather certain standard——

Mr. ECKHARDT. Oh, yes; I think so, but the question is whether that specific standard would be the same as another State.

Mr. DANIELSON. But it would not be subject to objection for being vague, ambiguous or indefinite?

Mr. ECKHARDT. No, but you have the question of whether or not it is more or less stringent than the Federal standards, based on a different standard or test and then that statement becomes somewhat vague and ambiguous when you undertake to determine which is proper.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I most reluctantly rise to oppose the amendment of my good friend, the gentleman from California (Mr. VAN DEERLIN). I am sympathetic with what the gentleman is trying to do, but I am most concerned with his amendment here and the amendment offered by the gentleman from California (Mr. DANIELSON) raises more problems than it solves.

As I think is obvious to the Members who are present here, the subcommittee discussed this in great detail. They talked about it in several sessions in our committee. It is most difficult to write language that satisfies everybody. We see language here in this amendment that says: "With equal stringency." What does it mean? I think the best way to get this job done is to urge the Secretary of Transportation to do the job, and to have an active oversight by the committee to make sure he does the job. I can assure you, as one member of the committee, that we are going to be watching closely to insure that he does. So I would urge the defeat of the amendment.

Mr. MOSS. Mr. Chairman, I rise in opposition to the amendment offered as a substitute to the amendment offered by the gentleman from California (Mr. DANIELSON).

I think the committee should be conversant with the fact that the more stringent test imposed here probably would continue in effect the standards promulgated in two States calling for a 10-mile-per-hour standard by January 1, 1975. So the gentleman should be aware of the fact that California does not have the most stringent requirement; other States have that distinction.

I think the gentleman from Texas (Mr. ECKHARDT) has pointed out the problem of determining which is the most stringent. When you tie the words "most stringent" to the additional language, "at least equal stringency" as it applies to the same aspect of the performance, I think we compound the problem of trying to determine when the Federal standard becomes effective and when the State standard can continue in effect.

I can assure the committee that there is no subject encompassed within the bill which received greater attention from the subcommittee than the question of preemption. I think we have done a thoroughly adequate job taken in context with the developments now underway on auto safety standards and the requirement here that there be no conflict between safety standards and repairability standards.

I would urge the Committee to reject the substitute to the proposed amendment, and to reject the amendment itself, and leave the bill as drafted in committee, and move it on to the House.

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

Mr. Chairman, I am convinced of one thing: that if this bill is finally enacted it will authorize and there will be spent $83 million in 3 years. I am further convinced that we will get little or nothing out of it.

Look at such language as this, beginning on page 48 and running over to the top of page 49 of the bill:

During the first year after enactment of this Act the Secretary—

And this is section 201(a)—

the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

And the third paragraph reads:

The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use—

When else would they fail if they did not fail during use?

or which are damaged in motor vehicle accidents.

Well, now, I have never seen a car—and I have owned a few in my lifetime—I have never yet seen a car that after a period of years the ignition system would not fail if it was not replaced or repaired. The rubber insulation on the wires gives way and so on and so forth.

I would not think of expecting the points in the distributor to last for years and no one in his right mind in this room would. I do not understand why this kind of language is put in a bill, and if someone can answer that I would like to hear from them.

I was told earlier this afternoon or I thought I was told, that this bill does not provide for an advisory committee.

Page 50 of the bill provides as follows:

In order to carry out his functions under this title the Secretary is authorized to—

Appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees—

That is plural—

such advisory committees, as he deems appropriate.

Not just one—no, not just one. He can have a multiplicity of advisory committees.

As I said before this afternoon, the Federal Government already has between 2,600 and 3,200 advisory commissions, committees, and advisory boards, yet you want to create another one here.

I wonder if you would not be better advised to take the $83 million—if you have to spend $83 million on this kind of venture—take the $83 million and adopt the system that is used in the meat-processing plants. Just put Federal inspectors in the automobile plants, and out at Sears, Roebuck and Montgomery Ward, and many other places where they run diagnostic centers. Why not just put them in on the same basis as meat inspectors. Let us have everything inspected. Perhaps there ought to be a Federal inspector riding in the front seat of every automobile. Maybe that is the best way to handle this situation.

Let us put a Federal inspector in every place that we can put them. Just take out all doubt about everything—just have a Federal handmaiden around to help drive and service your car.

I am sorry that my friend, the gentleman from Missouri (Mr. HALL), is not on the House floor at the moment. He is shy and reticent about many things. He is a modest boatowner and I suspect he wonders why you do not provide in this bill for bumpers on boats. He runs his boat forward and sometimes backward. He can have a collision going forward, or he can have one going backward. There are millions of boats in America. When do you expect to require bumpers on boats? When can the good doctor expect the Commandant of the Coast Guard to tell him what kind of bumpers he must have—fore and aft?

I tell you this $83 million bill is something sweet for the bureaucrats.

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

Mr. ASHBROOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is one of the more ridiculous pieces of legislation I can recall. It is a part of the trend here of making the small businessman the scapegoat for every conceivable complaint, justified or unjustified.

As I listen to the debate, it is obvious that many Members of this body feel that the big companies, General Motors and Ford, will bear the brunt of the punitive aspects of this legislation. This is not the case. The dealer, large and small, who must face the music in meeting the public is the one who will be burdened.

For example, it will be the local dealer who will have to apprise the prospective purchaser of the various insurance rates on all models. Think of that. Before you close the deal, you have to tell the buyer what the insurance rates, or I should say the range of rates of the companies in the State, are and if they are more or less on this model or that model. Redtape is already killing American business and this bill will add that much more.

Also, do we not once in a while consider that the average small businessman is having enough trouble staying in business as it is without all of this extra redtape. I know many small businessmen who can show you in black and white that it costs them as much as $10,000 per year to just fill out government forms—Federal, State, and local. Redtape costs money. It may hire an extra person here and there but, in the long run, it is very destructive of small businesses.

Who will protect the small businessman from the consumer? Do we not ever give him a passing thought? Let me give you an example, I was getting some gas at a station in Johnstown, Ohio, my hometown, on Saturday. The attendant was watching a young man pull away in his new Chevrolet.

"He'll be lucky if it lasts three months," he said.

I asked what he meant. "Just watch," was his reply. Rubber flew and rapid shifting of gears brought the car to an immediate high speed.

"He'll be out at the dealer's in a couple of months complaining about his transmission," he sighed. Yes, I thought, he probably will and Ralph Nader will cite his car as a statistic on how the public is duped by the businessman.

This bill is not needed. It is particularly bad to think of the government getting into the business of setting up automobile diagnostic centers. Some government employee will diagnose your car and tell you how much your repair bill should be. Think of that. I oppose this legislation and feel it is an example of how absurd things have gotten here in Washington and how far most legislators are out of touch with reality.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California (Mr. VAN DEERLIN) for the amendment offered by the gentleman from California (Mr. DANIELSON).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. REES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H.R. 11627), to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, pursuant to House Resolution 959, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

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 254, nays 38, not voting 139, as follows:

[Roll No. 167]

YEAS—254

Abbitt	Goodling	Patten
Abourezk	Grasso	Pelly
Abzug	Gray	Pepper
Adams	Green, Oreg.	Perkins
Anderson, Tenn.	Green, Pa.	Pettis
Andrews, N. Dak.	Griffin	Peyser
Annunzio	Griffiths	Pickle
Archer	Gubser	Pike
Arends	Gude	Pirnie
Aspinall	Haley	Poff
Baring	Hamilton	Powell
Begich	Hammer-schmidt	Preyer, N.C.
Belcher	Hanna	Price, Ill.
Bennett	Hansen, Idaho	Quie
Bergland	Harrington	Rees
Betts	Hathaway	Reuss
Biester	Hays	Riegle
Boggs	Hechler, W. Va.	Roberts
Boland	Heckler, Mass.	Robison, N.Y.
Bolling	Heinz	Roe
Brademas	Helstoski	Rogers
Bray	Hicks, Mass.	Rosenthal
Brotzman	Hicks, Wash.	Rostenkowski
Broyhill, N.C.	Hillis	Roush
Broyhill, Va.	Hogan	Roybal
Buchanan	Horton	Ruppe
Burke, Mass.	Hosmer	Ruth
Burlison, Mo.	Howard	Ryan
Burton	Hungate	St Germain
Byrnes, Wis.	Hunt	Sandman
Byron	Hutchinson	Sarbanes
Carlson	Ichord	Satterfield
Carney	Jacobs	Saylor
Carter	Jarman	Schneebeli
Chamberlain	Johnson, Calif.	Schwengel
Chappell	Johnson, Pa.	Scott
Clancy	Jones, Ala.	Sebelius
Clark	Kastenmeier	Shipley
Clausen, Don H.	Kazen	Sikes
Cleveland	Kee	Sisk
Collier	Keith	Slack
Conte	Kemp	Smith, Iowa
Corman	Kuykendall	Smith, N.Y.
Cotter	Kyl	Springer
Coughlin	Kyros	Staggers
Culver	Landrum	Stanton, J. William
Curlin	Latta	Stanton, James V.
Daniel, Va.	Leggett	Steed
Danielson	Lent	Steele
Davis, Ga.	Lloyd	Steiger, Wis.
Davis, Wis.	Lujan	Stephens
de la Garza	McCollister	Sullivan
Delaney	McDade	Symington
Dellums	McEwen	Talcott
Dent	McFall	Taylor
Derwinski	McKevitt	Teague, Calif.
Dickinson	McKinney	Terry
Dingell	Madden	Thomson, Wis.
Donohue	Mahon	Thone
Dow	Mallary	Udall
Downing	Mathias, Calif.	Ullman
Drinan	Mathis, Ga.	Van Deerlin
Dulski	Matsunaga	Vanik
Duncan	Mayne	Vigorito
Eckhardt	Mazzoli	Waldie
Edwards, Ala.	Mikva	Ware
Edwards, Calif.	Miller, Ohio	Whalen
Erlenborn	Mills, Md.	White
Evans, Colo.	Minish	Whitehurst
Fascell	Mitchell	Whitten
Fisher	Mizell	Williams
Flood	Mollohan	Wilson, Bob
Flowers	Montgomery	Winn
Forsythe	Morgan	Wolff
Fountain	Mosher	Wright
Frelinghuysen	Moss	Wyatt
Frey	Murphy, Ill.	Wylie
Fulton	Natcher	Wyman
Garmatz	Nedzi	Yates
Gaydos	Nelsen	Yatron
Gettys	Obey	Young, Tex.
Giaimo	O'Hara	Zablocki
Gibbons	O'Konski	Zion
Gonzalez	O'Neill	Zwach
	Passman	
	Patman	

NAYS—38

Andrews, Ala.	Casey, Tex.	Hagan
Ashbrook	Cederberg	Hall
Blackburn	Collins, Tex.	Harsha
Brinkley	Dorn	Harvey
Brown, Mich.	Findley	Hull
Burke, Fla.	Flynt	Jonas
Burleson, Tex.	Gross	Jones, N.C.
Camp	Grover	Landgrebe
Lennon	Price, Tex.	Smith, Calif.
McClory	Rarick	Spence
McDonald, Mich.	Robinson, Va.	Steiger, Ariz.
Michel	Rousselot	Thompson, Ga.
	Scherle	Vander Jagt

NOT VOTING—139

Abernethy	Eshleman	Monagan
Addabbo	Evins, Tenn.	Moorhead
Alexander	Fish	Murphy, N.Y.
Anderson, Calif.	Foley	Myers
Anderson, Ill.	Ford, Gerald R.	Nichols
Ashley	Ford, William D.	Nix
Aspin	Fraser	Poage
Badillo	Frenzel	Podell
Baker	Fuqua	Pryor, Ark.
Barrett	Galifianakis	Pucinski
Bell	Gallagher	Purcell
Bevill	Goldwater	Quillen
Biaggi	Halpern	Railsback
Bingham	Hanley	Randall
Blanton	Hansen, Wash.	Rangel
Blatnik	Hastings	Reid
Bow	Hawkins	Rhodes
Brasco	Hébert	Rodino
Brooks	Henderson	Roncalio
Broomfield	Holifield	Rooney, N.Y.
Brown, Ohio	Jones, Tenn.	Rooney, Pa.
Byrne, Pa.	Karth	Roy
Cabell	Keating	Runnels
Caffery	King	Scheuer
Carey, N.Y.	Kluczynski	Schmitz
Celler	Koch	Seiberling
Chisholm	Link	Shoup
Clawson, Del	Long, La.	Shriver
Clay	Long, Md.	Skubitz
Collins, Ill.	McCloskey	Snyder
Colmer	McClure	Stokes
Conable	McCormack	Stratton
Conyers	McCulloch	Stubblefield
Crane	McKay	Stuckey
Daniels, N.J.	McMillan	Teague, Tex.
Davis, S.C.	Macdonald, Mass.	Thompson, N.J.
Dellenback	Mailliard	Tiernan
Denholm	Mann	Veysey
Dennis	Martin	Waggonner
Devine	Meeds	Wampler
Diggs	Melcher	Whalley
Dowdy	Metcalfe	Widnall
du Pont	Miller, Calif.	Wiggins
Dwyer	Mills, Ark.	Wilson, Charles H.
Edmondson	Mink	Wydler
Eilberg	Minshall	Young, Fla.
Esch		

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.
Mr. Waggonner with Mr. Snyder.
Mr. Addabbo with Mr. Fish.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Rooney of New York with Mr. Halpern.
Mr. Hébert with Mr. Young of Florida.
Mr. Brasco with Mr. King.
Mr. Rodino with Mr. Widnall.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Thompson of New Jersey with Mr. McClure.
Mr. Stratton with Mr. Hastings.
Mr. Hanley with Mr. Anderson of Illinois.
Mr. Henderson with Mr. Wampler.
Mr. Biaggi with Mr. Keating.
Mr. Blatnik with Mr. Bow.
Mr. Celler with Mr. Wydler.
Mr. Denholm with Mr. Dennis.
Mr. Fuqua with Mr. Brown of Ohio.
Mr. Murphy of New York with Mr. Bell.
Mr. Miller of California with Mr. Wiggins.
Mr. Conyers with Mr. Koch.
Mr. Bingham with Mrs. Hansen of Washington.
Mr. Diggs with Mr. Pucinski.
Mrs. Chisholm with Mr. Fraser.
Mr. Nix with Mr. Gallagher.
Mr. Bevill with Mr. Whalley.
Mr. Ashley with Mr. Minshall.
Mr. Holifield with Mr. Del Clawson.
Mr. Karth with Mr. Martin.
Mr. Collins of Illinois with Mr. Podell.
Mr. Scheuer with Mr. Metcalfe.
Mr. Rangel with Mr. Galifianakis.
Mr. Cabell with Mr. McCloskey.
Mr. Davis of South Carolina with Mr. Quillen.
Mr. Foley with Mr. Broomfield.
Mr. Carey of New York with Mr. Rhodes.
Mr. Alexander with Mr. Crane.
Mr. Kluczynski with Mr. Dellenback.
Mr. Link with Mr. Skubitz.
Mr. Mann with Mr. Schriver.
Mr. Moorhead with Mr. Eshleman.
Mr. Anderson of California with Mr. Schmitz.
Mr. Meeds with Mr. Railsback.
Mr. Randall with Mr. Myers.
Mr. Roncalio with Mr. Shoup.
Mr. Long of Louisiana with Mr. Esch.
Mr. Colmer with Mr. Devine.
Mr. Jones of Tennessee with Mr. Conable.
Mr. McCormack with Mr. du Pont.
Mr. Nichols with Mr. Frenzel.
Mr. Rooney of Pennsylvania with Mr. Mailliard.
Mr. Roy with Mr. Abernethy.
Mr. Stuckey with Mr. Aspin.
Mr. Runnels with Mr. Barrett.
Mr. Stubblefield with Mr. McDonald of Michigan.
Mr. Long of Maryland with Mr. Monagan.
Mr. McKay with Mr. Pryor of Arkansas.
Mr. McMillan with Mr. Purcell.
Mr. Caffery with Mr. Teague of Texas.
Mr. Badillo with Mr. Clay.
Mr. Hawkins with Mr. Seiberling.
Mr. Brooks with Mr. Edmondson.
Mr. Byrne of Pennsylvania with Mr. Tiernan.
Mr. Stokes with Mr. Eilberg.
Mr. Jones of Tennessee with Mr. Reid.
Mrs. Mink with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 959, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 976.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 976 and insert in lieu thereof the provisions of H.R. 11627, as passed, as follows:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the

cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occasional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c)(1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information, including the supply of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c)(1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specific records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3)(A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief s contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f-6a(b)).

(3) The Federal Government or the gov-

ernment of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraph (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates action 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform dagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repairs,the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it

was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transferor to fail to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false statement to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107(b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

The motion was agreed to.

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

A similar House bill (H.R. 11627) was laid on the table.

GENERAL LEAVE

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. SEIBERLING. Mr. Speaker, I unavoidably missed the last rollcall vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BARING. Mr. Speaker, on rollcall No. 166 on the mining bill I was unavoidably detained on official business. Had I been present, I would have voted "yea."

MONETARY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, last August when President Nixon suspended the convertibility of the dollar into gold, he effectively terminated the international monetary system that had been in existence since 1944. Since last August the only new development has been the formal devaluation of the dollar; except for that the world monetary system is still in disarray. There has been little or no visible progress in either restructuring world trade or reforming the international monetary system. Speculators have thrived.

This lack of progress has led to renewed rounds of speculation against the dollar. The unofficial price of gold has reached unprecedented heights, and is still on an upward trend. At first this immense gold price increase was explained away by calling it the result of industrial demand, but no one is hiding behind that pretense any more. So uncertain is the state of international finance that the Chicago Mercantile Exchange has just opened a market in currency, the better to accommodate those who wish to indulge in speculation. Occasional bursts of speculative fever have forced various governments to intervene in the currency markets, to prevent the dollar plunging below the floor limit set just last December. Beyond that, many countries have been forced to adopt restrictive measures to discourage the flow of unwanted dollars, and to dampen the temptations of even greater speculative rushes.

Today, many months after the President announced his economic plans and exploded the international financial structure, we still have no clear idea of what our Government expects in the way of monetary reform. The trade reform goals that were once spoken of so much have now faded away, and the Secretary of the Treasury who announced them has resigned, to be replaced by a man who, according to all accounts, had no real enthusiasm for the "new economic policy."

It is no wonder that people are confused, and it is no wonder that speculation against the dollar continues, and that speculative fever has even spread to our own shores. If our Government does not know what it wants to achieve—and there is little sign thus far that it does—then we have no reason to wonder why others are impatient, confused, and even angry. The situation is so bad, and the potential for harm so great, that the Chairman of the Federal Reserve Board has felt impelled to call for action, and action at an early date.

I do not profess to know how the monetary system should be reformed, and have no ambition to be the architect of a new system. However, I feel an obligation to attempt to discover what the thinking of the Treasury is, and to seek some knowledge of what outside experts feel ought to be done. For that reason, I have asked Chairman PATMAN to authorize my subcommittee on international finance to have a series of informational hearings on the question of monetary reform. I am glad to advise my colleagues that such hearings have been authorized, and that the first of these will take place on June 15 and 16.

I am conducting these hearings in the first place because I feel the members of my subcommittee and my colleagues as a whole, need to know what the Treasury is thinking about in terms of monetary reform, and when we can expect some action toward resolving the crisis that we have been in since last August 15. Beyond that, I want to encourage the Treasury to act, because I fear, no less than Chairman Burns, that a continued state of chaos might lead to competitive devaluations, and a return to the desperate depression that the world endured in the late twenties and thirties. In addition to the threat of competitive devaluation, which would be catastrophic in itself, I fear that the serious questions of trade adjustment must be attacked now, if we are to avoid trade warfare, which would almost assuredly damage seriously, or wreck altogether, the liberal kind of trade policies that have developed in the last 30 or more years, and which have redounded to the immense benefit of ourselves and the entire free world.

Finally, I hope to gain an evaluation of the progress, or lack of it, in balancing our dollar deficit and bringing our position back to a sustainable one. For example, devaluation was supposed to benefit our exports and inhibit imports, and I want to see if that has in fact been the case. The "new economic policy" was supposed to create a half million new jobs in this country, and I want to learn if I can, whatever became of that claim.

I want to emphasize that I have no partisan gains in mind; nobody gains

from economic difficulties and it is foolhardy to play politics with the national economy. We each have an obligation to work toward the success of our national economy, and an obligation to help insure that our country achieves its objectives. But we cannot help if we do not know what the objectives are, and we cannot know where we are unless we know where we are going.

I hope that these hearings will help provide us some guideposts against which to measure our progress toward monetary reform and revised trading policies. If it turns out that we have no national goals that are well defined, then I hope that the hearings will provide some outlines of the alternatives that we have, and encourage the administration to set out on some definable course of action.

It is a virtual certainty that the existing situation cannot be sustained much longer. Men much more knowledgeable than I have recognized this, and have called for action. It is no laughing matter when the Chairman of the Federal Reserve Board says it is time to act. I can only recall too well the advice he offered last summer, and which the Treasury laughed off, only to suddenly reverse its course and take the actions that he had been urging. Certainly I have my differences with Dr. Burns, but I have to listen attentively when he expresses alarm about the international monetary situation, and makes an unmistakable call for early action. I might not adopt the plans he advocates, but the fact that he is speaking out is sufficient cause to validate my own diagnosis that the patient is still sick, and it is high time for the Treasury doctors to make up their minds about a prescription.

I believe that we may be on the verge of serious speculation against the dollar. Apparently a great many people, including a large number of Americans, believe that the recent devaluation of the dollar will not be the last. Investors are reported to be enthusiastic about the new Chicago market in currency, and are anxious to try their hands at currency speculation. I do not know how high the fever is; all I know is that laymen like me, people in positions of grave responsibility like Dr. Burns, and speculators alike agree on the central issue, which is that the world monetary system is in a dangerous state. Until we understand what action will be taken to ease that situation, we can only expect continued speculation on the private market, and continued and growing difficulties between our Government and the rest of the world. We will either have some kind of economic rule or anarchy; I would prefer that we have a system that works, as the Bretton Woods system did, rather than risk a repetition of a system that did not work and which was responsible for worldwide misery.

Mr. Speaker, I believe that the time for international monetary reform is now. I hope that the Treasury agrees with that proposition. I aim to find out.

Mr. HANNA. Mr. Speaker, well before the crisis that led to this year's meeting at the Smithsonian, informed financial and monetary experts were in agreement that fundamental reforms were urgently needed for the present international monetary system. It was clear that mere technical improvements would not suffice, but rather a substantial change predicated upon a serious reexamination of the system as a whole would be required.

It is true that in monetary matters, more than in most others, continuity is of a considerable and overriding importance. Yet, although many features of the old system should be preserved, new mechanisms and rules are needed so that a system may be devised that will be adequate to future world trade development. At the same time, it is clear to most that the heavy and singular reliance upon the dollar as the key currency tied strongly to gold is not realistic.

Meetings have been going on these last 6 months all over the world. The Group of Ten met in Rome the middle of last month and decided to create a Group of Twenty to act as the base consortium to achieve a broad measure of agreement and look into consideration for developing countries, as well as the industrialized nations. Meetings of highly important international creditors were held recently in South America and again the outcome was merely a configuration of approaches rather than solutions to the outstanding problems.

In our own view, the United States is far too unclear at the present writing to serve the needs of the dynamic situation in which we find ourselves. As a member of this House, I find it even more disturbing that too little understanding is entertained among the Members of this body as to the situation that confronts our Nation or the grave urgency which requires the informed intelligence of this country. For that reason, I commend Mr. GONZALEZ, the great statesman from Texas, in taking his time to bring this important subject matter to the floor of this House. I urge the leaders of the Congress and the chairmen of the various committees who hold some responsibility in this matter to cooperate with the requests of the gentleman from Texas for hearings and studies. Only in this fashion can the House hope to be in a position to act as the U.S. interests will require.

Now, Mr. Speaker, if I may, I would like to address myself to some of the aspects of this problem that impinge most directly upon the U.S. dollar and our trade and monetary posture in a possible new system.

On my recent visit to Europe, during which I was pleased to represent the Congress at the Vienna meeting of the Asian Development Bank, I took the opportunity to speak with banking and financial leaders of Europe and London to balance my inside view of our problems with views held by those financial centers that are so important to the establishment of any acceptable new system.

I found that there was agreement that the solutions which we seek are complex, many of them are technical, and will proceed only through the lengthy and patient negotiations process, but there are some outstanding problems which are easily discernible.

Now, some of you may feel that this is a matter that might be left to someone else's consideration. For those of you who hold such a restricted view, let me quote from a recent speech made by one of our previous Secretaries of the Treasury, Henry H. Fowler:

> On the surface the subject seems abstract and only of far-away concern to statesmen, politicians, students of foreign affairs and international bankers.
>
> But it is as close and important to you as your job, many of the products and services you consume or sell, the dollars you invest, your next business trip out of the country, the foreign visitor you meet and a lasting and meaningful peace with security on a planet on which you can hope to live a useful life of superior quality depend on a rational, workable system to our monetary problems.

Thirty years ago, when the Bretton Woods Agreement was young, world trade amounted to $40 billion a year. Today, it is over $300 billion and that trade sustains the economic growth and stability of the world.

Now, to our particular problems as a nation. Unless we aggressively pursue a near goal of a new system, there may be a serious change in the relationships between the European community and the United States and between Japan and the United States. Healthy internationalism of the past can quickly deteriorate into many forms of selfish isolationism with Western Europe seeking an inward-looking Europe; Japan turning from that nation's dependence on the Pacific basin which has been the pattern since World War II and looking to others, including Russia, for long-term trade relations. Our own country is taking the backward-looking policies of quota systems and tariffs similar to the patterns just before the great depression. Instead of moving in such disturbing directions, there should be a new system giving opportunity for fairness and equality. A system which will diminish tensions and lead to a stronger, more sensible, and fair trade system with advantages to all.

I believe one of the principal positions the United States must take is to insist upon and be ready to accept the multinationality of key currency. This, in a political sense, is already a fact of life in countries like Japan, Germany, and Switzerland. Each has a very strong surplus exchange position and the yen, the German and Swiss marks are sought as reserve currency and are beginning to be accepted in exchange payouts by trading nations.

I have observed, some years ago, that the burdens of being the sole key currency or being made the dominant key currency in the world outstripped its advantages. We can see now that the dollar must be allowed to move with the reality of trade and fiscal facts, just as sterling and all of the other currencies.

We have a real problem, often mentioned in terms of the overhang of dollars, now in the hundreds of trading nations as part of their reserve currency. Informed opinion is that this overhang amounts to something in the nature of $50–$60 billion. Two things immediately come to our mind, Mr. Speaker. The first is that we cannot accommodate this

overhang by moving in any near-time frame to gold convertibility. The best approach to reduce these balances of overhanging dollars should be made on two fronts: First, a substantial percentage should be funded through the new SDR's which have enjoyed a success that confounded the pessimistic promise of the adversaries of this new expansion of gold in the IMF; and, second, some should be retired by substitution of other currencies, such as German, Dutch, or Swiss.

Immediately we can anticipate that there will be those who say we must very carefully protect the uses of SDR's in order to maintain their surprising acceptability. My personal views would be to overlook such advice. Over a period of time, by agreement of our country with nations holding surplus dollars, we should retire a satisfactory number of the overhanging dollars. At the same time, we should assure the other nations that there is no alternative in gold convertibility. The sooner we convince our friends of this fact, the sooner confidence will be restored and the program to balance out dollars held with the desire to hold such dollars will be completed. A timetable for such a program should be suggested early and negotiated as soon as possible.

In order to assure a strengthening of the SDR's at the same time we are expanding their use, we should suggest that the backing for this paper should be a mixture of gold and important currencies, who are at a particular time leading, so to speak, the market of flexible currency. This would allow a sensible relationship between international money and international goods and competition. It would be constructive, if as a part of the negotiations for accommodating the present complaint of surplus dollar reserves, we arrived at a harmonization of the uses of various types of reserves, that is, gold, SDR's, leading currency, fund quota, and so forth, so that all of the various manners of settling difficulties could be more thoroughly understood.

It seems in another area that the United States must have some very careful education and preparation and that is in establishing fexibility of exchange rates. It is our thought that the dollar should be as freely adjustable within the permissible margin of fluctuation as any other currency predicated upon the same rules of the game, moving, as we are, out of a period of dominance of and reliance on the dollar. It may be difficult for some to accept, but it is equally clear that had the United States had the flexibility of such movement much earlier and had we not carried the heavy responsibility of preserving a large measure of the liquidity for trade since the 1940's, our own position in terms of competitive prices and balance of trade would be much better.

I would suggest that there needs to be some attention given to a lowering of the existing barriers to the flow of many more of the international currencies so that more of industrialized countries would have to face some of the problems as does the United States. The Bretton Woods monetary system had at its core the problem of international trade and, therefore, did not give attention to international capital movement. The old system, therefore, did not foster liberalization of much of the money nor rationalization for maximizing such capital contribution to international finance and international development. The greatest and foremost demand of the future will be for capital. Other countries than the United States must be prepared to assume the burden of capital flow. Ending dollar dominance so that international monetary game is played on both sides, by all players, where each enjoys the benefits and all share the burdens, would release some of the singular weight that has been carried by the United States and the United Kingdom in their recent efforts to retain the value of the dollar and the paid note for their own advantage.

The United States knows and other countries are learning about the problem of hot money and the potentiality for rapid disequilibriating movement of short term capital. Negotiations should pursue an agreement whereby most countries agree to control the nation's bank interest payments and offer them only to residents. This would go a long way toward solving this problem without creating unreasonsable and undesirable restraints on capital movement. Suffice it to say that this problem needs a great deal of attention.

The United States rightfully entertains a very keen concern for a recommendation of its trade posture and the understanding of its trade partners for a more equitable position in world markets The United States equally entertains a rather deep hurt demeanor because of its longtime assumption of the burdens of our building the free world and providing it with the necessary resources for mutual security. These labor considerations are interwoven with the international monetary system. For that reason, I think each can expect to have a tie interlock, both trade agreements and monetary agreements or security agreements and monetary agreements. However, I would venture to say that a sound prediction is that a new monetary system arrived at in a multilateral basis encompassing a concern for equality for the underdeveloped countries will inevitably provide material for a more acceptable resolution of the United States' trade problems and the dilemma of the distribution of cost of mutual security.

Finally, Mr. Speaker, may I emphasize that time is of the essence. The present structure is exposing our relationships to the vagaries of the unforeseen events, exposure brings erosion, erosion diminishes the viability of accepted alternatives. So if we are to make the most of what are the best alternatives, we must vigorously and immediately pursue the necessary negotiations and in this pursuit the Congress should play an appropriate role. The gentleman from Texas has indicated his willingness to commit the time, talents and energy of his Subcommittee on International Finance.

I hope the Congress fulfills its role and obligation. I call upon the leadership of the House, the chairmen of the Banking and Currency Committee, and the House Administration Committee to support and supplement the gentleman in this important undertaking.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent, that all Members may have 5 days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

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

There was no objection.

SENIOR CITIZENS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, President Nixon has proclaimed May "Senior Citizens Month," and this gives me an opportunity to share some observations on a special project I began in my office this year. It was a senior citizen intern program, a small-scale version of the summer program Congress conducts for college students.

Through correspondence and personal contacts with the senior residents of my district, I have long empathized with the desperation with which so many of them face their day-to-day living and felt the frustration they experience in trying to obtain the help and attention of the Government.

In an attempt to establish greater two-way communication and understanding between Government and senior citizens, I approached the director of Bucks County's Adult Services, Mrs. Margaret O'Neill, to solicit her opinions and ideas—and, hopefully, her cooperation—on a senior citizen intern program in my Washington office. Working with the retirees is begun on a daily basis, she saw the value of such a project and enthusiastically pledged her support to the effort. Mrs. O'Neill notified the numerous senior citizen groups in the county, outlining the idea and requesting interested parties to apply; a group of representatives of senior citizen groups selected Mr. and Mrs. Paul Anderson of Southampton to come to Washington. Paul and Betty have been participants in senior citizen concerns, and Paul is the legislative chairman for two local senior citizen groups.

Arrangements were made for the Andersons to stay at a residential hotel in Northwest Washington. Their apartment was modest, but comfortable, and located in a pleasant neighborhood convenient to bus transportation for their trip to the office. They were placed on my payroll to receive the customary intern stipend, and the county government chipped in to help cover travel and housing expenses.

When the Andersons arrived to spend their 2 weeks with us, I had a lengthy talk with them to discuss what we all hoped to accomplish from their stay. We

worked from a list of questions which had been submitted to them by their friends in the county. Then the Andersons stepped right into the swing of office activity as a regular part of my staff, working the same hours but pacing themselves at their own speed.

Provided with stacks of materials—bills, reports, hearings, public laws, Government and private organization brochures—relating to the problems of the aged, Betty and Paul waded through the information. They studied amendments to the Older Americans Act of 1965, various national health insurance plans, H.R. 1, and numerous bills pertaining to tax relief, employment of the aged, housing and community centers. In addition, they briefed themselves through reports of what the Government is currently doing for the senior citizen. They sought the answers to inquiries their friends back home had provided them and, in the process, they turned up some new questions of their own.

After they had gone through the material, appointments were scheduled for them with people who could provide the answers to their questions as well as supply additional information of value. They met with representatives of the Senate Special Committee on Aging, the Administration on Aging and the Social and Rehabilitative Service of HEW, and the American Association of Retired Persons; I sat in on as many of these sessions as possible. In addition, the Andersons attended hearings on aged-related problems, including nursing home legislation.

To provide them with a broader view of congressional activities, they saw the House and Senate in session, attended hearings of other House committees, sat in on several of my appointments and generally observed a congressional office in operation.

Having Betty and Paul in the office was a truly invaluable experience. Their presence alone was a stimulus to us all. The diligence with which they pursued their task was a very personal and meaningful testimony.

I would like to quote a few of the observations made by the Andersons which, I feel, tell a great deal about the senior citizens' evaluation of what is and is not being done to help them through later years. In a letter to me they express more eloquently than I can their disappointments and hopes.

We wish to express to you our deep appreciation for the opportunity to work, through your office, in behalf of the older citizens of the county. We shall try to give to them as much as we can of what we learned in your office.

It was and is a revelation to learn the intricate ways we have devised to govern ourselves as a nation. Being a part of your office was like living in a different world. It was exciting, but at the same time frustrating: to hear and read reports and bills, and then learn how long it takes to have them passed, when some of them are so urgent.

We are encouraged just to know that someone like yourself and Senator Schweiker, and Church, and Kennedy, etc., are working to dignify and make pleasureable the older citizen's life.

The home nursing care, and transportation and Operation Green Thumb and Senior Aides are so very necessary. We're sure when they are workable they'll simplify life and problems for many people. We know there are many people with children who have problems, too, but they have a longer time to have them corrected than do the senior citizens.

Before they left for home, we discussed some of their recommendations based on their study and evaluation. They expressed approval for legislation dealing with such things as transportation programs for the elderly at the local level, homemaker services, mobile medical units, low-cost housing and tax relief.

The Andersons were taken aback by the slowness with which Government acts. It is embarassing to admit to them that our governmental machinery only creaks along. We all know that even our most patient and understanding citizens are beginning to rebel against the seeming incapability of our Government to respond to real needs, and perhaps no more serious problem faces this country in the decade ahead. This frustration is exemplified in a memorandum given me by the Andersons. In it they say:

So many hearings have been held, so many bills introduced. What does it mean if something concrete isn't done? What does it take to have these bills *passed* and some relief given to the people who really need it—the people who don't riot, who don't revolt, the people who have all their lives tried to make the best of what they had. . . . May is a beautiful month to give the senior citizens something to remember it by. *Passing* these bills would certainly be that something.

Although the Andersons departed unable to relay to their friends the news of dozens of pieces of senior citizen legislation passed during their stay, I know they left with a greater awareness of the complexities of the legislative process. Despite the fact we cannot overhaul and reform our Government as quickly as we would like, we can and must take positive steps toward realizing the kinds of substantive legislation demanded.

The senior citizen intern program was an attempt to meet a need for communication and action. Betty and Paul have returned to Bucks County to present their findings to senior citizens groups and others concerned about what is being done for older Americans and how to do more. The story they tell won't be what we'd like to hear because, in truth, there is so much to be done.

When our careers here on the Hill come to an end, our responsibilities as Congressmen will not really have ceased. What we did yesterday and do today will continue to have an impact for years to come. Now is the time to do what is necessary so we won't have to regret in 5 or 10 years our failure to act when we had the opportunity.

At a time when confidence in government is distressingly low, it is vital to maintain open channels of communication with all segments of the population. Senior citizens are organizing to better express themselves, and I feel we as individual Congressmen can do our part to take the extra steps to meet and work with them on these important questions. We plan to continue this program, and based on this trial run we hope to make it even more productive. I invite my colleagues to learn from such an experience as I believe I have, and build upon what can be a most rewarding and instructive venture.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on December 9, 1971, I am recorded as "not voting" on rollcall No. 453 on H.R. 11955, making supplemental appropriations for fiscal year 1972. Had I been present I would have voted "yea."

On December 15, 1971, because of official business in my district, I was unable to be present for rollcall No. 466 on the conference report on H.R. 11731, making appropriations for the Department of Defense for fiscal year 1972, I would have voted "yea." Rollcall No. 467 on the conference report on H.R. 11932 making appropriations for the District of Columbia for fiscal year 1972, I would have voted "yea." Rollcall No. 469 on the conference report on H.R. 6065, amending section 903(c)(2) of the Social Security Act, I would have voted "yea." Rollcall No. 470 on House Joint Resolution 1005, making further continuing appropriations for fiscal year 1972, I would have voted "yea."

On December 16, 1971, I was unable to be present for rollcall No. 472, tabling a motion to instruct House conferees to agree to the amendment known as the Mansfield amendment in S. 2819, to provide foreign military and related assistance and authorization for fiscal year 1972, I would have voted "yea."

HIJACKING AND EXTORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, since March 9 when President Nixon called for a mobilization of the "security forces and resources of the Federal Government" against aircraft hijackings, much progress has been made.

On May 12 a 40-year sentence was imposed in Federal court in Denver against the first extortionist-hijacker of an American aircraft brought to trial. It was the third most severe sentence ever imposed for air piracy in a Federal court.

Richard Charles LaPointe, 23, an east coast drifter, who hijacked an Air West plane at Las Vegas on January 20 this year, then parachuted with $50,000 near Denver, was sentenced to 40 years on his guilty plea accepted by the court midway in the Government's case in the trial which began April 12.

It has been almost 6 months since D. B. Cooper, still missing, began a rash of parachute-hijacking incidents, last November 24. Cooper jumped in the darkness between Seattle and Reno with $200,000. LaPointe was the fifth person utilizing the Cooper modus operandi.

In succession, 10 would-be extortionist-hijackers failed. Their "success ratio" was zero until Friday, May 2—the latest such attempt—when a hijacker commandeered an Eastern flight from Allen-

town, Pa., to Washington, and later parachuted in the darkness with $303,000 over a Central American jungle in Honduras. He is still missing and his identity not disclosed.

In fact, 1971 was the first year since the influx of aircraft hijackings that there were more persons who were apprehended with their hijackings aborted than there were whose plan succeeded.

The 1971 record of 26 hijacking incidents show that 15 failed—this includes four failures of 14 hijackers who demanded to go to Cuba. This compares with nine failures of 26 total incidents in 1970; seven of 40 in 1969; and only four failures of 22 incidents in 1968.

To date in 1972, there have been 17 hijacking incidents of which 13 have failed. Three of the "successes" went to Cuba without demanding extortion of the airline. The fourth "success" is the latest extortion effort and is actively being sought in the Honduran jungle.

Legal process has been instituted against all hijackers as soon as identification is certain, including those who are still fugitives in Cuba or elsewhere.

In mid-March, the Attorney General sent telegrams to all 93 U.S. Attorneys asking that the Justice Department be notified if aircraft hijacking or related offense, including bomb and extortion threats, are not brought to trial in 60 days.

Of the attempted extortions this year one was shot and killed by FBI agents while seeking to escape in a getaway car with a hostess held as hostage by the hijacker. Another would-be hijacker who had demanded $308,600 was shot and wounded. One other, Richard F. McCoy, Jr., a Vietnam veteran and helicopter pilot, was charged with parachuting with $500,000 near his home in Provo, Utah, where the money was recovered.

In 1970, two hijackers who diverted American planes in 1969 to Cuba, were tried after their return to this country. Lorenzo Edward Ervin was sentenced to life by a Federal judge in the northern district of Georgia, and Joseph J. Crawford was sentenced to 50 years on his guilty plea in the western district of Texas.

Interestingly, one hijacking to Cuba this year, also involved a "successful" extortion that preceded it—only to run into disaster in Cuba. The hijacker held a Puerto Rico banker at gunpoint in the banker's home, finally obtained $290,000 from the bank, then demanded from the banker's brother, who owned a Puerto Rican airline, a plane and two-man crew for an escape to Cuba. But the latest word is that the hijacker is being held for an indefinite term in a political prison while the Cuban Government took the $290,000.

The Attorney General and the Department of Justice are to be commended and congratulated for the manner in which they are handling the extortionist-hijack problem.

THE MEDICAL DEVICE SAFETY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the field of medical instrumentation has come a long way from the time when unscrupulous health swindlers peddled such items as copper bracelets and zinc disks and orgone energy boxes alleged to cure arthritis, cancer, and practically every other human ailment. Thousands of ingenious new medical devices with proven therapeutic value are now saving countless numbers of human lives and restoring millions of others to a state of good health. More than 1,300 manufacturers are presently producing at least 5,000 different devices, ranging from simple fever thermometers to the most sophisticated heart-lung machines.

The great expansion and proliferation of new medical devices in the last decade has been accompanied by a growing concern for the safe and effective use of these products. The tremendous breakthroughs in medical technology which are saving and curing so many sick people are unfortunately also exposing thousands of others to potential hazards resulting from mechanical or human error. Every year, an estimated 1,200 hospital electrocutions and countless cases of accidental injury result from unsafe and defective electrical equipment. At one New York hospital, the Downstate Medical Center in Brooklyn, 40 percent of incoming medical devices were found to be defective, many to the point of threatening life.

Under existing law, the Food and Drug Administration does not have authority to require medical devices to meet specified standards or undergo a clearance procedure prior to commercial marketing. Only after a device has been marketed and proven dangerous to people's health can FDA take action, usually in the form of asking the manufacturer to voluntarily recall the defective product. If this course fails, FDA can then ask the court for an injunction, which can be appealed by the manufacturer and result in a delay sometimes taking up to 5 years, during which time the product can continue to be sold.

It is obvious from the findings of recent study groups and various independent surveys conducted by hospitals, physicians, and other interested parties that the unregulated flow of potentially hazardous devices into the medical marketplace must be curtailed and without further delay. In 1969, the Department of Health, Education, and Welfare initiated a study of this whole area in order to formulate recommendations regarding the necessity for new regulatory legislation. The report of this study group, headed by Dr. Theodore Cooper, Director of the National Heart and Lung Institute, clearly showed the need for such legislation.

I have recently introduced a bill, H.R. 13793, the Medical Device Safety Act, which is designed to give the Food and Drug Administration mandatory power to prevent the marketing of potentially dangerous devices. This legislation would correct many of the problems which stem directly from the lack of effective regulatory authority under existing law.

First of all, my bill would eliminate the difficulties that have arisen in recent court cases due to the vagueness of the legal definition of a device versus a drug. Because of its limited authority over devices, the FDA has attempted to argue to the courts that certain "devices" can be considered "drugs" and, therefore, subject to regulation under the "new drug" provisions of the Federal Food, Drug, and Cosmetic Act. In two recent cases—the AMP case involving disposable nylon sutures and the DIFCO case involving antibiotic sensitivity discs, the courts have ruled that the legal definition of "drugs" could be applied to these products, thereby subjecting them to the "new drug" requirements under the act.

The difficulty, however, is that court opinion draws no clearly defined line between what is a drug and what is a device, making it necessary to proceed on a product-by-product basis in requiring "new drug" clearance. It should be clear that much of this litigation would be unnecessary if FDA had originally been provided with the kind of effective regulatory controls over devices that it presently has with regard to drugs. In the absence of such regulation, FDA has little alternative but to resort to strained application of the drug definition, in order to protect the public from unsafe products. Such procedures are an unwieldy, time-consuming, and inadequate means for protecting the public from hazardous products to which they will continue to be exposed during the time the courts are reaching a decision.

Furthermore, there are sufficient differences between drugs and devices that distinctions should be made between such products and that parallel, but not identical, regulatory procedures be devised. I believe that this was the intention of Congress when it passed the Federal Food, Drug, and Cosmetic Act in 1938, but I feel that additional legislation is needed to clarify this intention and to provide a suitable and adequate means for regulating devices.

My bill would attack this problem in two ways—by redefining as distinctly as possible, the terms "drugs" and "devices," and by providing a means whereby carefully defined categories of medical instruments would be regulated and subject to specified standards established on a parallel, rather than identical, basis with those of drugs. FDA would be empowered to create and enforce standards for medical devices after consulting with other Federal agencies and experienced technicians and doctors.

A highly significant provision in my bill would relate standards for medical devices to a "state of the art" clause, allowing FDA to withdraw approval of a device if new research proves it to be harmful or ineffective, or to grant approval for a device previously thought harmful or ineffective. It has been estimated that research into medical devices lags as much as 30 years behind research in the pharmaceutical field. In the future, we will undoubtedly see device research undergoing significant improvements. Thus, to apply to devices the strict requirements of the present law relating to drug research would be

both unfair and impossbile. The "state of the art" clause makes this action unnecessary for the present time, since FDA approval of a device would not necessarily extend for an infinite time period.

My bill would further require that certain medical devices be subjected to premarketing clearance procedures. Such devices would include those which are not generally recognized by experts to be safe, reliable, and effective or which are intended for use within the human body or for subjecting the body to radiation, electric or magnetic energy, heat, cold, or physical or ultrasonic energy. Exemptions would be allowed for devices to be used solely in treating animals, or devices for use in strictly controlled clinical investigations on human subjects. Many of the real dangers to which patients are exposed today occur as a result of faulty electrical equipment. New electronic devices such as defibrillators have had tendencies to discharge high electrical voltage into a patient's heart before a surgeon wanted it. The tragic end results of such electrical malfunction make it essential for us to regulate and control devices of this nature.

The legislation I have proposed will arm FDA with an array of other new controls over device manufacturers, including registration of companies, establishment of Federal "good manufacturing practices," requirements for recordkeeping and reporting, and authority for more extensive factory inspection. These provisions in themselves will prevent many of the abuses that have occurred over the years.

As Ralph Nader has stated in a recent exposé of hazardous devices:

> The unprecedented hope offered by new medical technology does not need to be accompanied by unprecedented risk.

By regulating, controlling, and redefining medical devices, my bill will provide protection for millions of consumers who each year come into contact with modern medical equipment. Until we take action on this legislation, medical devices will continue to give life to millions but death to thousands of others.

THE FALLACIES UNDERLYING THE BYRD AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the other body is considering the McGee amendment to the Foreign Relations Authorization Act of 1972 which would repeal the infamous Byrd amendment which the administration has interpreted as permitting the importation into the United States of Rhodesian chrome in violation of the international legal obligations of the United States.

In this connection, I would like to call the attention of my colleagues to a scholarly and thoroughly researched dissertation on some of the issues raised by the Byrd amendment. In this article, which will appear in the March, 1972 Virginia Law Review, the author, George T. Yates III, exhaustively examines the whole question of the legal basis of Rhodesian sanctions and finds any allegations of illegality of the Rhodesian sanctions "legally bankrupt."

Second, he analyzes the critical matter of the efficacy of the sanctions and, while recognizing that the sanctions have not accomplished as was originally intended, the quick demise of the illegal Smith Regime, he states the facts which demonstrate that sanctions have had a significant impact. The Rhodesian economy is slowly stagnating. He said:

"It is feeding on itself, and it is giving the illusion of health because there is a lot of fat within the system to support it, but the future of the economy is one of mounting ills." The stagnation for which the sanctions policy is responsible shows up in the serious deterioration of the railway system, the disintegration of the flying equipment of the air service and the breakdowns in farm machinery. Unemployment is growing, especially among the black population. While a surplus of unskilled labor exists, Rhodesia needs skilled workers, and sanctions have made it impossible for the government to advertise openly for skilled labor emigrants. There also are the problems of inflation and, even more serious, shortages of foreign currency.

Southern Rhodesia's foreign currency problem undoubtedly represents the greatest successes of the sanctions policy.

Finally, Mr. Yates inquires into those facts which have been asserted in the name of compelling domestic needs of the national security interests of the United States as requiring this country to become an international lawbreaker and finds that "the necessity argument collapses under scrutiny." He points out that, with the exception of South Africa and Portugal, violations of the United Nations sanctions have not been acquiesced in by the governments themselves in other countries.

I would like to present the full text of this scholarly, informative and timely article for the benefit of my colleagues:

THE RHODESIAN CHROME STATUTE: THE CONGRESSIONAL RESPONSE TO UNITED NATIONS ECONOMIC SANCTIONS AGAINST SOUTHERN RHODESIA

(By George T. Yates III, University of Virginia School of Law)

The Congress has rarely demonstrated strong support for the United Nations and its affiliated international organizations, but recently this lack of enthusiasm has developed into an utter disregard for the international obligations of the United States.[1] The attack made by the Ninety-first Congress on the International Labor Organization [2] seems mild in comparison with recent congressional efforts to undermine economic sanctions imposed by the UN against Southern Rhodesia. This recent assault has produced an amendment to the Military Procurement Act of 1971,[3] the "Rhodesian chrome statute." [4] This legislation provides:

"Notwithstanding any other provision of law, on and after January 1, 1972, the President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202) for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law." [5]

The ostensible purpose of the statute was to compel the President to violate United Nations Security Council Resolution 253 [6] by allowing the importation of Southern Rhodesian chrome into the United States.[7] Congressional discussion of the legislation focused almost exclusively on Southern Rhodesia and chrome ore but, the statute itself does not mention either one. Although the legislation may be referred to as the "chrome" statue it deals with the importation of other goods. It makes possible the importation of 72 categories of materials specified on the list of strategic and critical materials promulgated by the Director of the Office of Emergency Preparedness.[9] The scope of the legislation and its potential for thwarting economic sanctions against Southern Rhodesia and other territories that might be sanctioned in the future are more formidable than the debates would suggest. What led Congress to take such drastic and comprehensive action?

The supporters of the legislation were moved by three arguments. Some felt that the United Nations Security Council acted illegally in invoking economic sanctions against Southern Rhodesia. They argued that such illegal conduct created no international obligation the United States was bound to observe. Second, some suggested that the sanctions, legal or not, had failed, since other nations had refused to enforce them. Those who espoused this view seemed to believe that violations by other states rendered the American obligation voidable, if not actually void. Third, some of the proponents spoke of compelling domestic needs, such as the need to protect American industry and the need to ensure a reliable, non-Communist supply of chrome for national defense.

While the proponents of this legislation acted hastily, if not erroneously, in assessing the impact of the sanctions upon Southern Rhodesia and the United States, and in assessing the potential national and international costs of violating the sanctions, the United Nations itself contributed to this error by failing to provide more adequate assurance of international compliance.

THE LEGALITY OF UNITED NATIONS SANCTIONS

The arguments which raise the question of the legality of the United Nations action depend on the meaning and purpose of sanctions and the source of the Security Council's authority under the United Nations Charter.

Sanctions generally and the League of Nations

The object of sanctions is to secure conformity to standards of behavior.[10] Sanctions are often defined as legal remedies imposed by a community on one who violates the legal order of that community. They are generally viewed as coercive: that is, they are applied against the will of the person sanctioned, and they are suggestive of a willingness to use force.[11] More comprehensively, "[s]anctions are deprivations *or indulgences* of individual and group values for the purpose of supporting the primary norms of a public order system." [12] The task of enforcing collective norms is not only negative but also positive to the extent that "value indulgences are deliberately employed as strategies to induce future conformity and to reward past fidelity." [13]

The success of sanctions is dependent upon a concensus regarding the values they enforce. The greater the knowledge and acceptance of the law,[14] the less likely it is that sanctions will be employed and the more likely it is that sanctions will be successful if invoked. Governments have relied on sanctions to maintain the domestic legal order. The international community, however, has

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experienced less success. The establishment and enforcement of international sanctions is difficult because of the problem of obtaining a consensus regarding the applicable international legal rules.[15] But where rules, supported by consensus, can be stated positively, as in treaties, conventions, and agreements, international law often relies on sanctions, whether express or implied, for the enforcement of international obligations.[16]

The League of Nations Covenant relied heavily on the supposed existence of an international desire to avert another world war and employed sanctions to enforce Covenant obligations. Article 16 of the League Covenant provided for the use of economic and military sanctions against member states who violated their obligations under Articles 12, 13, and 15. Indeed, paragraph one made it an act of war against all members for one member to resort to war in violation of those obligations.[17] Article 12 obligated the members to submit any dispute likely to lead to hostilities to arbitration, judicial settlement, or inquiry by the Council.[18] Article 13 specified certain disputes for arbitration or judicial settlement [19] and obligated members to carry out awards and decisions and not to resort to war against a member who complied. Article 15 established procedure for the submission of disputes to Council inquiry. In addition to labeling the violation of these covenants an act of war, Article 16 obligated the members to sever all trade and financial relations, to prohibit all intercourse between their nationals and those of the violating state, and to prevent all financial, commercial, or personal intercourse between the nationals of the violating state and the nationals of any other state, regardless of League membership. The latter provision was the only attempt to extend the scope of League sanctions beyond the League community.

The framers of the League Covenant hoped that the economic sanctions of paragraph one would constitute a strong and effective tool for containing and terminating hostilities. As one observer noted, economic sanctions were "the most formidable weapon in the armory of the League." [20]

In addition to economic sanctions, the Covenant provided for military sanctions,[21] which could be invoked against any member who violated a League covenant. The ultimate penalty was expulsion from membership, but this action required a unanimous vote of the Council.[22]

The League sanctions system was inherently weak. The veto power gave each member state the power to determine for itself when an obligation, enforceable by sanctions, had arisen. Equally restrictive was the criterion for judgment—an illegal resort to war by a member state. The requirement of actual hostilities denied the League the opportunity to use sanctions in the more positive function of war prevention. Thus economic and military sanctions under the Covenant served no broader purpose than to enforce the members' express obligations in Articles 12, 13, and 15. The restrictions on the use of sanctions, their limited scope, and the limited membership of the League itself [23] made it most unlikely that the sanctions could achieve even their narrow purpose of ending war, once it had begun.

Sanctions under the United Nations Charter

The framers of the United Nations Charter also looked to sanctions to enforce the new scheme of world order. The first purpose of the United Nations was "[t]o maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace . . . ." [24] Articles 39, 41, and 42 of the Charter give the sanctioning power to the Security Council. Article 39 provides as follows:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Articles 41 and 42 provide for the use of economic and military sanctions respectively.[25]

The triggering mechanism for imposing sanctions under the Charter is "the existence of any threat to the peace, breach of the peace, or act of aggression." The Charter provides a broader basis for action than did the League provision, which required an actual resort to war by a member state.[26] The United Nations has authority to intervene at any point along the continuum of events leading from latent conflict to outright aggression. In short, the Security Council may take action before a full-blown crisis has developed. By way of contrast, the League lacked authority to impose sanctions at the early stages of conflict development. Indeed, the League was powerless to act even after war had broken out if required efforts had been made to settle the conflict peacefully. While the League could act only on the basis of affirmative or negative conduct by its members, the United Nations acts on the basis of conditions, regardless of their origin.[27]

In addition to the broad definition of the conditions under which the Security Council may impose sanctions, Article 39 gives that body power to determine when one of the conditions justifying the use of sanctions has in fact occurred. The League Covenant allowed each member to decide whether the pre-conditions to coercive action were met. The Covenant also automatically invoked sanctions upon the necessary finding of a resort to war. But Article 41 of the Charter gives the Security Council the right to take any action it deems appropriate, including none at all.[28] Once the Security Council has made the necessary findings of fact and has selected sanctions, it may call upon members to carry them out; and Article 25 legally binds the member nations to apply the sanctions chosen by the Security Council.[29] Similar to Article 16(2) of the Covenant, Article 42 empowers the Security Council to take military action, should it find economic sanctions inadequate.[30]

Clearly the system of sanctions established under the Charter contemplates a much broader legal order than did the League Covenant. League sanctions were designed to uphold the members' specific obligations under the Covenant. The invocation of United Nations sanctions, however, is not limited to violations of the Charter or to the actions of member nations; the Security Council has extraordinary discretion. Indeed, some have questioned whether the economic measures which the Charter envisions are actually sanctions.

Those who adhere to this position take too narrow a view of the legal order by the Charter. This legal order encompasses, not only Charter obligations, but all law that develops under the auspices of the United Nations.[31] United Nations sanctions are no more limited to upholding the Charter than are sanctions in the American legal order limited to upholding the Constitution of the United States. The Charter provides only the framework within which law is created, while sanctions uphold the substance as well as the frame.[32] Thus the Charter gives the Security Council power to perform a police function as well as a Charter-enforcing function.[33]

United Nations economic sanctions against Southern Rhodesia

Although the General Assembly had taken action with respect to the events in Southern Rhodesia as early as 1962,[34] the Security Council did not include the matter on its agenda until 1963 and took no affirmative action until 1965. The failure of the Security Council to act sooner must be attributed largely to British reluctance and the British veto.

In a letter dated August 2, 1963,[35] the Representatives of Ghana, Guinea, Morocco, and the United Arab Republic requested that the President of the Security Council call a meeting to consider the Rhodesian question. At that time the matters of concern were the scheduled dissolution of the Federation of Rhodesia and Nyasaland at the end of 1963 and the status of Southern Rhodesia thereafter.[36] The Council considered the matter during its meetings of September 9–13, 1963. At the final meeting the British veto prevented the adoption of a draft resolution [37] which, among other requests, invited the British Government not to transfer to its "colony of Southern Rhodesia" the powers and attributes of sovereignty, especially the control and operation of military forces and arms, until the establishment of a truly representative government.[38] Obviously, the Council was concerned to prevent the establishment of an entrenched white minority government in a country peopled largely by blacks.

The British attitude changed as it became more evident that Southern Rhodesia would declare her independence unilaterally and establish a government that would not recognize such fundamental British principles as majority rule.[39] On May 6, 1965, the Security Council, concerned about the "illegal" elections set for the following day in Southern Rhodesia, adopted a resolution [40] requesting all states to refuse to accept a unilateral declaration of independence (UDI) by the minority government of Southern Rhodesia and requesting the United Kingdom to take all necessary action to prevent such a declaration.[41]

On November 11, 1965, the minority government of Prime Minister Ian Smith announced Southern Rhodesia's UDI. This spurred the Security Council to further action. The following day the Council adopted a resolution condemning the Smith Government's declaration and calling upon all states "not to recognize this illegal racist minority régime." [42] Although the resolution fell short of imposing economic sanctions, it called upon all states "to refrain from rendering any assistance to the illegal régime." [43] In its decision of November 20, 1965, the Security Council moved a step closer to imposing sanctions by calling upon all states "to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products; . . ." [44] This decision did not implement economic sanctions under Chapter VII of the Charter because the Council did not make an explicit finding of a present threat to the peace.[45] Instead, the Council adopted a program of voluntary sanctions.

This program did not prove very satisfactory. Even those states wishing to comply felt they lacked the authority to take effective action. In April 1966 Britain asked the Security Council for permission to use force if necessary to prevent the arrival at Beira (Mozambique) of vessels reasonably believed to be carrying oil destined for Southern Rhodesia. On April 9 the Security Council found a threat to the peace, granted the British request, and called upon all states "to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira; . . ." [46]

On December 16, 1966, the Security Coun-

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cil, recognizing the inadequacy of previous efforts, adopted a resolution imposing mandatory sanctions with respect to certain designated goods, including chrome.[47] The Council left no doubt about the mandatory nature of the selective sanctions. It specifically called the member states' attention to their international obligations under Article 25 of the Charter in paragraphs 3 and 6 of the resolution. On May 29, 1968, the Council extended sanctions to all Southern Rhodesian commodities and products [48] and on March 18, 1970, reaffirmed its position with respect to mandatory sanctions and called upon member states to take more stringent measures to make the sanctions effective.[49] In light of the second annual report of the Security Council Sanctions Committee,[50] the Council adopted a resolution on November 17, 1970, in which it urged compliance with past decisions and deplored the actions of those who had given moral, political, and economic assistance to the minority régimes.[51]

The illegality of United Nations sanctions

Before the Security Council can impose mandatory economic sanctions under Article 41, it must, as a minimum, find a threat to the peace under Article 39.[52] The proponents of the Rhodesian chrome statute frequently asserted in Congressional debates and hearings that the situation in Southern Rhodesia did not constitute a threat to the peace. Thus, they argued, the Security Council had acted illegally, and the United States was not bound to carry out the decisions for which such a finding was necessary, *i.e.*, Resolutions 232 and 253, which impose selective and comprehensive sanctions, respectively.

The crucial fact is that Article 39 gives the Security Council power to determine when there is a threat to the peace.[53] Those who testified in Congress, even the proponents of the chrome statute, agreed on this point. Congressman John R. Rarick of Louisiana admitted as much in his statement before the House Subcommittee on International Organizations and Movements:

> Noteworthy [*sic*], the only conceivable justification for such an act of warfare—and a declared blockade under Articles 39, 41, and 42 of the United Nation's [*sic*] Charter *by the Security Council* that a target nation constitutes "any threat to world peace, breach of the peace, or act of aggression." [54]

While the proponents of the statute recognized that the existence of a threat to the peace is a Security Council determination, they refused to accept the determination as conclusive. They apparently believed that the Charter set up a system similar to that established under the League, in which each member decided for itself when sanctions should be invoked.[55] Accordingly, they reopened the question whether a threat to the peace had actually occurred and attempted to show that the Security Council had made a mistake.[56]

In attempting to demonstrate that there was no threat to the peace, the proponents showed a lack of understanding of the terms "threat to the peace" as it is used in the Charter. Under the League Covenant the invocation of sanctions was linked to a specific act by a member state. The Charter, however, provides for sanctions on the occurrence of a condition; the sanctioned state need not have committed any specific act.[57] Those who denied the existence of a threat to the peace seemed to believe that the Charter requires some showing that the state to be sanctioned had taken some step toward war. A statement of Senator Harry F. Byrd, Jr. of Virginia, the sponsor of the legislation in the Senate,[58] illustrates the point:

> "Turning to the third charge made by the United Nations Security Council, namely, that Rhodesia threatens world peace, this is obviously absurd.
>
> "Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?
>
> "The answer, of course, is no one actually believes that Rhodesia threatens the peace." [59]

The correct answer is that the Charter does not focus on acts of aggression of war.[60] But as a result of their misinterpretation of Article 39 Rarick concluded that the Security Council's action was based on "lies," [61] and Byrd stated that the United Nations policy "is rooted . . . in falsehood and injustice." [62]

Although Senator Byrd, Congressman Rarick, and other proponents of this legislation misconceived the proper basis for finding a threat to the peace under the Charter, their remarks are not without legal import. They suggested, if not in so many words, that the Council had not made this determination in good faith. While the Charter empowers the Security Council to decide whether a threat to the peace exists, a decision not made in good faith would be subject to attack on the ground that it had not been made "in accordance with the present Charter," as required by Article 25, and was not, therefore, binding on the members. Former Secretary of State Dean Acheson raised this issue in the Senate hearings.[63] Before the House he had suggested that the sanctions did not reflect a good faith decision, since the Security Council had failed to make appropriate findings.[64]

The Security Council's determination was by no means hastily conceived. In August 1963, Ghana, Guinea, Morocco, and the United Arab Republic asserted that the Rhodesian situation endangered international peace and security and urged the Council to consider the matter immediately.[65] These states feared that Britain might transfer military power to Southern Rhodesia after the dissolution of the Federation of Rhodesia and Nyasaland.[66] During 1965 the Security Council adopted three resolutions dealing with the Rhodesian problem. In the first two resolutions the Security Council did little more than cite further evidence that the situation might constitute a threat to the peace,[67] but in the third resolution the Council made it clear that it was only a matter of time until it would make such a finding.[68] Yet it was not until April 1966 that the Security Council made the initial finding of a threat to the peace in order to grant Britain the authority to prevent by force, if necessary, the importation of oil to Southern Rhodesia.[69] This history indicates, at the very least, that the Council's decision arose from mature consideration and not from hasty or premature judgment.

Ultimately, of course, any evaluation of the Security Council's "good faith" must be colored by a moral judgment. Even in cases of physical aggression one must make moral and political judgments as to whether or not the acts in question are justifiable. But in that instance, at least, the decision-maker has concrete actions upon which to focus. When, however, a condition of tension and latent hostility develops and no state has taken any hostile action, the criteria for attaching blame are less exact. Because of this fact, in the case of a threat to the peace there may not be any agreement as to whether anything worthy of international concern has occurred. Congressman Rarick implicitly recognized the moral nature of the problem when he argued by analogy that Rhodesia's neighbors constituted the real threat to the peace: "This is like saying that a solvent bank is a dangerous threat to law and order in the community because some criminal may rob or burglarize it; therefore, to preserve public peace it must be boycotted and destroyed." [70] Although Rarick purported only to contest the accuracy of the Council's decision, his remarks suggest that the Council could not have made a good faith finding that Southern Rhodesia, as blameless as the solvent bank, threatened world peace.

In the present instance, however, the Security Council was not left awash in a muddle of morality. While Southern Rhodesia did not take any overt aggressive action, her conduct violated tenets of customary international law which reflect moral values widely accepted by the world community. Further, while viewing these violations of international law as criteria for judgment, the Security Council may also have been guided by the doctrine of international concern. In sum, one cannot assume that the Security Council's determination in this case indicates that the only limitation on the Council's Article 39 power is its collective moral judgment. Even in the absence of Article 39 the international community could have taken action to uphold the law, and undoubtedly, these bases for action played a significant role in the formulation of Security Council policy.

Southern Rhodesia arguably violated Resolution 1514(XV)—Declaration on the Granting of Independence to Colonial Countries and Peoples.[71] With regard to this most frequently cited of all General Assembly resolutions, one commentator has stated:

> "The continual re-citation of the resolution has given rise, along with other factors, to a fixed and universal expectation that the international community considers colonialism unacceptable, and will take steps to terminate existing colonial regimes and to prevent the creation of any new colonial territories. No state could honestly claim that it was unaware of this expectation or that the resolution was merely a "recommendation" with no normative force as an authoritative interpretation of the United Nations Charter, and few colonial Powers have attempted to permanently obstruct decolonization. In short, Resolution 1514(XV) is as much a part of our international law as any of the familiar traditional doctrines." [72]

Significantly, all of the Security Council resolutions on the Southern Rhodesia question, with the exception of Resolution 216, refer to Resolution 1514(XV).[73] The argument here, of course, is that the Smith regime is little more than a reassertion of European colonial power over the black population. To the extent that 1514 constitutes customary international law, the United Nations is justified in considering allegations of its violation,[74] and this reinforces the validity of the Security Council's finding in this case.

Further, Southern Rhodesia contravened the developing customary international law against racial discrimination. The International Declaration of Human Rights, adopted by the General Assembly on December 10, 1948, is perhaps the most widely recognized statement of United Nations policy.[75] The Declaration is not a binding treaty, but according to the preamble it is a "common standard of achievement for all peoples and nations." Article 2(1) provides:

> "Everyone is entitled to all the rights and freedoms set forth in this declaration, without discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

While this goal is widely unattained, it does represent a generally accepted moral judgment. In addition to the Declaration, on December 16, 1966, the General Assembly unanimously adopted two international Covenants of Human Rights, which reiterate the international community's stance against racial discrimination.[76]

The Security Council resolutions on the Rhodesian question partake somewhat of the flavor of invocations of international law against racial discrimination. Resolution 202 endorses General Assembly requests addressed to Great Britain to obtain:

> "(b) The repeal of all repressive and dis-

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criminatory legislation, and in particular the Law and Order (Maintenance) Act and the Land Apportionment Act.

"(c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights. . . ."[77]

Resolution 216 refers to an "illegal racist minority regime," [78] and Resolution 217 condemns the actions of a "racist settler minority." [79] Again, this consideration supports the finding made by the Security Council.

Lastly, the doctrine of international concern was a potential basis for action. International concern may arise from any matter originating within the borders of one state having effects which transcend international boundaries.[80] A state's fear of a serious threat to its own well-being or concern for the protection of human life can be sufficient to justify intervention into the offending territory despite claims of domestic jurisdiction.[81] Clearly the racist policies of the Smith régime give rise to expectations of violence in the context of the volatile political conditions of Africa.

These internationally accepted standards of conduct provide ample basis for a "good faith" decision that Southern Rhodesia, not her neighbors, constituted a threat to the peace. The contention that this determination could not be made in good faith, and therefore does not bind the member states, falls on the evidence.

In addition to the assertion that no basis existed for finding a threat to the peace, it was also claimed that the Security Council's actions were not in accordance with the Charter because the matter came within the domestic jurisdiction clause [82] and thus fell outside the scope of the Charter.[83]

The short answer to this argument is that Article 2(7) refers to "the domestic jurisdiction of any state" and Southern Rhodesia is not a state. There was little discussion in the congressional debates and hearings which would suggest why Southern Rhodesia failed to meet the traditional international law requirements of statehood—that is, permanent population, defined territory, government, and capacity to enter into relations with other states.[84] But, as the State Department argued, Southern Rhodesia was still a dependent territory of the United Kingdom. Since Britain had brought the matter to the United Nations and had sought its assistance, United Nations action would not conflict with British domestic jurisdiction. As the Department also noted, no other government in the world, including her South African and Portuguese allies, had extended recognition to Southern Rhodesia.[85]

More importantly, the text of Article 2(7) states that the domestic jurisdiction principal cannot be invoked to prejudice Chapter VII enforcement measures. This provision implicitly recognizes that a matter of international concern, such as a deprivation of fundamental human rights or a threat to the peace, is sufficient cause for international action without regard to the origin of the concern.[86] The principle of state sovereignty undoubtedly would be outweighed in case of a threat to the peace according to the doctrine of international concern, and the framers of the Charter made the rule explicit in Article 2(7).

Thus the Security Council had authority to determine that the situation in Southern Rhodesia constituted a threat to the peace and to invoke economic sanctions to enforce that decision. Under Article 25 the obligation of the members of the United Nations, including the United States, to accept and carry out these decisions is clear.[87] All that remains is to examine the other arguments advanced by the proponents of the Rhodesian chrome statute.

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THE EFFICACY OF SANCTIONS AGAINST SOUTHERN RHODESIA

Congress scarcely would have enacted the Rhodesian chrome statute merely on the strength of flimsy legalistic arguments treated above. The proponents of the legislation also argued that the sanctions had failed,[88] and that it would be foolish for the United States to continue its cooperation, at least with respect to vitally needed chrome.[89] These assertions rested on two grounds: the alleged failure of both member and non-member nations to enforce sanctions despite compliance by the United States; and, regardless of international enforcement, the claim that sanctions did not have a significant impact on the Rhodesian economy.

The first argument is essentially non-legal. In terms of the international law of treaties, no one has yet explained how the failure of other nations to enforce the sanctions releases the United States from its obligations.[90] But Congress took on the roles of judge and jury, found violations, and rested its case on some concept of fair play. In order to evaluate this approach, one must examine the enforcement program of the United States and the programs of other countries.

United States enforcement

The United States acted swiftly to execute Security Council decisions imposing economic sanctions against Southern Rhodesia. The United Nations Participation Act conferred on the President the power to implement economic sanctions ordered by the Security Council under Article 41 of the Charter.[91] On January 5, 1967, President Johnson followed Resolution 232 with an executive order relating to trade and other transactions involving Southern Rhodesia.[92] On July 29, 1968, he issued a second executive order implementing the comprehensive sanctions of Resolution 253.[93] Both executive orders followed closely the text of these resolutions and authorized the Secretaries of Commerce and the Treasury to issue regulations governing trade with Southern Rhodesia.[94] In one respect, however, the executive orders deviated from the resolutions: both orders and the subsequent regulations provided that the prohibition on imports should not apply to goods exported from Southern Rhodesia prior to the dates of the respective orders.[95] The State Department contended that these provisions did not contravene the Council's resolutions.[96] But these provisions would have vitiated the effect of the Council's decisions if they had been applied to goods exported, but not actually paid for, before the sanctions were imposed. Since one of the major objectives of sanctions is to deprive Southern Rhodesia of foreign currency, it would have been preferable to have phrased the exception in terms of defining goods for which Rhodesia could recognize no further capital gain.

The Secretary of Commerce created a potentially larger loophole for the importation of Rhodesian goods by including in the regulations an exceptional hardship provision:

"[A]ny person affected by any provisions of this Part 11 may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him arising from transactions commenced before the date of the issuance of Executive Order 11419 (July 29, 1968)." [97]

From the incomplete information provided as of the last date of hearings, July 8, 1971,[98] it appears that only two requests were made under this provision, and both involved chrome allegedly paid for before the sanctions were invoked.[99]

Although the United States has prosecuted only one violation of the sanctions,[100] declining trade figures reflect the success of the American approach. United States exchanges with Rhodesia fell from $33 million in 1965 to $3.7 million in 1968.[101] By 1970 the exchange total was slightly over $500,000,[102] representing trade in non-sanctioned goods.[103] Thus in practice, despite the loopholes in the executive orders and regulations, the United States had done a commendable job in fulfilling its obligation to enforce the United Nations sanctions prior to the enactment of the chrome statute.

International enforcement

There is evidence that Congress lacked full information about the international enforcement of sanctions.[104] No member of the United Nations staff testified, and the United Nations reports on the subject were voluminous and "difficult to summarize." [105] In view of the importance that many members of Congress attached to the enforcement argument, it is unfortunate that this subject received so little informed consideration.

One of the few witnesses who did offer evidence from the United Nations reports, Senator Byrd of Virginia, noted that 23 of the 127 members had not answered the Secretary-General's inquiry about their compliance with Security Council decisions. He further stated that five states—Zambia, Botswana, Portugal, Malawi, and Switzerland—had indicated their unwillingness or inability to comply, and he observed that the United Nations had received reports of 60 violations during 1969. Finally, he noted the problem of obtaining the compliance of nonmember states.[106]

The United Nations itself has provided valuable and relevant information about the efficacy of the economic sanctions against Southern Rhodesia. The body responsible for overseeing the sanctions is the Committee Established in Pursuance of Security Council Resolution 253 (1968) (hereinafter "Committee"). The Committee examines reports and collects information about alleged violations and compiles data on the effectiveness of sanctions. Thus far the Committee has summarized its finding in four annual reports.[107] Unfortunately the Committee does not engage in primary research but relies upon information furnished to it by both members and non-members of the United Nations. In its third report the Committee observed "that many of the replies received from certain Governments to its requests for information about their investigations of suspected evasions have been incomplete and that lengthy periods have elapsed in some cases before replies have been received." [108] While reliance on the member states for information of alleged violations has inhibited the Committee's investigations of individual cases, the Committee has succeeded, through the use of trade statistics, in determining general trends in sanctions enforcement.

Statistical data

As noted in the third report [109] and both draft proposals for the fourth report,[110] the sanctions have not been fully effective and have not led to the desired results. On the other hand, the sanctions have had an impact on the Southern Rhodesian economy, as evidenced by the Smith's régime's willingness to negotiate a settlement with Great Britain.[111] While Southern Rhodesia has maintained a substantial amount of foreign trade, primarily through the cooperation of her sympathizers, South Africa and Portugal, this trade is conducted at a high price. Since the vast majority of states regard it as illegal, Southern Rhodesia has had to resort to false certificates of origin and shipping documents, roundabout shipping routes, and bribery. These tactics increase transactions costs and may well have an adverse effect on the Rhodesian economy that does not show up in decreased trade volume.

On the whole, Southern Rhodesia has increased her merchandise exports, especially minerals such as chrome. Although no offi-

cial statistics exist, the Sanctions Committee has estimated merchandise exports in 1970 increased $52 million over the 1969 figure of $318 million.[112] Through whom are these goods exported?

The large and growing discrepancy between the amount that South Africa, Mozambique, Zambia, and Malawi report as exports and the amount that nations trading with these four countries report as imports from them indicates the existence of a substantial indirect export pattern from Southern Rhodesia. From 1965 to 1970 the excess of reported imports of 23 important trading nations over the reported exports of the four neighboring African territories increased from $25 million to $209 million.[113] This difference must be attributed to disguised exportation by Rhodesia. In 1964 South Africa reported chrome exports worth $637 million, while the receiving imports worth only $600 million. By 1970, however, reports indicate that the receiving countries imported from South Africa $519 million more than that exported by South Africa.[114] Furthermore, 1967 saw an increase in South Africa's domestic consumption of chrome. This development undoubtedly compelled a reduction in exports of domestically mined chrome ore, but in 1970 South Africa reportedly increased her total exports of chrome by 233,000 metric tons over the 1967 figure.[115] The Committee concluded that South Africa's greater domestic need and her increased exports did not correspond to the rate of expansion for domestic production.[116]

It is considerably more difficult to determine which countries receive Southern Rhodesian chrome. Only South Africa, Portugal, and their territories have refused officially to abide by the sanctions, but their assistance to the Smith régime has increased the difficulty of detection.[117] Furthermore, several important trading states, notably West Germany and Switzerland, are not members of the United Nations and consequently have no legal obligation to enforce Charter sanctions. West Germany, however, (and to a lesser extent Switzerland) has pledged her cooperation.[118]

The reported statistics of the Sanctions Committee suggest that Japan and Western Europe import a much greater portion of Southern Rhodesian chrome than does the United States. In 1964 the figures on importation of chrome by Japan and the countries of Western Europe corresponded to reported South Africa exports. In 1969 reported South African exports exceeded imports into the United States by 45,000 metric tons. In sharp contrast, the reported imports for Japan and Western Europe exceeded the reported South African exports to these countries by 92,000 and 87,000 metric tons respectively. More significantly, while American importation of chrome from South Africa has declined since 1964, the Western European and Japanese imports between 1964 and 1970 has increased by 261 percent and 1775 percent respectively.[119]

Although Southern Rhodesian chrome is clearly reaching world markets, the Sanctions Committee has received no report of any such transaction being conducted with the consent of the government concerned. The success of the Southern Rhodesian régime in continuing its international trade in chrome and other commodities rests upon that government's ability to deceive the international community with respect to the origin of its exports and the destination of its imports. This fact is illustrated by the 113 cases of suspected violations which the Committee had considered as of the date of its last report. The chrome cases constitute the largest single category of suspected violations.

The Chrome cases

Thus far the Committee has considered 34 cases involving Southern Rhodesian chrome,[120] but that figure represents a larger number of suspected violations because the Committee lumps related incidents together.[121] The Committee has been unable to make a final determination in most of the cases because of insufficient information.[122] In only two instances has the Committee stated that there appeared to be no violations and that the case should be closed.[123] In none of the cases has the Committee concluded that a violation actually occurred, but seven cases reveal at least the possibility of violations.

One case presenting a strong probability of a violation is Case No. 37 Ferrochrome—"Hallaren,"[124] referred to the Committee in a United Kingdom note dated August 27, 1969. In this note Great Britain alleged that 100 tons of Southern Rhodesian ferrochrome, packed in drugs, had been loaded aboard the Swedish vessel "Hallaren" at Lourenço Marques. The vessel was alleged to have sailed on July 20 for Helsinski and other northern European ports. The Committee requested information from Sweden and Finland. On March 12, 1970, Finland replied that their officials were considering instituting legal proceedings against the importer on the basis of the evidence they had obtained.[125] Sweden reported that investigations were incomplete as of October 22, 1969.[126] The result remains in doubt because neither government had furnished additional information by the time of the Committee's most recent report.[127]

In three Latin American cases, the actions of Brazil, Mexico, and Argentina indicate probable violations. Case No. 59[128] included several alleged violations involving Hochmetals Ltd. of Johannesburg, South Africa, as a middleman.[129] The Committee sent notes to all of the United Nations members advising them of the allegations regarding this company.[130] Although Denmark and Norway were unable to provide any helpful information[131] and Belgium[132] and the Netherlands[133] found no irregularities, the Mexican government notified the Committee that it had taken measures which resulted in cancellation of the questioned transaction by the Mexican firm involved.[134] Argentina reported that although investigations would not support a prosecution in this case, Argentine officials had decided to "tighten precautions so as to prevent transactions which might, even indirectly, undermine Security Council resolutions."[135] Brazil reported that their government had decided to adopt the exceptional measure of reestablishing the requirement of a certificate of origin for all goods imported from South Africa, Angola, and Mozambique."[136] The actions of these three governments indicated that Hochmetals may be one of the primary middlemen involved in violating the sanctions.

Two other Latin American cases evoked less suggestive responses from the governments involved. In both Case No. 76 Ferrochrome-"Hodakasan Maru"[137] and Case No. 87 Ferrochrome-"Margaret Cord"[138] the Committee requested information from Brazil and Argentina,[139] following British allegations of violations. The Committee cited the Argentina and Brazilian responses to Case No. 59, but it is not clear whether these two governments investigated the later cases or merely regarded the measures taken following Case No. 59 as adequate to cover these facts as well.[140]

Finally, in three separate cases the Yugoslav government, although not corroborated by the other governments questioned, suggested the possibility of violations. In Case No. 6 Ferrochrome-"Blue Sky,"[141] the Yugoslav government prohibited the reloading of 4,000 tons of ferrochrome which the Committee had advised might be of Southern Rhodesian origin.[142] Spain found no indication of Southern Rhodesian origin but returned the chrome, since the importer never came forward to claim it.[143] In response to inquiries concerning Case No. 57 Chrome ore-"Myrtidiotissa,"[144] Yugoslavia stated that officials had taken the necessary measures to prevent the suspected vessel from entering Yugoslav ports. Austria, Italy, Greece, and Czechoslovakia agreed that the chrome was not from Southern Rhodesia.[145] In Case No. 73 Chrome ores-"Selene"[146] the Committee informed Yugoslavia of a ship suspected of transporting Southern Rhodesian chrome. Yugoslav authorities again took measures to prevent the unloading of the vessel.[147] Nevertheless, Italy[148] and Austria[149] ascertained that the chrome was South African. The Yugoslav cases are perhaps the weakest of the seven indicating possible violations. The comments of the Yugoslav government indicate that the state may have a policy of denying the use of port facilities to all vessels which the Committee has reported to be suspected of carrying Southern Rhodesian chrome.

Although the chrome cases provide limited information about the violation of sanctions, it is possible to discern patterns of trade which tend to confirm the statistical data. These cases underline the limitations on the Sanctions Committee's ability to play a useful role in sanctions enforcement. The Committee may best be described as a toothless watchdog. Paragraph 20 of Resolution 253 limits the Committee to the passive role of examining and questioning; the Committee does not have power to make decisions and enforce them. The Security Council's failure to delegate sufficient enforcement power to the Committee has created a situation in which the enforcement of sanctions is largely dependent upon the attitude of the individual states.

Attitudes of States

Article 48 of the Charter obligates member states to carry out Security Council decisions for the maintenance of international peace and security. The provision, however, does not seem to preclude the possibility of the members working jointly through a committee, if that were the consensus of the Security Council. In the absence of such an arrangement, each member state has retained wide discretion over the implementation of sanctions.

The majority of states have agreed to carry out the decisions of the Security Council and have taken measures to make the sanctions policy effective in their own territories.[150] It is beyond the scope of this Note to set forth all the provisions adopted by the various states. Indeed, the usefulness of such an exercise would be doubtful, since the difficulty in most cases is not so much the inadequacy of the law as the absence of technology and information necessary to execute it. There were, however, two states—the Soviet Union and Zambia—which drew specific Congressional criticism and which, therefore, warrant consideration.

Since 1963 the United States has imported a major portion of its chrome for domestic consumption from the Soviet Union.[151] Proponents of the chrome statute suggested that the Soviet Union may have purchased Southern Rhodesian chrome and resold it to the United States.[152] According to one State Department official, "Occasionally we have heard of Russian ships docked in Africa to pick up Rhodesian chromite but verification has proved this not to be the case."[153] Despite these rumors, the Sanctions Committee has received no allegations of violations by the Soviet Union. Indeed, the Committee has not even sought information from the Soviet Union about suspected chrome violations except on the one occasion when it addressed inquiries to all United Nations members.[154] At that time the Soviets reported that they had had no trade or any other relations with Southern Rhodesia.[155] In short, the suggestion that the Soviet Union has exported Rhodesian chrome has no apparent foundation in fact.

Footnotes at end of article.

The proponents of the legislation were even more critical of Zambia, a neighbor of Southern Rhodesia, which has continued a substantial trade with that territory.[156] Zambia's trade with Southern Rhodesia is not clandestine; it is conducted with full knowledge of the United Nations. That organization has recognized that Zambia's geographical location and economic dependence on Southern Rhodesia make compliance with the sanctions especially onerous. Both the 1968 and 1970 Security Council resolutions urged members and affiliated international organizations to extend assistance to Zambia to help solve the special economic problems which Zambia's efforts to comply with the sanctions policy have created.[157]

The United Nations, however, has not given Zambia a *carte blanche* to trade with Southern Rhodesia; rather, it has recognized the necessity of furnishing the Zambian people with essential commodities and has allowed the government to obtain them from Southern Rhodesia if necessary. Moreover, Zambia has made remarkable progress between 1965 and 1970: it has reduced Southern Rhodesian imports by about 83 percent[158] and exports to that country by more than 97 percent.[159]

Some witnesses at the hearings suggested that the United States also deserves a hardship exception with respect to chrome.[160] The United States, however, has alternative sources of supply; and the American economy would scarcely collapse from the extra expense.[161] Furthermore, the United States appears to have an excess supply of chrome. The Office of Emergency Preparedness has supported two bills authorizing the United States to dispose of 4,238 short tons of excess chromium metal[162] and 1,313,600 short dry tons of excess metallurgical grade chromite[163] from the national and supplemental stockpiles.[164] The former bill has been enacted[165] and the latter is pending in legislative committee. In view of the differing economic circumstances of the two nations, it is incredible to try to justify the Rhodesian chrome statute on the basis of the Zambian hardship exception.

While the statistics and reports of the Sanctions Committee suggest that national and firms of most of the industrialized nations have violated sanctions,[166] it is important to recognize that these violations have not been acquiesced in by the governments involved, with the exceptions of South Africa and Portugal. These two states must accept the major responsibility for many of the violations that have occurred, for through their deceptive practices they have made it virtually impossible for other governments to determine the origin or destruction of sanctioned commodities. As long as South Africa and Portugal continue to flaunt the law, it is not possible to make a fair assessment of other states' cooperation. To the extent that Congress based enactment of the Rhodesian chrome statute on international noncompliance with sanctions, it acted on the bases of general trends and assumptions and did not consider causation.

Impact of sanctions on Southern Rhodesia

The concern about international enforcement of sanctions is only part of a larger concern about their impact on Southern Rhodesia. Thus the proponents of the legislation asserted that, for whatever reason, the sanctions have failed, and further American cooperation is unnecessary. According to Congressman Rarick, Southern Rhodesia's continued existence proves that failure.[167] This argument raises the question whether sanctions have had a significant impact short of toppling the Smith régime.

The Economist reported that "[t]he main effect of sanctions has been to prevent any growth in the Rhodesian economy since UDI."[168] The same journal, however, also reported that the Southern Rhodesian economy had experienced something of a boom during the first five years of sanctions.[169] The apparent conflict between the two reports is resolved upon consideration of the nature of the "boom" to which the second report referred. The article reported that the economy expanded 25 percent during the first five years of sanctions. This growth may be attributed at least in part to sanctions, for they have provided a protective atmosphere for growth of new industry.[170] On a per capita basis the economy has grown about 5 percent since 1965, less than 1 percent a year in terms of real production.[171] Some Southern Rhodesian businessmen doubt that even this rate of growth can be sustained.[172]

The reason for this pessimism is the general feeling that the economy is slowly stagnating. "It is feeding on itself, and it is giving the illusion of health because there is a lot of fat within the system to support it, but the future of the economy is one of mounting ills"[173] The stagnation for which the sanctions policy is responsible shows up in the serious deterioration of the railway system, the disintegration of the flying equipment of the air service and the breakdowns in farm machinery.[174] Unemployment is growing, especially among the black population.[175] While a surplus of unskilled labor exists, Rhodesia needs skilled workers, and sanctions have made it impossible for the government to advertise openly for skilled labor emigrants. There also are the problems of inflation and, even more serious, shortages of foreign currency.[176]

Southern Rhodesia's foreign currency problem undoubtedly represents the greatest success of the sanctions policy. Southern Rhodesians can purchase most of the goods that they wish to import, but only at an inflated price. They must place their orders through South African and Portuguese middlemen who demand compensation. The rising prices of imports has rapidly exhausted the foreign currency supply.[177] This in turn has created pressures for settlement of the dispute with Britain.[178]

Spokesmen for American industry attempted to counter this argument by observing that chrome ore is not a major factor in that economy.[179] But this assertion proves too much, for this rationale would justify reimportation of most Southern Rhodesian goods. Furthermore, the inclusion of chrome in the sanctions has had some effect on the Rhodesian economy. Americans who own mines in Rhodesia believe that they no longer produce profits,[180] and the chrome which Rhodesia does export is undoubtedly sold below world market prices.[181]

Sanctions have had an economic impact even though they have not eradicated Rhodesian trade. The United Nations must have anticipated enforcement problems, but the objective of the sanctions may be achieved without total compliance. The intent behind the sanctions is not to punish for past conduct but to influence and change future policy. Broader compliance will accomplish this result sooner,[182] but recent negotiations between Southern Rhodesia and Great Britain about the status of the African population[183] indicate that the goal is realistic. Any determination that economic sanctions have failed is premature and probably wrong. And one thing is clear: American non-compliance will promote failure.

THE COMPELLING INTERESTS OF THE UNITED STATES

Although Congress devoted much discussion to arguments about the legality and efficacy of sanctions, the most important considerations were the national security and economic well-being of the United States. Assuming that severe economic hardship or a threat to the national security would warrant the breach of an international obligation, the inquiry, of course, becomes whether mitigating circumstances actually exist in this case.

The national security interest

It is a clever legislative tactic to argue that a measure is necessary to preserve national security. With regard to the Rhodesian chrome statute, Senator Robert Byrd of West Virginia asserted that the only issue to be considered was whether the legislation would aid the defense of the United States.[184] Senator Harry Byrd of Virginia stated that he introduced S. 1404[185] because the United States, by its compliance with United Nations sanctions against Southern Rhodesia, had made itself dependent upon the Soviet Union for a strategic commodity.[186] He relied directly on the supposed danger to national security as the principal argument favoring passage of the bill:

"Yes, I think it is desirable and nice to give consideration to the attitude and views of the United Nations. But I think the No. 1 problem in regard to military defense is what is in the best interests of the United States. This is what the Senate should give foremost consideration to, in my judgment."[187]

The United States is the world's largest consumer of chrome. In 1970 the American consumption was more than one quarter of all the chrome produced during that year.[188] Despite its large consumption, the United States has no domestic production. The world's largest producers of high grade chromium are Southern Rhodesia (67.4%), South Africa (22.5%), Soviet Union (5.6%) and Turkey (2.0%).[189] In recent years more than one-half of American chromium imports have come from the Soviet Union, with lesser amounts from Turkey and South Africa.[190] This dependence on a hostile power would indeed be a matter of concern if it were not for the American stockpile inventory, which, as of May 31, 1971, was 5,344,000 tons. The Office of Emergency Preparedness has determined that the minimum that should be retained in the stockpile is about 3,100,000 tons,[191] enough to last for three years.[192] Indeed, this agency recommended the sale of a large portion of the excess.[193] Finally, it should be noted that only about 10 percent of United States chrome imports are allocated to direct defense requirements.[194] America could meet its defense needs for many years with the present supply. Clearly the proponents of the legislation greatly inflated and over-emphasized the threat to the national security. The present facts simply do not suggest the parade of horribles they envisioned.

The American economic interest

The enactment of the chrome statute ultimately reflects Congressional sentiment that the value of American compliance with the United Nations sanctions policy was simply not worth the economic cost. That cost consisted of the increased price of chrome and the threat to American industry allegedly represented by the cheaper Southern Rhodesian chrome utilized by foreign competitors.

The price of chrome, including that of Southern Rhodesia,[195] has increased rapidly in recent years.[196] This can be attributed to increasing demand[197] and inflation, as well as sanctions. The price of Soviet chrome, 58 percent of the American imports in 1971,[198] increased 188 percent between 1965 and 1970.[199] The Soviet Union, however, produces the highest grade available, and in 1965 its price was artificially low in comparison with that of other countries. It is difficult to establish the portion of the increase in chrome prices which resulted from the sanctions,[200] but an American industry spokesman who favored passage of the legislation established the increased annual cost to the United States at $16.3. million.[201]

Of course this cost is ultimately reflected in increased prices for chrome and steel products, such as automobiles and stainless steel. But the potential for savings is small. Nonetheless, in the judgment of some members of Congress this potential warrants the breach of an international obligation.

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In addition to claims based on the higher cost of chrome to American importers, the supporters of the chrome statute tried to link the future health of the American ferroalloy industry to the importation of Southern Rhodesian chrome. One American industry spokesman commented:

"Now the ferroalloy industry is constantly being threatened by the new waves of low-priced imports and consequent loss of markets. That some of our world competitors are enjoying the advantages of lower cost Rhodesian ore while we pay Russian prices is now a foregone conclusion." [202]

A labor union leader suggested that there would be no specialty steel industry in the United States if the legislation were not enacted.[203]

The tone of these comments suggest that the threat to American industry from foreign competition must stem from causes much more serious than the rising price of chrome. In 1969 American industry claimed that the production of ferroalloys in the United States was rapidly becoming uneconomic.[204] Yet in 1967 the average price of Southern Rhodesian chrome ore was $33.00, while the price of the higher quality Soviet ore was $34.10 in 1968 and $44.00 in 1969.[205] American industry sources stated that by 1969 importers had achieved market shares as high at 40 percent in some ferroalloy products.[206] It seems very dubious that the major source of industry troubles could be attributed to sanctions.

Even if their problems would be solved through a reduction in chrome prices, one may question whether that justifies the violation of United States international obligations. A small government subsidy may have been a better solution. The fact that American industry did not even make such a proposal suggests that chrome is not the critical problem.

Congress undoubtedly was concerned about the national security and economic well-being of the United States. The facts, however, indicate this concern was unwarranted, or at best, premature.

The cost of noncompliance

Congress failed to give adequate consideration to the costs of non-compliance. The most immediate cost is the loss of American credibility. The United States clearly has violated its obligations under the United Nations Charter. The treaty violation is especially odious in this case, for fundamental human rights are at stake. Undoubtedly the violation will chill American relations with the black African states who identify closely with the Rhodesian problem.[207]

Ultimately the violation may have detrimental effect on the American economy and national security. It is only a matter of time until the black majority in Southern Rhodesia gains political control. Thus, even if it is only the chome ore, not fundamental rights, that merits congressional concern, Congress should consider the possibility that a black Rhodesian government may not be receptive to American needs in the future. Indeed, Bishop Abel Muzorewa, head of the Methodist Church in Southern Rhodesia and a leading spokesman for the black population, has urged that the United States be brought before the International Court of Justice.[208]

Even though the blacks of Southern Rhodesia are unable to take such action at present, there is the possibility that an international claim may be brought against the United States. Individuals do not have standing before the World Court, but it is likely that either the United Nations or its members could show sufficient harm to bring a claim. The United Nations could claim damages for injury to the sanctions program arising from the American violation of the Charter; a member state could claim for its wasted compliance costs.

Clearly the legislation is harmful to American foreign policy interests and leaves the United States vulnerable to widespread criticism. The Soviet representative to the Security Council stated in reference to British negotiations with the Smith régime and the enactment of the Rhodesian chrome statute:

"Those actions show once again that international obligations, United Nations decisions, as well as the freedom and independence of the people of Zimbabwe, are relegated to the background whenever the matter involves profits for the monopolies, investments, the exploitation of the cheap labour of the Africans and the strengthening of economic and strategic positions in Southern Africa." [209]

The statute also is inconsistent with American foreign policy toward the Smith regime. Although the administration did not exert much effort to defeat the Byrd Amendment,[210] the United States continues its opposition to the Smith regime and continues to recognize the United Kingdom as the sovereign authority. The Secretary of State recently reported to Congress:

"The United States has continued to support British efforts to resolve the issue on the basis of eventual majority rule. This Administration's policy continues to be guided by concern that the situation in Southern Rhodesia, pending a settlement, represents a source of tension and instability to all of southern Africa." [211]

In his report the Secretary of State also recognized the utility of sanctions in achieving American foreign policy goals.[212] Obviously, non-compliance weakens the effect of sanctions, thereby undermining these goals.

The chrome legislation also frustrates American objectives in the United Nations. President Nixon has observed that the primary motivation behind the founding of the United Nations was the preservation of the peace.[213] The Security Council sought to fulfill its peacekeeping obligations by invoking economic sanctions against Southern Rhodesia. It took concrete action to preserve human rights and thereby to avert future violence. For once the Security Council functioned as its founders intended. But in order to achieve its objective the United Nations must have the full cooperation of its members. In his 1971 foreign policy report President Nixon observed:

"In the 1970s, the United Nations faces both a challenge and an opportunity. For the member states there is a challenge to prove themselves capable of using the UN framework to meet the common needs of the international community. For the UN itself, there is an opportunity to mold itself into the efficient instrument for international cooperation which the times require.

The United States will try to meet the challenge, and to help the UN seize its opportunity. [214]

Through the enactment of the chrome legislation the United States has lost sight of its own long-range objectives and its obligations as a member of the United Nations.

CONCLUSION

The Rhodesian chrome statute clearly violated international law as embodied in the United Nations Charter. Not surprisingly, those who favored the legislation directed their initial attack at the legality of the Security Council's decision invoking sanctions against Southern Rhodesia. With the exception of the assertion that the Security Council had not acted in good faith, the claims of illegality would have been more persuasive under the League Covenant; under the Charter they were legally bankrupt. Those who argued that the Security Council had acted illegally apparently failed to perceive that the Charter's provisions on sanctions, unlike those of the Covenant, give the Council broad discretion to determine when sanctions will be imposed. A member state simply does not have the authority to second-guess such a determination. On the basis of law, the asserted lack of good faith was a more reasonable claim, but on the facts it was totally unsubstantiated.

Lacking any legal justification, the advocates attempted to justify the statute in terms of practicality and necessity. In essence they claimed that although the United States had done its share in the enforcement of sanctions, the sanctions had failed, and the American obligation was terminable at will. While the United States had been more successful in enforcing sanctions than most other states, this argument failed to consider the reasons for the violations which had occurred. It was not at all clear that other nations, with the exceptions of South Africa and Portugal, had failed to act in good faith. Oddly enough, there was little reference to the Sanctions Committee's reports on international enforcement, which clearly substantiated enforcement problems. The major difficulty with this argument, however, was the fact that, in spite of only partial compliance, the sanctions *did* have a significant impact on the Southern Rhodesian economy.

The necessity argument also collapses under scrutiny. While no American desires to see his country rendered defenseless for the lack of chrome, that danger was negligible in this case. In the first place the United States was able to purchase all the chrome it wanted; no one had made any effort to cut off the supply. Secondly, the Office of Emergency Preparedness had reported that the government had too much chrome and had advised the sale of a significant amount. Indeed, it appears that if the American reserves had all been devoted to defense requirements, at the present rate of consumption the stockpile would have lasted for more than fifty years.

Even if it could be shown that American economic and national security interests required the importation of Southern Rhodesian chrome ore, this would not justify the scope of the action Congress took. The present legislation does not mention Southern Rhodesia or chrome ore. It precludes American compliance with United Nations economic sanctions against any territory if the sanctioned commodities are on the Office of Emergency Preparedness list of critical and strategic materials and their importation from Communist-dominated countries is not prohibited by law. Such inclusive language suggests that Congress wanted not only to resume the importation of Southern Rhodesian chrome ore, but also to limit the usefulness of economic sanctions in the future.

Predictably, other members of the United Nations have not reacted favorably to the chrome statute. The General Assembly voted to censure the United States in a resolution adopted by a vote of 93–2–12.[215] It should have given the advocates of the legislation little comfort to know that the only nations voting against the reprimand were South Africa and Portugal, two states which had shown already their disregard for their international obligations. Likewise in view of the legislation the Security Council adopted a resolution deploring sanctions violations.[216]

Although little can be said to justify the statute, the American defiance points out a basic weakness in the United Nations sanctions scheme, at least as it has been employed by the Security Council in this case. The problem is that while the use of sanctions has been expanded significantly beyond that of League sanctions, there has been no comparable expansion of the enforcement mechanism.

The framers of the Charter endeavored to correct the weaknesses of the sanctions administered by the League. They placed the authority to invoke sanctions in the Security Council rather than leaving it with the in-

Footnotes at end of article.

dividual members. They expanded the scope of the grounds for invocation beyond overt hostilities to include any condition constituting a threat to the peace. Despite the increased demands made upon sanctions in the Charter, the framers did not specify how they should be put into effect and enforced. They left that responsibility with the Security Council. Unfortunately the Security Council has failed to make an adequate response to the enforcement problem. Sanctions are by definition measures applied with a willingness to use force if necessary, but the Security Council has done little to make the threat credible.

Under the circumstances it is unrealistic for the Security Council to rely solely upon the information regarding suspected violations furnished by individual nations. The United Nations should conduct its own investigations. Of course active investigations by United Nations personnel would be expensive, and it is most unfortunate that the first test of United Nations economic sanctions came at a time when the organization faced a financial crisis. Much could be accomplished at a reasonable cost, however, if the Sanctions Committee stationed personnel in the ports of those territories adjacent to Southern Rhodesia. If states like Portugal and South Africa were to thwart efforts by the United Nations to play a more active role in sanctions enforcement, they too should be sanctioned.

Despite these enforcement problems, United Nations sanctions have had a significant impact on Southern Rhodesia. The chrome statute can only reduce that impact and make enforcement problems more severe. More importantly, the United States has enhanced its reputation as a treatybreaker. Whatever gains, if any, this country may realize in terms of economy or security are not worth the costs of non-compliance: the adverse impacts upon foreign policy and, worse, the perpetuation of injustice in Southern Rhodesia.

FOOTNOTES

[1] For a discussion of recent examples of American violations of international treaty law see Washington Post, Oct. 19, 1971, § A, at 18, col. 3.

[2] In 1970 the Director General of the International Labor Organization, C. Wilfred Jenks, whose election was supported by the United States, announced his intention of appointing a Soviet citizen to the post of Assistant Director General. Congress became so displeased at this announcement that it failed to appropriate funds for the payment of dues owed by the United States, thereby violating two provisions of the ILO Constitution. The relevant provisions of the legislation in question are Article 13, paragraph 3, which provides that "[t]he expenses of the International Labor Organisation shall be borne by the Members . . ." and Article 9, paragraph 5, which provides that "[e]ach Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities." *See* Schwebel, *The United States Assaults the I.L.O.*, 65 AM. J. INT'L L. 136 (1971); *Hearings on Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies Appropriations for 1971 Before the Subcomm. on Departments of State, Justice, and Commerce, The Judiciary and Related Agencies of the House Comm. on Appropriations*, 91st Cong., 2d Sess., pt. 5 (1970); 116 CONG. REC. 29867–79, 35166–76 (1970).

Clearly the purpose of Congress in cutting off funds was to influence Dr. Jenks' decision. Congressman John J. Rooney suggested that the Assistant Secretary of State for International Organization Affairs "telephone to Ambassador Rimstead [the Chief of the United States Mission in Geneva] and tell him to hotfoot it over to Mr. Jenks and tell him before nightfall that there will be no money for ILO as far as this subcommittee is concerned. . . ." *Hearings, supra*, at 76. Mr. Rooney added, "He might change his mind. I will lay odds that he eventually will." *Id.* at 77.

Those members of Congress who argued against payment noted that the United Nations had allowed certain of its members in arrears on dues payments to continue to vote in the General Assembly in violation of Article 19 of the Charter. *See, e.g.*, 116 CONG. REC. 29869 (1970) (remarks of Senator Miller). Apparently they regarded non-payment of dues as a valid means of political expression in view of the precedent.

[3] Uub. L. No. 92156 (Nov. 17, 1971).

[4] Although Congress must shoulder the major responsibility for the legislation, it should be noted that the President took little action to thwart the effort and signed the bill on November 17, 1971. *See* N.Y. Times, Oct. 10, 1971, § 1, at 1, col. 7, at 8, col. 1; Washington Post, Oct. 19, 1971, § A, at 18, col. 3.

[5] Pub. L. No. 92–156, § 503 (Nov. 17, 1971). The list of Communist-dominated countries referred to in the statute appears at 19 U.S.C. § 1202(3)(d) (1964), and at 19 U.S.C. § 1202 (3)(e) (1970). The list includes Albania, Bulgaria, China (any part of which may be under Communist domination or control), Cuba, Czechoslovakia, Estonia, Germany (the Soviet zone and the Soviet sector of Berlin), Hungary, Indochina (any part of Cambodia, Laos, or Vietnam which may be under Communist domination or control), Korea (any part which may be under Communist domination or control), Kurile Islands, Latvia, Lithuania, Outer Mongolia, Rumania, Southern Sakhalin, Tanna Tuva, Tibet, and the Union of Soviet Socialist Republics and the area in East Prussia under the provisional administration of the Union of Soviet Socialist Republics.

[6] S.C. Res. 253 (1968).

[7] It is not clear whether there is a violation of the Charter and international law until sanctioned goods are actually imported. The question is academic in this case, since the Treasury Department issued a regulation lifting the sanctions with respect to strategic and critical materials whose importation from Communist-dominated countries is not forbidden [*see* Rhodesian Sanctions Regulations—Removal of Controls on Importation of Rhodesian Strategic and Critical Materials, 37 Fed. Reg. 1108 (1972)] and the first shipment of 25,000 tons of Southern Rhodesian chrome ore was unloaded from the Argentine vessel "Santos Vega" at Burnside, Louisiana, on March 20, 1972 (N.Y. Times, Mar. 21, 1972, at 3, col. 3).

[8] Chrome ore is probably the most important product that Southern Rhodesia can offer the United States. There are four major chrome-producing territories: Southern, Rhodesia, South Africa, the Soviet Union, and Turkey. The United States has no domestic production; it must rely upon its imports and reserves. Since the President implemented sanctions on the importation of chrome from Southern Rhodesia in 1967, the Soviet Union has furnished the major portion of the chrome ore imported by this country. These facts partially explain the Congressional preoccupation with chrome ore.

[9] The most recent list of strategic and critical materials, 37 Fed. Reg. 4123 (1972), includes among its 72 categories: aluminum, asbestos, bauxite, chromite, chromium, cobalt, copper, diamonds, graphite, iodine, lead, manganese, mercury, mica, molybdenum, nickel, opium, platinum, quartz crystals, rubber, shellac, silver, sperm oil, talc, tin, tungsten, vanadium, and zinc. Already the Portuguese Press has reported that Portugal's East African territory of Mozambique will export, not only chrome, but also asbestos and other minerals to the United States. N.Y. Times, Mar. 6, 1972, at 54, col. 3.

[10] Arens & Lasswell, *Toward a General Theory of Sanctions*, 49 IOWA L. REV. 233, 234 (1964).

[11] Kelsen, *Sanctions under the Charter of the United Nations*, 12 CAN. J. ECON. & POL. SCI. 429 (1946).

[12] R. ARENS & H. LASSWELL, IN DEFENSE OF PUBLIC ORDER 14 (1961) (emphasis added).

[13] Arens & Lasswell, *supra* note 10, at 234.

[14] *See* W. REISMAN, NULLITY AND REVISION (1971), where it is suggested that "[i]f law is, in part, the authoritative allocation of values, enforcement denotes the specific transfer, by means of community coercion, of the values allocated to one participant through an authoritative decision." *Id.* at 647.

[15] One authority suggested that the fact that states habitually observe international law is indicative of the sanctions behind the law. Brierly, *Sanctions*, 17 TRANSACTIONS GROTIUS SOC'Y 67, 68 (1932).

[16] These [treaty] sanctions have been and are of many types, and several of them are of very long historical standing, for a treaty has "always had an implied, if not a stated sanction behind it. Whenever one party to a treaty failed to live up to its word, the other party has usually tried to enforce the bargain, using means which ranged from the severing of diplomatic relations, through the refusal of economic intercourse, to the extreme means of war."

P. WILD, SANCTIONS AND TREATY ENFORCEMENT 3 (1934), *quoting* D. MITRANY, THE PROBLEM OF INTERNATIONAL SANCTIONS 23–24 (1925).

[17] Article 16, paragraph 1 provides:

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

[18] Article 12 also obligated a member not "to resort to war until three months after the award by the arbitrators *or the judicial decision*, or the report by the Council" (emphasis original).

[19] Article 13 reads as follows:

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration as *judicial settlement* (emphasis original).

[20] Bertram, *The Economic Weapon As a Form of Peaceful Pressure*, 17 TRANSACTIONS GROTIUS SOC'Y 139, 140 (1932). In view of the failure of most of the members to enact the necessary implementing legislation, the legal uncertainty that would arise on the application of the sanctions, and the necessity for unanimity in the League, Bertram came to the conclusion that "the economic sanctions are in the very highest degree incomplete and ineffective, and that if the time ever comes when it is necessary to rely upon them they will prove a very serious danger to the League." *Id.* at 167. The failure of the economic sanctions experiment against Italy consequent to the invasion of Ethiopia (October 1935–June 1936) confirmed this prediction and exposed further problems, especially the need for

co-operation by non-member nations. *See* Calvocoressi, *The Politics of Sanctions: The League and the United Nations*, in SANCTIONS AGAINST SOUTH AFRICA 48–52 (R. Segal ed. 1964).

[21] Article 16, paragraph 2.

[22] Article 16, paragraph 4.

[23] Not only did the League fail to achieve universality of membership, it failed even to enlist the membership of all the major powers at any one time.

[24] U.N. CHARTER ART. 1, para. 1, continues: "and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . ."

[25] Article 41 provides:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42 provides:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

[26] LEAGUE OF NATIONS COVENANT art. 16, para. 1. *See* note 17 *supra*.

[27] Indeed, resuming the importation of chrome in violation of economic sanctions against Southern Rhodesia could be termed a threat to the peace.

[28] *See* note 25 *supra*.

[29] Article 25 provides that the member states "agree to accept and carry out the decisions of the Secretary Council in accordance with the present Charter."

[30] *See* note 25 *supra*.

[31] For examples of international law developing at the United Nations see text accompanying notes 54–61 *infra*.

[32] *But see* Kelsen, *supra* note 11, at 435, who suggests that the enforcement measures of Articles 39, 41, and 42 are not sanctions: "[T]hey are not established as reaction against a violation of obligations established by the Charter. . . . The enforcement actions are merely political measures to be taken by the Security Council at its discretion for the purpose of maintaining or restoring peace."

[33] Halderman, *Some Legal Aspects of Sanctions in the Rhodesian Case*, 17 INT'L & COMP L. Q. 672, 675 (1968).

[34] See G.A. Res. 1747, 16 U.N. GAOR Supp. 17A, at 3, U.N. Doc. A/5256 Add. 1 (1962); G.A. Res. 1760, 17 U.N. GAOR Supp. xxx, at xxx, U.N. Doc. xxx (1962).

[35] U.N. SCOR, Supp. July–Sept. 1963, at 64, U.N. Doc. S/5832 (1963).

[36] Since 1953 Southern Rhodesia had been a part of the Federation of Rhodesia and Nyasaland along with Zambia (as Northern Rhodesia) and Malawi (Nyasaland). For a discussion of the history of the conflict in Rhodesia see Note, *U.N. Application of Selective, Mandatory Sanctions Against Rhodesia: A Brief Legal and Political Analysis*, 7 VA. J. INT'L L. April, 1967, at 147.

[37] 18 U.N. SCOR, Supp. July–Sept. 1963, at 164, U.N. Doc. S/5425/Rev.1 (1963).

[38] The United States abstained. 18 U.N. SCOR, 1069th meeting 14 (1963).

[39] The British attitude is reflected in the following statement by the United Kingdom Representative on October 27, 1964:

In short an illegal declaration of independence in Southern Rhodesia would bring to an end relationships between her and Britain, would cut her off from the rest of the Commonwealth, from most foreign governments and from international organizations, would inflict disastrous economic damage upon her, and would leave her isolated and virtually friendless in a largely hostile continent.

U.N. Doc. A/AC. 109/L.187, annex I, appendix I, para. 8, *quoted in* Repertoire of the Practice of the Security Council, Supplement 1964–1965, U.N. Doc. ST/PSCA/1/Add.4, at 144 (1968).

[40] S.C. Res. 202 (1965).

[41] Both the United Kingdom and the United States abstained.

[42] S.C. Res. 216 (1965).

[43] *Id.*

[44] S.C. Res. 217 (1965).

[45] *See* note 68 *infra* and accompanying text.

[46] S.C. Res. 221 (1966), adopted 10–0–5; Bulgaria, France, Mali, Union of Soviet Socialist Republics, and Uruguay abstaining.

[47] S.C. Res. 232 (1966), adopted 11–0–4; Bulgaria, France, Mali, and the Union of Soviet Socialist Republics abstaining. The resolution states:

The Security Council,

Reffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost to break off economic relations with Southern Rhodesia.

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end.

Reaffirming that, to the extent not superseded in the present resolution, the measures provided for in resolution 217 (1965), as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

(a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution;

(d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

(e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(f) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil products to Southern Rhodesia;

notwithstanding any contracts entered into or licenses granted before the date of the present resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the United Nations Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and peoples contained in General Assembly resolution 1514(XV) of 14 December 1960, and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist regime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or members of the specialized agencies to report to the Secretary-General the measures which each has taken in accordance with the provision of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

[48] S.C. Res. 253. (1968), 58 DEP'T STATE BULL. 847 (1968), 62 AM. J. INT'L L. 965 (1968), adopted unanimously. That resolution states in relevant part:

The Security Council,

3. *Decides* that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are from consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored). . . .

[49] S.C. Res. 277 (1970), 9 INT'L LEGAL MATERIALS 636 (1970), adopted 14–0–1, Spain abstaining.

[50] For a discussion of the Sanctions Committee, see notes 107 and 108 and accompanying text, *infra*.

[51] S.C. Res. 288 (1970). In its resolution [S.C. Res. 314 (1972)] adopted three weeks before the landing of the first shipment of Southern Rhodesian chrome ore in the United States, the Security Council reaffirmed its position and deplored sanctions violations. For the text of Resolution 314, see note 216 *infra*.

[52] *See* text at note 24 *supra*.

[53] While it might be desirable to have limitations on the Security Council's power to find a threat to the peace, the formulations of such standards is the responsibility of the Security Council as a whole. Nothing in the Charter grants this authority to any single member.

[54] *Hearings on H.J. Res.* 172; *H. Con. Res.* 5, 6, 12; *H. Res.* 45; *and H.R.* 5445 *Before the Subcomm. on International Organizations and Movements of the House Comm. on Foreign Affairs*, 92d Cong., 1st Sess. 52 (1971) (emphasis added) [hereinafter cited as *Hearings on H.J. Res.* 172].

[55] *See* text at note 23 *supra*.

[56] This argument seems even less acceptable when it is recalled that the United States voted in favor of both of the Security Council resolutions which found a threat to the peace and invoked sanctions. This reasoning raises the question of who should be the final arbiter in making United States foreign policy with respect to the United Nations: the Executive or Congress. Senator Harry F. Byrd, Jr., viewed the chrome legislation as remedial—reasserting Congressional power in foreign affairs. Senator Byrd stated:

I say again this action of putting an embargo on was taken unilaterally by the President. I think the Congress has given up too much power, and I think the Chief Executives have assumed too much power, and I think one reason we are in the mess we are in throughout the world today, and in my judgment we are in a mess, is because Congress has turned over to the Chief Executive and turned over to some extent, I will include the United Nations into it, too much power.

Here is an opportunity for the Congress, in considering S. 1404, to say that we, as the Congress of the United States, are going to go into these matters more fully than they have been gone into in the past, and we are going to, where we feel the conditions warrant, support remedial legislation.

Hearings on S. 1404 *Before the Senate Comm. on Foreign Relations*, 92d Cong., 1st Sess. 36 (1971) [hereinafter cited as *Hearings on S.* 1404].

[57] *See* text at note 27 *supra*.

[58] *Hearings on S.* 1404, at 1.

[59] *Id.* at 5.

[60] In earlier hearings before the House Subcommittee on Africa former Secretary of State Dean Acheson also misconstrued the meaning of "threat to the peace" as that formula is used in the Charter. In response to a question from Congressman John Culver of Iowa about whether or not there had been guerrilla activity in Southern Africa, Acheson said, "Mr. Culver, let me point out to you that whether or not they are rumors [the guerrilla activities], they have nothing to do with Rhodesia's being a threat to the peace. Zambia may be a threat to the peace. Somebody else may be a threat to the peace." *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs*, 91st Cong., 1st Sess. 167 (1969).

[61] *Hearings on H.J. Res.* 172, at 61.

[62] *Hearings on S.* 1404, at 5.

[63] *Id.* at 43.

[64] Mr. Acheson. In regard to your statement that the Security Council took matters into consideration and made the appropriate findings, I wish to point out that, when the resolution calling for selective mandatory sanctions was originally considered, there was no reference in it to breach of the peace or threat to the peace.

At that time it was pointed out by one of the delegates in the Security Council that there was a jurisdictional defect in the British draft in that no breach of the peace or threat to the peace was alleged, and that there had to be a finding of a breach of the peace or a threat to the peace before jurisdiction was established under chapter VII of the charter.

Thereupon, instanter [*sic*] in the meeting, without evidence or investigation, the finding was made. There was no more consideration of the matter than that . Therefore, it was a purely formalistic finding.

Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs, 91st Cong., 1st Sess. 155 (1969).

[65] *See* text at note 35 *supra*. In support of these claims the memorandum stated:

[T]he British Government had refused to abide by the resolutions of the General Assembly in regard to "its Colony of Southern Rhodesia;" the situation in the territory had become aggravated and had been characterized as one "constituting a threat to international peace and security" by the Special Committee in its resolution of 20 June 1963; and the British Parliament had enacted the Rhodesia and Nyasaland Act, 1963 which would enable the British Government to transfer almost every attribute of sovereignty and independence to Southern Rhodesia without notice to the United Nations.

Repertoire of the Practice of the Security Council, Supplement 1959–1963, U.N. Doc. ST/PSCA/1/Add.3 at 217–18 (1965).

[66] The Representatives of Ghana, Mali, the United Arab Republic, Uganda, Tanganyika, and Morocco found a threat to the peace, claiming:

[W]ithin a short time "the most powerful air force at present existing on the African continent" and a "small but highly efficient army recruited on a racial basis" would be transferred to the exclusive control of the Southern Rhodesian Government. The transfer of these forces to a "white minority Government" representative of only 6 per cent of the European population and totally unrepresentative of the 94 per cent African population, could only result in a conflict on the African continent.

U.N. Doc. ST/PSCA/1/Add.3, at 218 (1965).

[67] In S.C. Res. 207 (1965) the Security Council only noted that the Special Committee had called its attention to "the grave situation prevailing in Southern Rhodesia." At the time of S.C. Res. 216 (1965) the Security Council still seemed to hope that a solution could be reached through the application of political pressure short of sanctions, and it did not even mention the grave nature of the situation.

[68] In S.C. Res. 217 (1965), the Security Council stated: "[T]he situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave . . . and . . . its continuance in time constitutes a threat to international peace and security. . . ."

[69] S.C. Res. 221 (1966) provided *inter alia*:

The Security Council

Gravely concerned at reports that substantial supplies of oil may reach Southern Rhodesia [by tankers] . . .

Considering that such supplies will afford great assistance and encouragement to the illegal regime in Southern Rhodesia, thereby enabling it to remain longer in being.

1. *Determines* that the resulting situation constitutes a threat to the peace. . . .

[70] *Hearings on H.J. Res.* 172, *supra* note 54, at 52.

[71] G. A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/4684 (1961), adopted Dec. 20, 1960, by a vote of 89–0–9.

[72] Bleicher, *The Legal Significance of Re-Citation of General Assembly Resolutions*, 63. Am. J. Int'l L. 444, 475 (1969).

[73] *See* notes 42–43 *supra* and accompanying text.

[74] *See* U.N. Charter art. 13, concerning the General Assembly's role in encouraging the progressive development of international law and its codification, and U.N. Charter Chapter VI, concerning the Security Council's role in peaceful settlement of disputes.

[75] 3 U.N. GAOR, I, at 71, U.N. Doc. A/810 (1948).

[76] 21 U.N. GAOR Supp. 16, at 49, U.N. Doc. A/6316 (1967). At present neither of the Covenants has received the required ratifications or accessions to go into effect.

[77] S.C. Res. 202 (1965).

[78] S.C. Res. 216 (1965). *See* note 42 *supra* and accompanying text.

[79] S.C. Res. 217 (1965). *See* note 44 *supra* and accompanying text.

[80] McDougal & Reisman, *Rhodesia and the United Nations: The Lawfulness of International Concern*, 62 Am. J. Int'l L. 1, 15 (1968).

[81] Howell, *A Matter of International Concern*, 63 Am. J. Int'l L. 771 (1969); McDougal & Reisman, *supra* note 80, at 11 & n.40; McDougal & Reisman, Response, 3 Int'l Lawyers 438 (1969). *Contra*, Acheson, *The Arrogance of International Lawyers*, 2 Int'l Lawyer 591 (1968); Marshall, *Comment*, 3 Int'l Lawyer 435 (1969).

[82] U.N. Charter art. 2, para. 7, which provides:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

[83] *Hearings on S.* 1404, at 38.

[84] *See, e.g.*, Montevideo Convention on Rights and Duties of States, Dec. 26, 1933, art. 1, 49 Stat. 3097, T.S. No. 881.

[85] *See* Statement of David D. Newsom, Assistant Secretary of State for African Affairs, *Hearings on S.* 1404, at 17, 30–31. *But see* Acheson, *id.* at 38.

[86] *See* notes 80–81 *supra* and accompanying text.

[87] *See* note 25 *supra*.

[88] *See, e.g., Hearings on H.J. Res.* 172, at 53; *Hearings on S.* 1404, at 5, 39.

[89] For a discussion of the asserted impact on the American economy see text at notes 184–214, *infra*.

[90] *See* Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, U.N. Doc. A/Conf. 39/27, 5/23 (1969); 63 Am. J. Int'l L. 875 (1969), art. 60, which suggests that only a material breach is sufficient to invoke termination of a multilateral treaty obligation. If other states have not materially breached their obligations under the Charter, would not the importation of chrome into the United States as permitted by the chrome statute constitute a material breach?

[91] 22 U.S.C. § 287c (1971).

[92] Exec. Order No. 11322, 3 C.F.R. § 441 (1971).

[93] Exec. Order No. 11419, 3 C.F.R. § 452 (1971), 22 U.S.C. § 287c (1970).

[94] Prohibition of Transportation by Vessel of Commodities and Products from and to Southern Rhodesia, 15 C.F.R. § 11 (1971) (Secretary of Commerce); Rhodesian Sanctions Regulations, 31 C.F.R. § 530 (1971) (Secretary of the Treasury).

[95] Exec. Order No. 11322, § 1(b); Exec. Order No. 11419, § 1(b); 15 C.F.R. § 11.2 (1971); 31 C.F.R. § 530.505 (1971).

[96] *Hearings on H.J. Res.* 172, at 31. The United Nations Sanctions Committee took note of the exception made for the Union Carbide Corp. (*see* note 99 *infra*) but made no comment. U.N. Doc. S/10229, at 11 (1971).

[97] 15 C.F.R. § 11.3 (1971). Despite the fact that Commerce regulations do not specifically require payment prior to the date of sanctions, one witness testified that the Treasury Department would not grant a license to import under the "undue hardship" exception unless payment had been made prior to such date. *Hearings on H.J. Res.* 172, at 87.

[98] *Hearings on S.* 1404, at 63.

[99] *Hearings on H.J. Res.* 172, *supra* note 54, at 56, 87; *Hearings on S.* 1404, at 63, 75, 81. On September 18, 1970, the Treasury Department granted Union Carbide Corp., a license to import 150,000 tons of Rhodesian chrome

ore for which it had paid prior to January 5, 1971. As of June 22, 1971, only 23,000 tons had been imported under that license. *Hearings on H.J.* 172, at 87. The Foote Mineral Co. made three requests to withdraw $7,000 tons of chrome ore allegedly paid for prior to sanctions; each request was denied. A fourth request for 17,000 tons had not been acted upon as of July 8, 1971. *Hearings on S.* 1404 at 63.

[100] *Hearings on H.J. Res.* 172, at 35. On March 31, 1970, a federal grand jury indicted William H. Muller & Co. for importing Southern Rhodesian chrome concentrate worth $367,782 after President Johnson had issued the first executive order. The defendant paid $10,000 in fines and settled out of court for additional civil penalties. N.Y. Times, April 1, 1970, at 12, col. 1; N.Y. Times, April 4, 1970, at 2, col. 5.

[101] *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs,* 91st Cong., 1st Sess. 66 (1969).

[102] *Hearings on H.J. Res.* 172, at 31.

[103] S.C. Res. 253 (1968). Paragraph 3(d) provides exceptions for supplies intended strictly for medical purposes; educational equipment; material for use in schools and other educational institutions, publications, news material; and in special humanitarian circumstances, food-stuffs.

[104] *Hearings on H.J. Res.* 172, at 36.

[105] *Id.*

[106] *Hearings on S.* 1404, at 5.

[107] 23 U.N. SCOR, Supp. Oct.-Dec. 1968, at 181, U.N. Doc. S/8954 (1968); 24 U.N. SCOR, Supp. April-June 1969, at 195, U.N. Doc. S/9252 and Add.1 (1969); 25 U.N. SCOR, Supp. July-Sept. 1970, at 20, U.N. Doc. S/9844 and Add.1–3 (1970); U.N. Doc. S/10229 and Add. 1–2 (1971) [hereinafter] cited by U.N. Document Number only]. For more information about the Committee, see *Ruzzié, Les sanctions économiques contra la Rhodesie,* 97 JOURNAL DU DROIT INTERNATIONAL 20, 42–49 (1970).

[108] U.N. Doc. S/9844, at 33.

[109] *Id.*

[110] Anonymous Working Draft for Observations and Recommendations Subsequently Sponsored by the United Kingdom and France, U.N. Doc. S/10229, at 63; Draft Conclusions and Recommendations Submitted by Poland, Sierra Leone, Somalia, Syria and USSR, *id.* at 65. In its fourth report the Sanctions Committee was unable to agree upon a set of observations and recommendations. *Id.* at 25. Thus the Committee only provided these two proposals.

[111] *See* note 183 *infra* and accompanying text.

[112] U.N. Doc. S/10229/Add.2, at 2.

[113] *See id.* at 3, Table I.

[114] *See id.* at 11, Table X.

[115] *See id.* at 12, Table XI.

[116] *Id.*

[117] Many states advocate sanctioning South Africa and Portugal. *See, e.g.,* Draft Conclusions and Recommendations Submitted by Poland, Sierra Leone, Somalia, Syria and USSR, *supra* note 110, at 67.

[118] The Swiss have been quite equivocal in setting forth their policy. Although they have refused to submit to mandatory sanctions in view of their position as a neutral state, they have agreed to "see to it that Rhodesian trade is given no opportunity to avoid the United Nations sanctions policy through Swiss territory." Thus on December 17, 1965, Switzerland made imports from Rhodesia subject to mandatory authorization and took steps to prevent any increase in trade with Rhodesia. Swiss note of February 13, 1967, *cited in* Case No. 42 Meat—"Polana," U.N. Doc. S/10229/Add.1, at 133, 135–136.

Although the Swiss have taken some action within their own territory, they have denied the possibility of controlling the activities of their nationals beyond their borders. In a clear misstatement of international law the Swiss government asserted:

> [T]he Federal authorities can only repeat that they have no legal or practical means of intervening outside the territory of the Confederation. Under public international law, each State is entitled to apply legal rules only in its own territory; the Swiss authorities cannot therefore take steps which would contravene positive international law.

Swiss note verbale of January 20, 1971, *cited in* Case No. 103 Chrome ore—"Anna Presthus," U.N. Doc. S/10229/Add.1, at 43, 45. *But see* Case of the S.S. "Lotus" (France v. Turkey), [1927] P.C.I.J., ser. A, No. 10, which is the classic statement of the nationality theory of territorial jurisdiction by which the sovereign is entitled to act with respect to its own nationals unless there is a rule of international law to the contrary.

For more discussion of the Swiss attitude see Bindschedler, *Das Problem der Beteiligung der Schweiz an Sanktionen der Vereinigten Nationen besonders im Falle Rhodesiens,* 28 ZEITSCHRIFT FUR AUSLÄNDISCHES OFFENTLICHES RECHT UND VÖLKERRECHT 1 (1968). For more discussion of the attitude of individual states see text at notes 150–66 *infra.*

[119] *See* Table X, U.N. Doc. S/10229/Add.2, at. 11. *See also* Annex III, Trade in Commodities, *id.* at 27, 105–111.

[120] The most recent list of ferrochrome and chrome ore cases may be found in U.N. Doc. S/10229/Add.1, at 4–5. The cases are numbered consecutively by the date on which they were reported to the Committee. The case name consists of the identification of the type of product involved and the name of transporting vessel, if any.

[121] *See, e.g.,* Case No. 59 Shipments of ferrochrome to various countries, U.N. Doc. S/9844/Add.2, at 32; U.N. Doc. S/10229/Add.1, at 19, which includes at least 13 suspected shipments.

[122] U.N. Doc. S/10229, at 7.

[123] Case No. 77 Ferrochrome—"S.A. Statesman," U.N. Doc. S/10229/Add.1, at 28 and Case No. 87 Ferrochrome—"Margaret Cord," U.N. Doc. S/10229/Add.1, at 36, *discussed in* U.N. Doc. S/10229, at 7.

[124] U.N. Doc. S/9844/Add.2, at 23.

[125] *Id.*

[126] *Id.* at 24.

[127] U.N. Doc. S/10229/Add.1, at 16.

[128] U.N. Doc. S/9844/Add.2, at 32; U.N. Doc. S/10229/Add.1, at 19.

[129] U.N. Doc. S/9844/Add.2, at 32.

[130] *Id.* at 33.

[131] *Id.* at 40. They reported that the vessels in question had been chartered to a Brazilian company. *Id.*

[132] U.N. Doc. S/10229/Add.1, at 19, 23.

[133] *Id.* at 22.

[134] U.N. Doc. S/9844/Add.2, at 40.

[135] U.N. Doc. S/10229/Add.1, at 21.

[136] U.N. Doc. S/10229/Add.1, at 19–20.

[137] *Id.* at 26.

[138] *Id.* at 36.

[139] In case No. 76 Japan denied that the chrome was of Southern Rhodesian origin. *Id.* at 27, In Case No. 87 Denmark claimed to have no information, since the vessel, though of Danish registry, had been chartered to a Brazilian firm. *Id.* at 37.

[140] *Id.* at 27, 36.

[141] U.N. Doc. S/9252/Add.1, at 16; U.N. Doc. S/9844/Add.2, at 8.

[142] U.N. Doc. S/9252/Add.1, at 17.

[143] U.N. Doc. S/9844/Add.2, at 8–9.

[144] U.N. Doc. S/9844/Add.2, at 28; U.N. Doc. S/10229/Add.1, at 17.

[145] U.N. Doc. S/9844/Add.2, at 30; U.N. Doc. S/10229/Add.1, at 17–18.

[146] U.N. Doc. S/10229/Add.1, at 24.

[147] *Id.*

[148] *Id.*

[149] *Id.* at 25.

[150] Ruzié, *supra* note 107, at 49. For discussion of specific state actions see Ruzié, *supra* note 107, at 50–54; Zemanek, *Osterreich und U.N.—Sanktionen besonders im Falle Rhodesiens,* 28 ZEITSCHRIFT FÜR AUSLÄNDISCHES OFFENTLICHES RECHT UND VÖLKERRECHT 16 (1968).

[151] *See Hearings* on S. 1404, at 59, Table II.

[152] *Hearings* on H.J. 172, at 25, 32.

[153] *Id.* at 32.

[154] *See* text at notes 128–36 *supra.*

[155] U.N. Doc. S/9844/Add. 2, at 34.

[156] *Hearings on H.J. Res.* 172, at 48; *Hearings on S.* 1404, at 57. During a Senate debate, Senator Harry F. Byrd, Jr. stated: "The Senate may be interested to know that Zambia, which yields to no country in its public expressions of animosity toward Rhodesia, continues to trade." Then he noted Zambia's purchase of 1½ million bags of corn from Southern Rhodesia. 117 CONG. REC. S 14,936 (daily ed. Sept. 23, 1971).

[157] S.C. Res. 253 (1968), paragraph 15; S.C. Res. 277 (1970), paragraph 16.

[158] *See* Annex I, U.N. Doc. S/10229/Add.2, at 22.

[159] *See* Annex II, *id.* at 25.

[160] *Hearings on H.J. Res.* 172, at 48; *Hearings on S.* 1404, at 57.

[161] An industry spokesman estimated that sanctions cost the United States $16.3 million per year in higher costs and $2.8 million per year in list profits from American mine operations in Southern Rhodesia. *Hearings on* S. 1404, at 54.

[162] S. 762, 92nd Cong., 1st Sess. (1971).

[163] S. 773, 92nd Cong., 1st Sess. (1971).

[164] *Hearing on* S. 751 *etc. Before the Subcomm. on National Stockpile and Naval Petroleum Reserves of the Senate Comm. on Armed Services,* 92d Cong., 1st Sess. 42 (1971).

[165] Pub. L. No. 92–103 (Aug. 11, 1971).

[166] *See Hearings on H.J. Res.* 172, at 36.

[167] *Id.* at 53.

[168] THE ECONOMIST, June 21, 1969, at 16.

[169] THE ECONOMIST, Oct. 17, 1970, at 64.

[170] *Id.*

[171] *Hearings on H.J. Res.* 172, at 33. The second article concludes:

> However the economy may look on the surface, real living standards for black Africans in Rhodesia fell in the past decade—and there are 20 Africans to every one white. If the growth rate now has to be curbed—many believe it is falling already—sanctions are eventually going to leave Rhodesia a poorer country than Mr. Smith found it.

THE ECONOMIST, Oct. 17, 1970, at 65.

[172] *Id.* at 64.

[173] *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs,* 91st Cong., 1st Sess. 4 (1969).

[174] *Hearings on H.J. Res.* 172, at 33.

[175] THE ECONOMIST, June 21, 1969, at 16.

[176] THE ECONOMIST, Oct. 17, 1970, at 64–65; *Hearings on H.J.* 172, at 40–41.

[177] N.Y. Times, Nov. 18, 1971, at 1, col. 6.

[178] *See* note 183 *infra.*

[179] *Hearings on H.J. Res.* 172, at 85–86.

[180] *Id.* at 33.

[181] *See Hearings on* S. 1404, at 59, Table III.

[182] *Hearings on H.J. Res.* 172, at 10; *Hearings on S.* 1404, at 12.

[183] In November 1971 British Foreign Secretary Sir Alec Douglas-Home and Southern Rhodesian Prime Minister Ian Smith reached a tentative settlement of Rhodesia's rebellion against Britain. Mr. Smith made limited constitutional concessions which would supposedly have insured black majority rule sometime during the next century. *See* Washington Post, Dec. 1, 1971, § A, at 32, col. 1. According to one observer, the reason for the Smith regime's concessions was the crisis in foreign currency reserves created by sanctions. N.Y. Times, Jan. 22, 1972, at 3, col. 2.

> The agreement will not become effective unless a British commission headed by Lord Pearce determines that the proposal is acceptable to a majority of the Rhodesian people. Thus far the response of the Africans who make up 95 percent of the total population has not been favorable to the plan. In response Prime Minister Smith has warned, "If the present generation of Africans are

[sic] so stupid as to reject this offer of advancement for their people, they will bear the curses of their children forever." *Id.* at 3, col. 1.

[184] 117 CONG. REC. S14,942 (daily ed. Sept. 23, 1971).

[185] *See* note 58 *supra.*

[186] *Hearings on* S. 1404, at 4.

[187] 117 CONG. REC. S. 15,068 (daily ed. Sept. 24, 1971).

[188] *Hearings on H.J. Res.* 172, at 13.

[189] *See Hearings on* S. 1404, at 58, Table I.

[190] *See Id.* at 59, Table II.

[191] *Id.* at 23.

[192] *Id.* at 15.

[193] *See* text at notes 162–65 *supra.*

[194] *Hearings on* S. 1404, at 17.

[195] Congressman James M. Collins of Texas stated that he believed that Southern Rhodesian chrome was selling on the world market at $45 a ton. *Hearings on H.R. Res.* 172 at 44. This would represent an increase of about $12 over the 1967 average price. See *Hearings on S.* 1404, at 95.

[196] *See Hearings on S.* 1404, at 95.

[197] *See* text at note 111 *supra.*

[198] *See Hearings on H.R. Res.* 172, at 73, Appendix III.

[199] *Hearings on S.* 1404, at 82.

[200] *Hearings on H.R. Res.* 172, at 21.

[201] *Hearings on S.* 1404, at 54.

[202] *Id.*

[203] 117 CONG. REC. S14, 934 (daily ed. Sept. 23, 1971).

[204] BUSINESS WEEK, June 28, 1969, at 51.

[205] *See Hearings on S.* 1404, at 95.

[206] BUSINESS WEEK, *supra* note 204, at 51.

[207] *See* Statement of Hon. Charles C. Diggs, Jr., *Hearings on S.* 1404, at 77–78.

[208] N.Y. Times, Feb. 28, 1972, at 30, col. 1–2.

[209] U.N. Doc. S/PV.1602, at 41 (provisional verbatim record of the 1602d meeting of the Security Council, Nov. 25, 1971).

[210] *See* note 4 *supra.*

[211] SECRETARY OF STATE, UNITED STATES FOREIGN POLICY 1971, at 187–88 (1972).

[212] According to the Secretary, "The object of sanctions remains to bring an end to the rebellion in Rhodesia. Although Rhodesia has had some success in circumventing sanctions, its economy has continued to feel their strain, especially through the lack of investment capital and the acute foreign exchange shortage." *Id.* at 188.

[213] U.S. PRESIDENT, UNITED STATES FOREIGN POLICY FOR THE 1970'S, BUILDING FOR PEACE 201 (1971).

[214] *Id.* at 206.

[215] G.A. Res. 2765 (1971). The resolution provides in relevant part:

The General Assembly,

Expressing its grave concern at the recent decision taken by the Congress of the United States of America which, if confirmed, would permit the importation of chrome into the United States from Southern Rhodesia and thus would constitute a serious violation of the above-mentioned Security Council resolutions. [Resolutions 232, 253, 277 and 288] imposing sanctions against the illegal regime in Southern Rhodesia,

1. *Calls upon* the Government of the United States to take the necessary measures . . . and bearing in mind its obligations under Article 25 of the Charter of the United Nations, to prevent the importations of chrome into the United States from Southern Rhodesia;

2. *Requests* the Government of the United States to inform the General Assembly at its current session of the action taken or envisaged in the implementation of the present resolution. . . .

[216] S.C. Res. 314 (1972). The resolution provides:

The Security Council,

Having considered the recent developments concerning the question of Southern Rhodesia,

Recalling its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968, 277 (1970) of 18 March 1970 and 288 (1970) of 17 November 1970,

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

Taking into account the fourth report of the Committee established in pursuance of Security Council resolution 253 (1968) (S/10229) and its interim report of 3 December 1971 (S/10408),

Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

1. *Reaffirms* its decision that the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Urges* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2 (6) of the Charter, and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

3. *Declares* that any legislation passed, or act taken, by any State with a view to permitting, directly or indirectly, the importation from Southern Rhodesia of any commodity falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore, would undermine sanctions and would be contrary to the obligations of States;

4. *Calls upon* all States to refrain from taking any measures that would in any way permit or facilitate the importation from Southern Rhodesia of commodities falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore;

5. *Draws the attention* of all States to the need for increasing vigilance in implementing the provisions of resolutions 253 (1968) and, accordingly, calls upon them to take more effective measures to ensure full implementation of the sanctions;

6. *Requests* the Committee established in pursuance of Security Council resolution 253 (1968) to meet as a matter of urgency to consider ways and means by which the implementation of sanctions may be ensured and to submit to the Security Council not later than 15 April 1972 a report containing recommendations in this respect, including any suggestions which the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work;

7. *Requests* the Secretary-General to provide all appropriate assistance to the Committee in the discharge of its task.

PENTAGON DEFIES CONGRESS

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, the Department of Defense is consciously violating a specific congressional directive by ordering the development of two helicopters instead of one.

The Department of Defense is guilty of totally ignoring the specific wishes of the Congress. As my colleagues know, last year's defense appropriation conference report which was approved by this House and the other body, said that "The Department of Defense is directed to revise their heavy lift helicopter program so that one aircraft can be built for the Army, the Navy, and Marine Corps. A month after our decision, the Pentagon decided to build two different helicopters that would be "clearly different" according to a recent General Accounting Office staff study.

I have written to Secretary Laird protesting the move and told him that we should build one helicopter, not two. It is obvious to me that interservice rivalry between the Army and the Navy again, will cost the taxpayers hundreds of millions of dollars. It is about time that the civilian leadership in the Pentagon adheres to the Congress's directive and order the military to stop the silly bickering.

The Army and Boeing Aircraft Corp. are also directly guilty of violating the intent and the spirit of this congressional directive. Boeing was originally given a contract to develop crucial components for a heavy lift helicopter including rotor blades and cargo handling equipment. Instead, in collusion with the Army, Boeing decided to proceed with the building of a prototype in clear violation of the original intent of Congress.

The Navy is also pushing forward on its heavy lift helicopter program, the need for which the GAO categorizes as "still questionable."

If the Pentagon successfully defies the Congress, it may cost the taxpayers as much as a billion dollars. The Navy estimates it will cost $646 million to rebuild their existing CH–53E helicopters. That means the taxpayers are paying $9.2 million to rebuild and convert each helicopter.

The Army has only developed a very early preliminary estimate of $122 million as the cost of research of the project. Depending on the number of helicopters the Army decides to build, the actual cost of research and development, the two helicopter programs could easily total $1 billion.

In this year's budget, the Army is requesting $53 million for its heavy lift helicopter program and the Navy is seeking $10 million for their version of the aircraft.

The House Committee on Appropriations and its distinguished chairman, the gentleman from Texas (Mr. MAHON), have past years led the fight to prevent the building of two helicopters when only one is needed. I hope that this House will take decisive action to prevent the Pentagon from successfully defying the specific congressional directive initiated by the House and concurred in by the Senate in last year's defense appropriation bill.

ALASKANS SPEAK ON MARINE MAMMAL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 30 minutes.

Mr. BEGICH. Mr. Speaker, as you know, the House has passed legislation relating to marine mammals earlier in this session. At that time, I expressed serious reservations about certain aspects of that legislation which I believed to be

insensitive to the citizens of Alaska, and to the State itself. Because of this, I voted against this bill, H.R. 10420, when it passed the House of Representatives on March 9, 1972.

Since the House acted, the Senate has been deliberating this legislation, and has held hearings in Alaska. During those deliberations, numerous items of new information have been brought forward which I believe will make both the Senate legislation and the final law more sensitive in the various aspects which I mentioned. Because I believe that my colleagues will be deeply interested in this additional information, I am inserting some of the letters and testimony which I believe to be especially informative. At the conclusion of these items, I am including the testimony which I submitted for the recent hearings held on this legislation by the Senate Commerce Committee in Nome, Alaska:

NAVAL ARCTIC RESEARCH LABORATORY,
Point Barrow, Alaska, May 5, 1972.

HON. NICHOLAS J. BEGICH,
House of Representatives,
Washington, D.C.

DEAR MR. BEGICH: We wish to add another letter to the many already received from responsible Alaskans in support of the Natives need for exemption from the proposed Sea Mammals Bill to ban any commercial use of products. This legislation, if passed as written would greatly hasten the demise of the Native culture.

The Alaskan Eskimo has inhabited the north coast of Alaska for up to 5000 years, as we presently understand, and has hunted the mammals of the sea for that long and perhaps longer. In a harsh environment the difficult life has forced the Native to use his inventiveness and resourcefulness to simply exist. The multiple use he makes of the products of his hunt is ample evidence of this. The primary purpose of the hunt is food but all parts of the animal are used probably much more efficiently than the present day commercial meat packers claim to use "everything but the squeal."

It is often thought that "now that the land claims are settled, the Natives are wealthy." This is an understandable belief in view of the great amount of publicity given to the numbers of acres and dollars of the settlement but it simply is not true. The Alaskan Native will of necessity depend on his subsistence hunting and the products from that hunt for his livelihood for many years. Anyone who has lived and worked with these people as I have for 12 years or who spends even a few months in a coastal village will readily find this self-evident. To allow the Native to hunt the mammals for food and not allow him to make use of the total animal, hides, etc. is wasteful and would be another "white mans mystery" to the average Native. To deprive them of their traditional and in many cases only means of livelihood is cruel and unnecessary.

The sea mammals of the Arctic Alaskan Coast evidence a population stability that very definitely excludes them from any consideration as endangered species. No thinking person would encourage the hunting if an animal was believed to be on the verge of extinction but the majority of the Arctic Sea Mammals, and especially those important to the life of the Native Eskimo cannot be so considered. Studies at the Laboratory over the past 10 years in no way indicate that we need to be concerned. Additionally the harvest taken by the Native, though important to his existence is relatively insignificant to the total population and life cycle of the animals in question. There is no scientific basis to even consider the idea that continued Native hunting of these mammals will in anyway endanger their existence.

The Laboratory and I personally support you very strongly in this effort to defend the rights of the Alaskan Natives. We are also sending this letter to Senator Gravel and Senator Stevens. Please feel free to use it in anyway you wish to further assist in this matter.

Sincerely,

JOHN F. SCHINDER, *Director.*

STATEMENT OF ALLEN D. ALOWA

Mr. Chairman and members of the Senate Commerce Subcommittee, my name is Allen D. Alowa from the village of Savoonga on the St. Lawrence Island off the West coast of Alaska. I am here in Washington, D.C. at the request of the people of St. Lawrence Island and particularly the villages of Gambell, Savoonga and Northeast Cape.

It is not by my wish that I am here, for I should be at home making preparations to insure that my children will be fed and warm the next winter. But even as my people prepare now to venture into the dangers of the Bering Sea to work for their only livelihood, there is activity in this Congress to take away the only living we know: the use of sea mammals for our food and our only means of trade.

The Eskimos of the St. Lawrence Island were shocked, as indeed all Alaska was, to find that the House of Representatives had passed a law prohibiting the use of sea mammals by the Eskimo people, except for what it terms subsistence; that is to say then, that if indeed we should chance to take a walrus, the bill prohibits our ever using the tusks and skins to make our arts and crafts. We would be forced to destroy those things which now bring us a living, however meager that may be to you. We say that all too much of this kind of insensitive activity is taking place here in the East by people who know nothing of our Eskimo people and our culture, much less our dependence upon the sea and nature's own conservation in our waters.

Mr. Chairman and Senators, my people have asked me to plead with you, to make you understand what we face in my home island, if you also agree with your colleagues in the House and pass a law with such limitations.

Mr. Chairman, the St. Lawrence Island is not the ideal place to live as American ideals go. It is an island some 104 miles long and twenty miles wide. It is over one hundred miles away from mainland Alaska and forty miles from Siberia in the frigid, ever windswept Bering Sea. There is precipitation three hundred days out of the year, the average temperature is twenty degrees above zero and it is almost always blowing, much of the time very hard. Even for the Eskimo it is hard living; but nevertheless, it is home—and as some put it, it is where "God" placed us. Life is hard. Life is constant activity—not sports, not vacations, not dining and dancing, but hard work to maintain life—for one day of relaxation could mean starvation for a family.

We cannot afford the luxury of sitting at home and watching television so that we too could flood your rooms with letters, because a camera has shown us the violent death of an animal, or in our case a sea mammal. Without watching television we know violent death, not of animals but of ourselves as we daily strive to just maintain the life of our people. All meat bearing foods which Americans place on their tables every day comes from animals, yes animals. Killed one way or another. We too kill animals and sea mammals because somehow that's how it was meant to be—for it is our food and our livelihood. We don't waste for pleasure or for any other reason. We do not waste at all—our men die yearly trying to bring every bit of the sea mammal home to be used in some way in our life. To waste is to die.

And yet I read with dismay and heartbreak the report by Mr. Garmatz of the House Committee on Merchant Marine and Fisheries in a report on the Marine Mammal Protection Act of 1971, (H.R. 10420) that Eskimos shoot "indiscriminately" at Walrus and bring home only the floaters. He further states that the real reason for shooting walrus is for the use of the ivory tusks. He states that rather than eating the walrus meat, Eskimos had fed the meat to the sled dogs, which have now been replaced by the snowmobile.

Mr. Chairman, I invite Mr. Garmatz or any other such thinking one-day tourist to live with my people on St. Lawrence Island for one year. Let him leave his American Express card home and let him be poor, and let him be hungry so that no matter how afraid he may be of drowning or being killed by the elements, he must venture forth each day and each week to bring food home for his family and himself. And yes, let him bring his family too. We are not just men in Alaska, we are women and children. We have no less love for our family than the average American. If there is nothing else to life for others, for us it is to be allowed to exist and that to us is precious. Nature provided us that right with the food that comes to us on the St. Lawrence Island year after year.

But we are discovering that the experts are not those who have lived with and depended upon these mammals for centuries; the experts are those who have never seen our lands much less our lives and our homes for even a brief period of time. These wild statements about Eskimo waste of the mammals is prefaced in the report by this statement: "U.S. Knowledge and Research programs devoted to the rest of the seals including the sea lions and the walruses, is tiny". And so the Eskimos will be deprived of their livelihood and the scientists will receive their grants to study the mammal.

If we indeed do not live on the walrus now, then what are we living on? Beef, ham, and pork? Even rural Americans are concerned about the high prices of these foods. What few staples we buy are purchased at a dear price, not with mere barter, but with hard earned American dollars. One can of corned beef hash costs 70¢. A five pound box of Pilot Bread, a large round cracker which we use with our canned and native meats, runs $1.50. For the children, one can of evaporated milk is 50¢ and for the hunter who needs sugar on the sea, ten pounds of sugar is $1.75.

Let me tell you about Walrus hunts and how we supposedly waste our food products. Just about this time of year, the storms from the south begin to pound our island and the men of our villages stand-by with their skin boats for the smallest break in the weather. The warmer winds from the south break the ice from our shores and drive them north for tens of miles. The hunters, every able man in the village, then leave in skin boats 27 and 30 feet long and about six feet wide, on a twenty to forty mile ride out to sea to get their food, the Walrus and seal. The boats have crews of 5 or 6 men. We use outboards on our skin boats. They range from 25 to 40 horsepower. We have to buy our gas, at least enough to get us to the ice floes and back with our food. Gas costs us 78¢ a gallon.

When we reach our hunting area, we take only what each crew can safely handle and safely transport back to the island. NOT A THING is wasted. The Eskimo uses every bit of the Walrus and transports all of his catch back to home. We must pay at least $5.00 for a box of shells, and they often run as high as $10.00—when every bit of Eskimo earned dollars are being expanded for the hunt, you can be sure we do not shoot indiscriminately.

If there is as much as one walrus per hunter taken, both in the skin boat and in tow, you can be sure that a trip is not very swift. It often takes more than seven hours on the

open frigid sea to bring the catch home. A lot of gasoline is used. If a storm should develop during this time, however mild, the crews are usually lost.

It is not sport, it is not pleasure that drives us to leave our homes and our loved ones; it is survival. Because we depend on the animal and sea mammal, we do not waste it.

When we reach our island, the crew members and family take part in the preparation of the catch. It is divided among the crew, first in meat and then in hide and ivory. Because if the ivory and hide are not made into beautiful objects that people on the mainland will buy—there will be no money to buy gas and ammunition for the next hunt. If there is not another hunt—there is no food. And though others may disapprove and wrinkle their noses, this is a food we enjoy.

Just because one hunts doesn't mean one brings something home to the table. So we must hunt all the time—and if not hunting then trapping. And as tired as we may be when we come home each day, there is still the ivory to carve or the skin to sew, because these bring cash and cash buys us the few staples that people claim have replaced walrus and seal in our diet.

The amount of cash my people make is not much. We consider ourselves lucky if we make over $3,000 in one year—gross money. It all has to come from a talent many of us have—the creation of art objects from the same animal that we have been blessed with as our food. There is no other income through jobs.

Out of that $3,000, we need to buy fuel oil and coal to get some warmth. There are no trees on St. Lawrence Island, just tundra, and the wind blows almost all the time. We are fortunate that driftwood collects on our shores in summer. The entire family collects wood all summer long for winter fuel. Fuel oil, Senators, costs us $2.50 for five gallons . . . and it lasts only a day and a half. Others use coal stoves for both cooking and heating because they can use wood with it. A 100 pound sack of coal costs ten dollars and a sack lasts only one day!

Did someone say we feed Walrus to our dogs and eat something else that we perhaps bought with cash? Did someone say we kill the sea mammals just for the ivory because ivory makes us a wealthy, happy people.

I say Mr. Chairman and respected Senators that we have been misrepresented, and shamefully so. We are not in Alaska for America to gawk at or play with, nor to be ploys of conservationists. We know better than any proclaimed conservationist what it means to conserve that which you depend upon. We're not a documentary to be talked about, we're for real. We live this life I have described. We love our Alaska. We live there, and too often we die very young there. But it is home. It feeds us.

Mr. Chairman and Senators, we cannot do any better than to try in this humble way to convince you of our heart-felt fears.

You live in a complicated world where many problems face you every day and you must make decisions. Our world is simple but life is difficult. But it is a life we know and one we respect.

If you pass a law prohibiting us from using the sea mammals as we have done for centuries and deprive us of the only income we have, you may never hear the mourning of my people as their life is taken from them. What shall you send us in replacement of a life we have known for hundreds of years—social workers and drugs to dull our days?

Or will you find some love in your hearts for my people just as you have for the animals and the sea mammals, and let us who live so near to nature and its temper, determine how we will live in balance. How much more evidence do you need than the hundreds of years we've made it work.

Honorable Senators, we are thankful for your time and your attention. We cannot tell you what to do. We can only tell you who we are. There are no charities to save us but ourselves, and the integrity of the United States.

TESTIMONY BY WALDO BODFISH

DEAR HONORABLE SENATORS: I am happy to bring testimony before you distinguished gentlemen concerning the importance of sea mammals in my life and that of my people. I am a 69 year old Eskimo man who was born at Teller Mission, Alaska. I have lived along the Arctic Coast all my life, and have lived in Wainwright, the village I represent, for the past 54 years. As is true of almost all of 330 people of Wainwright, I throughout my life have depended upon hunting for the main part of my subsistence.

Hunting of sea mammals is very important for the people of my village. We must hunt for food because we have little monetary income and the prices of outside meats are extremely high. For example, beef tongue, $1.30 per pound; weiners, $1.30 per pound; hamburger, $1.39 per pound; chicken, $1.00 per pound; and pork chops, $1.90 per pound. Approximately 5% of our meat comes from the above, but 95% of the meat we consume is acquired from hunting. We do hunt caribou and other land animals, however, our diet is greatly dependent upon sea mammals—whales, seals, oogruk, walrus, beluga, and polar bear. Most every part of the sea mammals we kill are used for food, for either ourselves or our dogs.

Although the main purpose of our hunting sea mammals is that of food, the skins and other by-products which we cannot eat are used for many purposes. Sealskins have traditionally been used by many people for jackets, pants, slippers, and mukluks. They also are used for gun cases, cartridge pouches, sled bags, rope, and other purposes. Oogruk skins provide soles for our mukluk, lines and rope, and covers for our canoes. Walrus hide is also used for rope. Ivory from walrus is important too. It is used in many implements—fish hooks, seal hook handles, tool for making fish net, drum handles, etc.! Baleen from whale is used for lashings and sled runners. The walrus stomach lining and linings of whale organs are used for drum heads. These are a few of the personal use uses we make of the by-products of sea mammal hunting.

But the most important use of the by-products of our sea mammal hunting is that for arts and crafts and other commercial purposes. Much of the monetary income of my village comes from the sale of items made from these sea mammals. Seal skins are sold to be used in making various items of clothing. My wife and the other ladies of Wainwright also make and sell jackets, mukluks, slippers, mittens, purses, hats, gun cases, and other items from seal skins. The soles of the mukluks they sell are of oogruk skin. Craftsmen of Wainwright also make and sell many items from the baleen of the whale and ivory from the walrus. Baleen is made into baskets, boats, wolf scarers, letter openers, bracelets, headbands, and ornamentations on other art objects. I am sure you are familiar with the many beautiful ivory carvings and etchings that are made from walrus teeth and tusks. The hides of the polar bear are mainly sold to outsiders.

As you can see, in order to fulfill the needs of my people any legislation concerning the controlling and restricting of the killing of sea mammals must allow us first to continue subsistence hunting of these animals for food and other personal purposes; and second to use the by-products of the animals, which we kill for subsistence, for arts and crafts and other commercial uses. Although the Marine Mammal Preservation Act as passed in the House of Representatives does allow for subsistence hunting, it does not allow us to use these by-products for arts and crafts and other commercial purposes. We appeal to the Senate to pass a bill which will allow both subsistence hunting and the use of the by-products for arts and crafts and other commercial purposes of my village. If the House bill is passed as is, it would put many more people on the welfare rolls, as it would deprive them of their monetary income from these commercial uses.

We are as concerned or more concerned than many people are of the preservation of sea mammals, for this is a basis of our livelihood. Our killing of these animals is limited by nature as whales, beluga, oogruk, walrus, and polar bear are in our waters only seasonally. When they are present in our waters, we must kill enough to provide us with food throughout the year. Much of our meat is stored in underground cellars to use in other seasons.

As the father of 12 children, all but two who still live off the land and sea, I thank you for the opportunity to voice my concern in this legislation that could greatly affect or alter the way of life of my people. I appreciate having a voice in this important matter.

ANCHORAGE, ALASKA.

Senator NICK BEGICH,
Washington, D.C.

The Sea Mammal Bill being discussed on the House floor today March 8 will seriously affect the livelihood of natives who traditionally have made a living from subsistence hunting in addition to deriving modest incomes from arts and crafts from sea mammals. Amendments eliminating subsistence hunting of sea mammals would amount to cultural genocide. Rural Alaska community action program favors humanitarian sea mammal harvest, but we oppose any attempt to destroy traditional Alaska native livelihood.

We urge the present bill be tabled until hearings can be held in Alaska.

JOHN SHIVELY,
Executive Director Ruralcap.

ANCHORAGE, ALASKA.

Representative BEGICH,
Washington, D.C.

Copy of wire sent to Congressman Pryor. This is to clarify that Friends of the Earth opposes any provision that would ban native subsistence hunting of marine mammals with the possible exception of an endangered species. Thank you.

ART DAVIDSON,
Alaska Representative Friends of the Earth.

AUKE BAY, ALASKA,
April 12, 1972.

Congressman NICK BEGICH,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: It has just come to my attention that the "Marine Mammal Protection Bill" has passed the House. Approximately 10,000 Natives Alaskans depend solely for their cash income on the sale of arts and crafts. 90% of Native arts and crafts products depend upon the use of marine mammals (skins and ivory) for their production.

By all means establish the commission and advisory board as soon as possible to study the sea mammal populations and make recommendation concerning their protection.

Don't take away the livelihood that 30,000 Alaskan Natives depend on now as part of their income.

Sincerely,

BILL ELSENBART,
LAWRENCE C. HILL
(MRS.) JO MICHALSKI.

MAY 2, 1972.

DEAR SENATOR STEVENS: Enclosed find three statements of testimony by three Eskimos from Wainwright village.

These copies are being sent in possible lieu of opportunity to appear in person. Should someone from Wainright appear in Nome at the time of the hearing, he will be authorized to read these statements.

If no representative from our village makes it to Nome, we will authorize one of the Darrow delegates to represent us by reading these testimonies for us.

Respectfully yours,

BILLY BLAIR PATKOTAK,
Mayor, Wainwright City Council, Wainright, Alaska.

APRIL 26, 1972.

To whom it may concern:

My name is Weir Negovanna, an Eskimo, living at Wainwright, Alaska. I am 65 years old and a member of United Presbyterian Church. I represent the people of Wainwright, whose population is about 335 people. I live in Alaska all my life, mainly along the arctic coast.

In my younger days I make my living by hunting, fishing, and trapping. And for last six years I support my family by carving bones of sea-mammals which I sell to buy food and other necessities. My wife also is an Eskimo, a wonderful housewife and a skin sewer for our use and also for sale. She makes water-proof boots out of seal skin and oogrook-skin.

Not too long ago I have heard that there is a law about to be passed concerning the hunting of sea-mammals. It is true that there is an exception that would allow natives to hunt for subsistence, (which is good for this is our life) but the thing that will hurt me and my fellow natives is the prevention of salable items from sea-mammal hunt. For we, who do not depend on jobs will be deprived of our ability to buy and sell from local stores, and therefore forced into welfare recipients against our will.

Once a year our whaling season opens, and only if we are lucky a whale or two would be caught for our year's supply of meat. Which is then stored into our underground cellars, and every edible part of a whale is not wasted. And as far as we are concerned and as we observe the bow-head whales we hunt are numerous as ever.

As for walrus, who says they are decreasing! Certainly not us, because as we observe them they are numerous as ever. And besides, we don't hunt as many as we use to in order to supply our dog-team. Our major means of travel are snow-machines now, and they don't need meats of mammals to keep them running. Therefore what mammals we caught are used mainly for our own meat supply.

One of the happiest moments in the life of an Eskimo is the report of a whale catch, because in such a catch every native shares. And yet this very thing is threatened, and the joy of being an Eskimo will be another notch lower if the bill passes.

Submitted by:

WEIR NEGOANNA,
WAINWRIGHT, ALASKA.

APRIL 18, 1972.

To whom it may concern:

My name is Blair Patkotak, and I am known by the name of "BILLY". I'm a native Eskimo from the arctic coastal village of Wainwright, Alaska. I represent the Wainwright city council, a fourth-class city of which I am the mayor. The population of Wainwright village is 330 people.

I would like to thank everyone for the opportunity to voice my concern about the proposed House bill called "The Marine Mammal Preservation Act". I fear this bill, as proposed, will be very damaging to our native economy which, as you know, is marginal as it is. Our economy at Wainwright is based primarily on the seasonal availability of the marine mammals such as seals, walrus, whale, and polar bear. These mammals are harvested in season. When they are plentiful, our economy improves; when they are scarce, our economy declines.

I would like to describe how we utilize each of these mammals. Seals, usually quite numerous, are taken for meat for the village people and for the dogs, which we use for transportation on the winter ice in search of food and clothing. The seal skin has many uses, some of which are mukluks (boots), waterproof bags, rawhide ropes, and kayak coverings. With or without the fur, the skin is valuable to the natives and is one of the few sources of income when sold to the ouside fur companies.

Walrus is harvested each season, generally in July and August. The meat is edible, and the hide is used for rope and skin-boat covering. The ivory is another small source of income, and brings about $2.50 to $3.00 per pound. The natives who carve are able to sell trinkets which are in good demand statewide, which assists the village economy. The walrus is harvested carefully, and is always taken for food as well as ivory.

Polar bear is harvested each season, and generally a total of 12 to 15 are taken each year by the village of Wainwright. We kill the animal for food, and generally sell the hide, which brings in $30.00 per linear foot, or more, and is a major assistance to the village economy.

The whale, especially the bowhead species, is hunted only in the later part of April and during May. This mammal is considered a highly-prized catch among the native whalers and the entire village. Almost ninety-nine per cent of the whale is edible, and the mukluk is considered a delicacy among the natives. The baleen is kept for use by the native artisans and craftsmen to make into artifacts which, when sold, assist the village economy.

Any bill or legislation which would limit or prohibit a native from utilizing his only source of food, clothing, and small income would certainly result in more of my people on the welfare roll, and would impose a severe hardship on my people.

Jobs are non-existent for the most part in our area, and living is meager even in good years. Better than ninety-five per cent of the food we consume at Wainwright comes from the land and sea, as well as most of our clothing. Hunting and fishing provide our only source of income. My people are extremely conscious of the bounty from the sea, and are aware of their obligation to protect that bounty. For centuries the unwritten law, passed from generation to generation among the Eskimos, is "Harvest only what you cannot waste . . . only what you can use." I could not support any bill or legislation which could deprive my people of their main source of food, clothing, and living necessities . . . in fact, for most, the only source.

Very truly yours,

B. BLAIR PATKOTAK,
Mayor, Wainwright Village.

SECRETARY'S PROGRAM REPRESENTATIVE,
Anchorage, Alaska, April 20, 1972.

To: Honorable NICK BEGICH, Congressman for Alaska.

From: W. L. Kubley, Secretary's Program Representative.

Subject: Alaska Rural Development Council Resolutions.

I thought you would be interested in the attached resolution which was passed at the recent Rural Development Council meeting here in Anchorage. This is a very active council and meets quarterly in different locations throughout the State. The next meeting will be held in Kodiak, June 13 and 14. Dr. James W. Matthews, Director, Cooperative Extension Service, is chairman of the Council and has done an outstanding job in bringing the different Federal and State agencies together. This has resulted in a coordination of programs and has shown where duplication of efforts can be eliminated. I am also enclosing a list of those participants at the last meeting and a brochure on the Council.

RESOLUTION CONCERNING PROTECTION AND USE OF MARINE MAMMALS

The members of the Alaska Rural Development Council, being representative of the Federal and State agencies and organizations concerned with improvement of the conditions of rural life in Alaska, are opposed to passage of House Bill 10420, in its present form, and any similar totally restrictive bills in the Senate regarding protection of marine mammals. Our primary opposition is to Section 107(a)(3); that such taking of marine mammals for subsistence purposes by Indian, Aleut, or Eskimo peoples "is not done for purposes of direct or indirect commercial sale."

First, we feel that this bill, which will have a major impact on a large part of the population of Alaska, should at least be subject to public hearings in rural and metropolitan areas of Alaska before being considered. Second, if this bill becomes law it immediately destroys the Native arts and crafts cottage-industry as it apparently precludes the sales of any parts of the sea mammals, or any items made from the tanned skins, or objects of art carved from the tusks or teeth. The cultures of these costal Native peoples are firmly based on the full utilization of the sea mammals. To impose the dominant society's cultural norm of waste of a valuable resource is not only counter to their cultural beliefs, but is also contrary to present U.S. policy on waste pollution.

In addition, this arts and crafts trade is, in many villages, a major source of cash income for the village. Contrary to popular opinion, passage of the Alaska Native Land Claims Settlement Act will not solve the financial problems of these people for the near future. There is no money available to the Native people from this Act for the first two years, and total disbursements of cash over the first five years are estimated at $550 per person. The lands allotted under this Act have value only for subsistence use for a long time to come, as it has been estimated that it will take about 25 years to complete the surveying on the 40 million acres at the present level of funding. So it can be seen, that to destroy this Native arts and crafts industry by legislative fiat is to condemn these peoples to a poverty and welfare existence wthin an inflated cash economy. We, therefore, strongly urge the Marine Mammals Bill not be considered for passage until public hearings are held in Alaska, and until the bill is amended to allow the continuance of the Native arts and crafts industry.

NEW COMMITTEE FORMED

A plea for letters and contributions has gone out from a newly-formed committee aimed at opposing ocean mammals legislation detrimental to Alaskan Native groups.

A bill that would prohibit the use of ocean mammals was passed by the U.S. House of Representatives in March by a vote of 362–10. A similar measure that would allow subsistence use of certain species and for continuance of the Native crafts industries for local marketing only is now pending in the Senate's Commerce Committee.

The group, named the WHALE (What Happens to Alaska's Living Eskimos?) Committee, is composed of members of the State Legislature's Bush Caucus and other well-known Native leaders, artists, and hunters.

Initial members of the Committee, organizing in Juneau, are Senators William Hensley (D-Kotzebue), Senator Kay Poland (D-

Kodiak), Senator Jay Hammond (R-Naknek), Representatives Martin Moore (D-Emmonak), Ed Naughton (D-Kodiak), George Hohman (D-Bethel); Chuck Degnan (D-Unalakleet), Carl Moses (D-Unalaska), Frank Peratrovich (D-Klawock), George Charles, Emil Notti, Connie Paddock, Anne Walker, Brenda Itta, Howard Rock.

One of the Committee members, Senator Willie Hensley said, "We hope to coordinate a successful effort to see that amendments are made to the bill so that Alaska's Natives can continue to utilize the ocean mammals as they have since time immemorial."

The bill, HB 10420 passed recently by the House of Representatives places a five-year moratorium on the taking of ocean mammals. A Senate version, introduced by Senator Ted Stevens, SB 3161, contains amendments allowing for subsistence hunting and fishing of ocean mammals and for production of handcrafts.

"It is our intention to see that amendments which take consideration the needs of Alaska is in the final bill," Hensley added. "A law prohibiting the use of seals or whales could wipe out entire cultures, have a severe impact on local economies as well as adversely effect the economy of the State."

Members of the WHALE Committee have asked for financial contributions for an effort to publicize their cause. Contributions may be sent to: The WHALE Committee, 1800 Glacier Avenue, Juneau, Alaska 99801.

Additionally, Committee members urge Alaskans to write the following Senators in Congress, expressing their opinion on the matter: Senators Warren Magnuson, John Pastore, Vance Hartke, Phillip Hart, Howard Cannon, Russel Long, Frank Moss, Marlow Cook, J. Glenn Beall, Mark Hatfield, Ernest Hollings, Daniel Inouye, William Spong, Norris Cotton, James Pearson, Robert Griffin, and Howard Baker.

Hearings in Alaska have been set for March 11 and 12 in the morning in Nome and May 12 in the afternoon in Bethel. Persons wishing to testify should notify Senator Ted Stevens by May 8 by writing him at U.S. Senate, Washington, D.C. 20510. They should also plan to limit their testimony to ten minutes or two pages of written statements.

MAY 12, 1972.

Memo to: Whale Committee members.
From: staff.

Hearings on ocean mammal legislation are underway in Nome and Bethel. Attendance at the hearings was expected to be affected by the whaling season presently underway, but we are hopeful that strong testimony will be presented. Sen. Daniel Inouye and Sen. Ted Stevens, both members of the Commerce Committee, are conducting those hearings. Sen. Gravel is present, also. Both Inouye and Stevens will be in Juneau on Monday at 8:30 a.m. for a hearing on delimitation of territorial waters (room 177, Federal Building) and we understand that testimony in written form may be passed to them for inclusion in the record relating to the mammals bills. Or the testimony may be sent to the Senators' Washington offices.

In the meantime, we hear that the third working draft of the legislation is being completed, an irregular occurrence considering hearings are not concluded. At any rate, the Commerce Committee met in executive session on Monday to consider this draft. Whether it contains the needed provisions is not yet known. A full committee session is set for May 22 at which time it is thought that the bill will be released. The vote may be as soon as late May or early June, so that the free conference committee can deal with the legislation before the summer recess. This, of course, is the area which causes concern since most informed sources believe that the House conferees will override any favorable Senate amendment in order to achieve a tougher bill of the five year moratorium that was adopted by the House.

Several things have happened which will help. Charles Edwardsen of Barrow has met with Sen. Fred Harris, sponsor of one of the most prohibitive versions, and has turned the Senator around on several points. Harris is said to have promised Edwardsen to push for amendments beneficial to Alaskan interests. This is a great accomplishment.

Second, our contributions, while still not adequate, will allow for printing of a brochure to be distributed on Capital Hill and for travel of three natives to Washington next week.

Additionally, coverage of the story by UPI reached Washington papers and NBC news is reportedly planning coverage.

Material related to ocean mammals and Alaskan native use is included herewith in the event that any of you wish to submit testimony. Any analysis of the legislation introduced thus far is also included.

OPEN LETTER TO ALL CONCERNED

MAY 10, 1972.

Re sea mammals legislation.

As you know, hearings on the Sea Mammals Legislation will be held in Alaska May 11 and 12 in order that voices of Alaskans will be heard on these bills affecting Indians, Eskimos, and Aleuts. What impact these hearings will have on a National level, and at the Washington, D.C., scene, is yet to be seen.

A bill that would prohibit the use of ocean mammals was passed in the U.S. House of Representatives in March by a vote of 362–10. A similar measure that would allow subsistence use of certain species and for continuance of the Native crafts industries for local marketing only is now pending in the Senate's Commerce Committee.

The Senate Commerce Committee held an Executive Session on Sea Mammals Legislation on May 8. Then, on May 22, the Full Commerce Committee will meet for final deliberations on the legislation, in hopes to vote on the bill in late May or early June. Shortly thereafter, Free Conference Committee will meet and Congress hopes to have this legislation become law before recess in late June or early July.

The well-financed, highly-organized conservation and environmental groups throughout the Nation have been carrying out, for several months now, an extensive campaign to ban ocean mammal hunting, including important and needed uses of by-products of the animals; therefore, once again, affecting adversely the traditional way of life and the culture of the First Americans. Though these organizations may have well meaning, they have failed to take into consideration the basic needs of our culture and have not sought advice on these bills from the first and natural conservationists—the Indians, Eskimos and Aleuts of Alaska.

No doubt, there is agreement that the present economy of the Native people is sparse, as compared to the rest of the Nation; thus making it hard to do effective lobbying activities which relate to the lives of the Alaskan Natives. The past history of the manner in which the aboriginals in America were treated is indeed a bleak one; as the once rich, highly structured cultures have been suppressed to the point that now something has got to be done to preserve the present struggling cultures.

With this critical prospect endangering the original way of life of the First Americans, a group is being formed in order to send lobbyists to Washington, D.C.; called the WHALE Committee—letters to whale standing for What Happens to Alaska's Living Eskimos? Initial members of the Whale Committee include Senators Willie Hensley, Kay Poland, Ray Christiansen; Representatives Carl Moses, Martin Moore, Ed Naughton, Chuck Degnan, Frank Peratrovich, Senator Jay Hammond, Emil Notti, Anne Walker, George Charles, Brenda Itta, Howard Rock, and Connie Paddock; with Jan Erickson and Tim Bradner to cover matters on publicity.

As said previously, the Whale Committee wants to send at least ten people from rural areas to Washington, D.C., to lobby. If you will help out by soliciting for funds from your group, or anyone interested, it will be put to the most effective use for the benefit of Alaska. Contributions may be sent to: Whale Committee, 1800 Glacier Avenue, Juneau, Alaska 99801.

If you are interested in becoming a member of the Committee, please let us know by writing to the above address.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, March 28, 1972.

Hon. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: Enclosed is a copy of the following Joint Resolution which recently passed the Alaska State Legislature: Senate Joint Resolution No. 59 am.

Sincerely,
WILLIAM A. EGAN, *Governor.*

SENATE JOINT RESOLUTION NO. 59

Relating to pending federal legislation pertaining to protection of ocean mammals.

Be it resolved by the Legislature of the State of Alaska:

Whereas legislation is pending before the United States Senate which has as its stated purpose the protection of ocean mammals; and

Whereas, although the basic intent of this legislation may be praiseworthy, there is a grave danger that passage of present proposals would work a severe hardship for many of Alaska's peoples who must depend for their very existence on ocean mammals; and

Whereas under the terms of pending legislation persons would allegedly be permitted to hunt ocean mammals for subsistence living by traditional means and so long as waste did not occur, but not for any commercial end; and

Whereas what is meant by this language is not clear and has not been made clear in hearings held to date; and

Whereas hundreds of Alaskans depend on the ocean mammals for subsistence, and subsistence dependence goes far beyond the food utilization, such as the making of clothes and goods which are worn or sold to form the only economy of many villages; and

Whereas these Alaskans directly affected by passage of this far-reaching legislation have not had full opportunity to testify regarding the full impact of the pending legislation upon their social and economic well-being:

Be it resolved by the Alaska Legislature that the United States Senate Subcommittee on Oceans and Atmosphere is urgently requested to hold further public hearings on the proposed legislation which would afford Alaskans the opportunity to appear and testify personally before the committee on this issue of vital importance to them.

Copies of this resolution shall be sent to the Honorable Warren G. Magnuson, Chairman, Senate Commerce Committee; the Honorable Ernest F. Hollings, Chairman, Senate Subcommittee on Oceans and Atmosphere; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

TESTIMONY BY HON. NICK BEGICH

Gentlemen: It is my pleasure to submit testimony for these hearings on the Ocean Mammal Protection Act. As you know, the

House has already passed a version of this legislation, which is now before this Committee, and I was one of only ten House members to vote against that bill. I voted against the bill because, in spite of some vital improvements which were won on the House floor, it remained largely insensitive to the very real problems and the needs of both the State and the people it will affect the most.

My vote against the bill was a difficult one, because I believe strongly in the objectives of this legislation, as do all Alaskans, to protect and enhance the vital wildlife resource of ocean mammals. Nonetheless, valid protection and enhancement simply do not require the insensitive and unnecessary sacrifice of social, economic and human values. I believe that a number of specific considerations are essential as the Senate considers its own version of this legislation, and I would make those factors clear today.

First, I argue in the strongest terms against the inclusion of a moratorium concept in this legislation. This concept, conceived in emotionalism, simply does no credit to the cause as it represents a crude, broad-brush approach to a complex problem which requires finely drawn and strictly enforced management strategies. A moratorium necessarily says that both the problem and the solution for all species of ocean mammals, in all geographic areas, is the same. This is simply untrue and unworthy of responsible decision-making.

The basic failure of a moratorium approach is that it remains inflexible even in the face of later-acquired knowledge which indicates that, *in some situations*, another approach is better. Although we can try to foresee all problems, and create exceptions to the moratorium, it is clearly impossible to foresee them all. Far better, in my own view, is the inclusion of a thorough and sensitive permit procedure as originally proposed in H.R. 10420 before the moratorium was substituted. Such a procedure, structured as this Committee believes appropriate, offers the opportunity for each species, each geographic area, to be treated separately so as to insure the protection and enhancement plan best in each case. As is, there is only one plan—the moratorium.

Second, this bill must, regardless of whether a moratorium is included, provide for the continuation of the seal harvest under the provisions of the North Pacific Fur Seal Convention. Because I know very well that others will confirm what I say, I simply state that the success of this program, as controlled and supervised pursuant to the Convention, is a model for future international environmental agreements. I urge that the administration of this Convention be excluded from the direct operation of the marine mammal legislation either by exclusionary language from any elements of a permit system or moratorium or by the statutory granting of a permit for the harvest program found to be necessary and best each year. Incidentally, the administration of this Convention, with its yearly fluctuation in permitted seal harvest, and resultant recovery of the seal herd, is the best argument possible against the blindness of the moratorium approach.

Third, and finally, I argue strongly for provisions in the bill which guarantee a continuation of the lifestyle and traditional existence of Alaska's Natives, who will be the true victims of an insensitive bill. Several considerations are essential. First is the absolute protection of subsistence hunting practices in all cases except those involving endangered species. Second is the protection of Native use of all bi-products of animals taken primarily for subsistence, even where that use involves commercial sale, as well as other uses. Third is the protection of the traditional Native arts and crafts industry which is based on the use of marine mammals, such protection to be fairly limited by considerations of endangered species, traditional patterns of this "cottage" industry, and sensitivity to existing cultural and personal needs.

Let us all acknowledge that there exists, with respect to marine mammals, an environmental crisis of some proportion, one requiring our best mutual efforts and inventiveness in providing solutions. But let us admit that the Native's life sustaining practices of decades, and the arts and crafts industry growing from such subsistence practices as the Native's only traditional response to the white man's cash economy, are simply not the cause of the crisis we are confronting. Let us also admit that the maintaining of a people and a traditional culture is of a high value itself, and must weigh heavily in the balance.

This concludes my list of primary concerns for the legislation you are considering. I have not offered the voluminous information which is available to support each of these points because I am certain my many friends in the areas where these hearings are held will do so to an extent which will convince the Committee on these matters. I believe that, after hearing the testimony of those who must live on a first-hand basis with this legislation, just as they have co-existed with the marine mammals for decades, this Committee will feel it a duty to write the sort of sensitive bill that is so very crucial to all of us.

Thank you.

INTERNATIONAL CORRECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, the treatment and rehabilitation of criminal offenders is a prime source of concern in our country as well as in other countries. Despite different social values and mores, other countries share the problem of reducing recidivism through a rehabilitative corrections system rather than one of punishment or retaliation. Dr. Mildred M. Higgins, director of the reading laboratory at Sumter Correctional Institution near Bushnell, Fla., has addressed herself to these goals in a report entitled "International Corrections," based on a visit to Asia and Australia in 1971. Dr. Higgins and her husband, Mr. Laurence M. Higgins, spent 2 months traveling to several Asian countries and Australia. Most governments provided them with a car, a driver and an interpreter so that they could get the most out of her visitations to correctional institutions, reformatories, and prisons. Dr. Higgins hastens to add that the report:

> Doesn't make us experts on prison practices in these countries, because I am sure that we were shown exactly what they wanted to see, and were told what the governments wished us to hear.

Her report indicated that prison authorities hesitated to give her statistical information about the crimes that were committed, recidivism rates and successful or unsuccessful integration of the exoffender into the community. However, she did determine that "while theft was the most common crime committed, the smuggling, selling, and taking of drugs is coming to be considered as one of the gravest problems to handle in most every country." She explained that the problem of drug abuse was the greatest concern of the "man in the street" in the countries that she and her husband visited, and that drug abuse was a problem even in the school systems of the Asian countries.

Dr. Higgins also has noted that—

> Not one cent of this trip's costs came from the taxpayers pockets—the state gave me leave without pay and pushed back my anniversary date for an equal amount of time; we used our lifetime savings because we thought we should be informed citizens.

By way of introduction, Dr. Higgins is a native of Pennsylvania who attended Montclair State Teachers College, N.J. in the 1930's, and returned to college in 1954 to graduate with a bachelor's degree and high honors from Rutgers, the New Jersey State University, in 1958. Dr. Higgins received her master of education degree from the University of Florida in 1961, and her Ph. D. from Florida State University in 1969. She also studied at several other colleges and universities. She worked as a junior electrical engineer for 15 years, prior to entering the teaching profession. She has been in her current position, director of the Reading Laboratory, since 1968.

Herewith is a summary of her report, "International Corrections," based on her findings and some reports received from the countries that she and Mr. Higgins visited:

INTERNATIONAL CORRECTIONS

(By Dr. Mildred M. Higgins)

A Report on Rehabilitative Efforts Based on A Visit to Asia And Australia During the Weeks from June 12 to August 25, 1971.

During the eleven weeks from June 12 to August 23, 1971, we talked with over one hundred officials, visited 8 correctional centers for juveniles, toured 20 institutions for adult prisoners, participated in or observed 30 other educational or rehabilitative programs, spent many days with ten programs that centered on criminology, were involved in eight religious or educational projects, and visited two universities connected with continuing education. If one were to summarize the impressions gathered during that tour of ten Asian countries and two states in Australia, we would have to state that these countries are moving toward a "cradle to grave" concept. Criminal justice and the study of criminology, it seems to me, is being put within the larger framework of social welfare in dealing with the problems of society and of those who break society's mores.

At the end of this summary there will be presented a few fundamental problems that seemed to be common to the various programs. The remainder of this summary will contain the outstanding or peculiar developments in criminological practices that we either saw or had reported to us.

Each culture that we visited held to some very firm societal values: (1) Emphasis was placed upon the family as a basic unit that should teach moral values and social-living skills to the children and young people. (2) The work ethic: pride in what one is doing by giving an honest return in labor for a day's pay (although little enough was given most laborers for long, hard work) was impressed on each child's mind from the time he or she was a toddler. (3) patriotism, love of country, duty to one's country (though not necessarily to the ruling powers), pride in its heritage and culture—all of these are still a binding force. (4) The supplying of love, tender care, food, clothing, and shelter to the very young and the very old, when these two extremes in ages have no family to take care of them, is coming to be felt to be a community responsibility. Local com-

munity, I might add, not impersonal charity. For example, in Taipei, the homes for the aged and for the children were put next to each other, so that the toddler and the toothless could share light, life, love, and laughter.

What happened when children violated the law? In many countries, such as Iran, the Philippines, Taiwan, and others, both a police officer and a social worker would investigate all the circumstances; the police would investigate the wrong that was done, while the social worker looked into the family situation and the local environment. Both would work together to bring back both a balanced report about the child and his surroundings and a suggested treatment for the future. In most countries, the child was remanded to his parents' care until his court appearance. Each country seemed to insist that at least one of the parents appear in court with his child.

Only in Japan did we hear of a uniquely different approach to sending the child back with his parents. In Japan we visited a juvenile detention center. Here, the treatment given was that of making the juvenile psychologically ready for his court appearance. The social worker, along with a team of consultants such as a doctor and a psychologist, would conduct interviews, tests, and other counseling activities, making a careful report of their findings. After the staff at the center had gone over these reports, the family was called in for guidance and interviews.

Less than one out of five children who got into trouble with the law were sent to a juvenile home or youth correctional center. About 40% were put on probation; another 40% had the case dismissed; all of these were remanded to the parent's custody. In Iran, the parent usually had to sign a paper saying that they would assume the responsibility of closer supervision over their child. Occasionally, if the child is in his mid-teens, he also must sign the paper that he will be obedient to his parents and follow their instructions or guidance. It is made clear to the child that he is being held responsible by the court for his behavior; infractions of this parental supervision can lead to his being sent to the juvenile home by the judge.

The efforts of each of the juvenile detention centers focused on teaching moral values, social living skills, academic knowledge, and vocational training, on instilling pride in one's own country, and on bringing out the unique creative talents of each child. Often supervisors were addressed as "Father," while women staff members were called "Mother." Academic education in some countries, like the Philippines, was obtained in the surrounding community schools.

On the other hand, community work in psychological testing was done in one center in Japan. Thus, a costly burden for the schools was done by the trained staff in the center.

Everywhere in Asia there was an aura of protecting the young person, even against himself, that seem to be lacking here. There, young people are not held down, nor kept babyish, but nevertheless they are not considered adults either, especially when they are in their early teens. Infractions of the rules are met with firm retribution. In the training centers, moral precepts are taught, especially in Taiwan, that would guide the young person in his adult life. In Japan, the daily writing in a diary of the frustrations, worries, and bothers that beset the young person, was encouraged. Then his counselor and he could go over these together to relieve the sore points.

In many countries, the social worker met the young person before he was ever sent to the correctional institution. Usually he or she was the one who investigated his case and recommended this action. Yet, in many countries, there was no real stigma to being sent to a correctional institution, such as we have here. Perhaps the reason for this happy state of affairs lies in the reasons for sending children to a training center in the first place. Nowhere were we told that truancy from school was considered a reason for the young person to be incarcerated, but, instead, very weak parental supervision, theft, and abject poverty were given as the basics in nearly all countries.

The same social worker who investigated the case often worked with the child's treatment team, acted as liaison person between the child, the institution, the family, and the community; he became his most important counselor; and then he often gave support for a year after the young person returned to the community. Thus, the child had someone around on whom he could rely for continuity of support, even though the *kind* of support changed to fit the young person's needs and conditions. It was never there as a crutch nor as a substitute for self-discipline on the part of the child. This type of care is practiced as much as possible in the Philippines, Australia, Hong Kong, Taiwan, and Japan, to cite a few.

Much of what has been written above is applicable to the adult offender. For example, in most of the countries, at least three out of four first offenders were given probation; the rest were given quite light sentences except for very serious crimes or repeated offenses. Most countries still retained capital punishment for premeditated murder. Even those sentenced to die usually had a "high tribunal" review who could change the sentence to life imprisonment. Of those who still faced death, there was an appeal to the monarch or highest government authority. In celebration of Iran's 2500th year as an established government last year, His Imperial Majesty, the Shahanshah, proclaimed amnesty for a number of those who were to have been put to death; he also reduced the sentences of many other offenders, hundreds of them. It was understood by the prisoners that such reduction of sentences was predicated upon model behavior, work habits, attitudes, and skills.

In most countries we did not hear of the jury system as we know it here in the United States; the usual procedure was to have the case argued before either one or three judges. Both the prosecution and the defense were supposed to have lawyers. Whether ombudsmen or defense lawyers were supplied for those too poor to pay for legal advice, was not made clear. Lower courts usually had one judge; appeals, supreme, and such-like higher courts seemed to have three judges.

In all the countries who supplied us with this information, those who have been arrested are sent to prison immediately, even before the case is heard. Even in the Philippines, where overcrowded conditions make it almost impossible to do so, these remands are kept separate from the rest of the prison population. As several inmates in Australia's prison told us, they felt this system of putting people charged with crime into prison immediately had a tremendous deterrent effect on the first-time offender. After this taste of prison life, several of them assured me, they were sure that if the judge gave them probation, they would not again do anything that would bring them back inside the walls.

We understood that Iran and Thailand give probation with a "string attached." If the offender is put on probation, the judge can put certain restrictions on his actions. In these countries, if the offender is given probation after committing a certain offense, but repeats the offense during his probationary period, he can expect to come before the same judge for sentencing on this second offense. There will be no parole granted again. Furthermore, once he completes his sentence for the second offense, he must start serving the time of his original sentence for the first offense. Most officials and the prisoners also agreed that this, too, is very effective as a deterrent.

Social welfare workers are important parts of just about all programs. In many of the countries, such as the Philippines, the social welfare worker gets acquainted with the new prisoner immediately. These are trained professionals in social welfare work. Since it is harder to recruit men than women in this occupation, the worker with some of the men is a woman. We were told that the women workers were often more efficient and/or effective than the men!

These workers have many facets to their work, such as: to get information about the prisoner, his family, and the community from which he came; to counsel with him on all matters and problems that affect him; than be on his classification team; to prescribe the treatment that he is to follow; to evaluate his progress; to bring him, his family, and his neighbors into closer communication and understanding; if asked, to help him get a job at the end of his stay in prison; finally, to be a supervisor to whom he reports for a year after he has completed his sentence.

In all the prisons visited, the men were expected to work, both hard and to the best of their ability. Wherever they worked on prison industries, they were paid for their work. The highest weekly amount we heard of any prisoner getting paid was equivalent to two and half dollars. Often this was for six days labor. Only the best and fastest artisans commanded this high rate (to them) of pay. Good workers, who had not yet achieved superior or excellent ratings, sometimes received as low as seventy-five cents ($.75) a week. Some of this money they could spend on canteen items, but the major portion was expected to be saved and/or given to the family for its support.

Since there were many more prisoners than jobs, malingering was rewarded by a job change to the non-paying but necessary jobs for the on-going prison, such as the laundry or the cleanup crew. Money that was saved needed to be used at the time of the prisoner's release, since no clothes or money was forthcoming from the government. In fact, most governments used about 50% of the earnings from the prison industries to help pay for the food and clothing of the prisoners and for the upkeep of the prison itself. The usual portion of the profits from the sale of the various items going to the inmate worker was 30%; the other 20% paid for the materials.

Items made for sale ranged from textbooks (binding and printing both being done by prison printshops) in Iran to uniforms in Hong Kong and Taiwan. Everywhere but in Australia, the standard industry employing the most workers was rug-weaving. Other products that we saw being made included shoes, leather goods, carved screens, furniture of all kinds, umbrellas, women's dresses, lapidary work, fibre-glass sailboat hulls, parts for stores, ceramics, plastic jewelry, and basketry. Women also made knitted, hooked, crocheted, and tatted articles. A few workers were engaged in forestry, land clearing, lawn mowing, cooking, and waitress work.

There was no monetary pay given to those who attended academic school or vocational training, but the satisfaction of learning how to read or become an artisan was considered adequate pay. The reason stemmed from the reverence nearly all of these cultures have for the scholar or skilled worker. To them, an education or training is one of the greatest accomplishments of their lives, worth more than silver or gold. In Thailand, the Philippines, and in other countries, every illiterate prisoner was supposed to go to academic school. Whenever we were shown academic textbooks for the adult prisoners, the officials nearly always explained that they were the same exact textbooks used for the

children in the primary and elementary grades. Some exceptions were the UNESCO Adult Basic textbooks that were being used in literacy classes in India, the UNESCO books on family planning, agriculture, and basic literacy texts being used in an adult teaching workshop in Bangkok, and the immensely successful correspondence courses being carried on in New South Wales, Australia.

In spite of the grimness of prison every country went to great pains to bring beauty of some kind to the prisoners. There were many avenues to follow, but most of the following were universally present: (1) painting, sketches, mobiles, art-work of all kinds; (2) hobby craft in leather, models (usually ships), carving, and toymaking; (3) well-kept lawns and flower-beds; (4) music of all kinds; singing groups; band music; radio, TV, and some films; (5) dramatics; and, for the women, (6) cosmetology and hairdressing or charm courses.

INMATE CREATIVITY IN MANY FORMS WAS NURTURED

Chaplains of all faiths and religions play an outstanding role in the prison systems. A modification of a combined Emotional Maturity Instruction, encounter group, and a sensitivity-training course has been worked out by a Philippine chaplain. Working out a series of 72-hour retreats, all taking place in one room in one part of the prison, has wrought a minor miracle there. By emphasizing brotherhood, togetherness, and love, he has changed an over-crowded prison filled with frustrated, violent, hate-filled inmates (especially toward other inmates coming from other Filipino tribes), to an institution that is able to function as it should to restore men to society as whole persons.

Two more ideas dealing with inmates come from Australia. We were informed that the persons who had the highest positions in the state dealing with prisons, including the top-ranking man himself, must be on the major classification team for each prisoner. There are certain team-meeting days scheduled in each prison, and these high-ranking officials travel to each prison in turn for those classification teams. They are the ones who formulate the prescriptions for each inmate. Then the social worker and the prison staff take over as the prisoner's minor classification and evaluation team.

The other feature of prison treatment that merits praise is the judge's commission. This is an organization of judges outside the prison system, whose job it is to contact every prisoner once every two months. He is to hold private conversations with each prisoner that he is supposed to contact, listen to their complaints, to investigate these complaints thoroughly, and give the inmate such legal advice as he wishes. Every inmate can thus talk freely, because he knows that what he says will have a thorough investigation. He also knows that retribution against him will be severely dealt with. This is the only explicit method we heard about that dealt with alleged mistreatment of inmates or that gave him the legal advice he needed while in prison.

Also in Australia we visited a Work Release Centre. This seemed to combine the best features of our Half-Way Houses and our Community Work Release Centers. Although it had been in operation less than two years, the officials felt it was one of the soundest ways yet tried to ease the man back into society. A man and wife were stationed at the Centre, he to be counselor, mentor, confidant, and "father" to the men; she to oversee the housekeeping and be the "mother." At "home," there were milk, lunch meat, and other perishable snacks in the "fridge," coffee on the stove at all times, jelly and peanut butter on the shelves along with cookies and tea, butter, and sugar. They could help themselves to snacks before going to bed, and make themselves a lunch to take with them to work. The only requirement was that they clean up after themselves. They catch the public transportation trams or busses within a few block of the Centre. Close budgetary supervision is given, but this is gradually relaxed as the new worker shows himself competent in handling his paycheck, taking care of his own needs and those of his family if he has one.

In the effort to make the inmate feel at ease in the society around him, he is allowed to act like the ordinary Aussie laborer and budget an extra half hour of time and the price of a beer at the local pub so he can stop for a drink and some chit-chat with other men each night on his way home from work.

If theft was the most common crime committed, the smuggling, selling, and taking of drugs is coming to be considered as one of the gravest problems to handle in most every country. Some of the Asian countries apparently wished to hide statistics about it, even denying officially that any of their young people were involved in any way. Oddly enough, in spite of the official denial, the man on the street has vehemently argued that the traffic was increasing by leaps and bounds, even invading the schools. Hong Kong's prison department was very open in facing the situation; it was one of the few that had come up with a viable and working program for dealing with addicts by treating them as drug-dependants.

Their philosophy of treatment is based on several basic assumptions: (1) There is no such thing as a drug *addict*—he is a drug *dependant*. (2) He does not need a "crutch" during his treatment, nor is he really sick, either mentally or physically; therefore, he will not get methadone, although some tranquilizers may be used. (3) After the physical defects are treated, then work, regular hours, good food, and strict discipline will bring a drug user back to good health. (4) Helping a man back to self-respect and pride in himself will do as much as anything else to change a man's psychological need for drugs to a realization that he has no need for drugs at all.

Other approaches to the drug problem that we discovered were: In Iran, drug smugglers are brought before a military tribunal; if conviction occurs, the smuggler is executed by a firing squad. In 1971, we understand, (from a newspaper reporter's feature), Iran executed 116 convicted smugglers. Those who are convicted of selling drugs are given stiff prison sentences.

Some officials in Thailand and in the Philippines conceded that they really did not know how to cope with the drug problem. A few conceded that they were without funds to provide adequate treatment. They did say that they provided a strict work regime, coupled with adequate rest and food. When this severe or harsh treatment was rigorously applied even during the withdrawal stages, they claimed that within three weeks, most times less, the inmate no longer felt the need for drugs, but he had begun to gain much weight, had an appetite, and looked and felt in much better health.

Iran showed us one of their open prisons. Later we heard about, but were not able to visit similar institutions in Thailand and in the Philippines. These open prisons were noted especially for the conjugal living arrangements for the minimum security prisoners. Conjugal visitation is allowed inside the walls for qualified inmates in a number of prisons. These open prisons, however, were situated in an agricultural, lumbering, or land-clearing locality. Those who could work in those various industries outside the prison walls, and who worked at a distance from the prison, were allowed to bring their family to these places to stay with them.

Often the prison would provide places for the children to stay, since the huts are usually only large enough for the man and his wife. According to the reports about the open prison in the Philippines, the ex-prisoner is allowed to stay on the farm where he has been working and buy it for a very nominal sum. He is thus encouraged to be a self-sustaining member of society.

Returning the man to society as a fully-functioning member thereof through the process of "re-education" seems to be the way of most Asian countries that we visited. They have been using the open prison, Prisoner's Aid Societies, Welfare Boards, Social Service Workers, and Work Release Centers. Most of them use as many public relations devices as they can in order to build bridges of understanding between the prisoners and the communities. Many points of contact (through art, music, work, and service projects) between the two worlds are constantly being made. Yet nearly all officials expressed a sense of hopelessness at getting the peoples in the communities to help the former inmate.

In Iran, for example, it seemed to be almost against the law to hire an ex-felon. As one person wearily said, "How is he to sustain himself or his family when he finishes his term, if he is not allowed to work?" In South-east Asia, where it is a cultural standard for the whole family to be responsible for the deeds of each member, how can we ask them to take back into the fold someone who has flouted its rules, and caused the family to be disgraced in the eyes of the community? Just what do judges and criminologists do when the society in which they exist claim that they have been "soft" on criminals, that they have forgotten the victims, and that laws, enforcement, and punishment should be much more severe? In some countries, the officials also wonder how they can begin to humanize the prisons when the prisons are overcrowded, understaffed, and continuously short of money for even an adequate diet. Most are searching for a way to lower the rate of recidivism. Nearly every one implied that there is not enough communication between prison systems all over the world so that good ideas in one part of the globe might be adapted to another.

Lastly, where do we go from here?

TERMINATION OF THE WAR IN SOUTHEAST ASIA

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Mayor Richard Gordon Hatcher and the city council of the city of Gary, Ind., enacted the following resolution pertaining to the termination of the war in Southeast Asia.

Over 2 years ago, on April 7, 1970, the council of the city of Gary enacted a similar resolution urging the termination of the unfortunate, and what appears to be a continuing desecration of human life and property which has been continuing for over 7 years in a land 10,000 miles away.

I submit this resolution which was forwarded to me by Betty Malinka, clerk, city of Gary, following instructions given by the mayor and the city council of Gary, Ind.:

RESOLUTION OF THE COUNCIL OF THE CITY OF GARY, IND., TO THE CONGRESS OF THE UNITED STATES ASKING FOR AN IMMEDIATE END TO AMERICAN MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Whereas: Two years ago, on April 7, 1970, the Council of the City of Gary, deeply concerned about what was happening to this country and its people by the prolongation

of the war in Indo-China, in a petition to the President of the United States, called for an immediate withdrawal of all United States forces and material from Southeast Asia, and was thereby the first such elective body in a major American city to take such action; and

Whereas: As a result of the national protest of which that action was a part, a withdrawal of American ground troops is proceeding, but regrettably no pledge has yet been made that all are to be withdrawn—on the contrary young Americans are still being drafted as replacements—; and regrettably, under a policy of "Let Asians Fight Asians" or "Yellow the Bodies," American air support is being given for new and terrible onslaughts, in computerized warfare; and

Whereas: The war is not only being carried on in South Vietnam, but since 1970, has been extended to Laos and Cambodia, with Thailand being used as a base for American bombing missions; and in recent weeks, *the bombing of North Vietnam, halted* in response to worldwide protest, has been resumed at unprecedented levels; and

Whereas: No proposals have yet been put forward by the United States government that we would end our backing for those forces that are standing in the way of the freedom and independence of the Indo-Chinese people; and

Whereas: American intervention has brought, and is still bringing great suffering to the people of those stricken countries: [1]

In South Vietnam, a million young soldiers killed, injured or maimed; a million civilians dead; and a third of the population homeless; and

In Cambodia, a million people driven from their homes; and

In Laos, as is only now becoming known to the American people, bombing on a scale never before experienced, with casualties the highest per capita ever suffered; and

Whereas: To that terrible toll must be added our own casualties—53,000 young men dead; a quarter of a million wounded or maimed; and uncountable numbers broken in health, mind, and spirit; and

Whereas: In pursuit of an ever more elusive military victory there, the American people (not without protest) funded and accepted as instruments of national policy:

(1) Waiver of a declaration of war by Congress.

(2) The calculated and planned use of political assassination.

(3) The use of bombing to destroy civilian populations.

(4) The establishment of "free fire zones" in which any living creature can be exterminated without restriction, resulting in massacres such as took place at My Lai.

(5) The use of defoliation and starvation as instruments of war.

(6) The forced emigration of rural peasants to cities by means of saturation bombing and evacuation at gunpoint.[2]

The price being paid for acquiescence in these crimes against humanity is everywhere evident in the dissension that is tearing this country apart, and nowhere is the revulsion more evident than in the refusal of so many young men to serve in the armed forces, at the price of their imprisonment or exile; and

Whereas: Prolongation of this immoral and illegal war has brought the country to near bankruptcy: It has cost the nation $123 billion since 1965, and that figure does not include the indirect costs, such as war-generated inflation: Vietnam veterans' benefits; rehabilitation of drug-addicted troops; nor does it include the further cost that must be paid as interest on the burgeoning national debt, which is about 80 per cent war-created [3] and

Whereas: Continuance of this costly intervention is placing an intolerable tax burden on the people, at the same time money is not available in adequate amounts for the most elementary of public services, as we in Gary well know—schools, health and welfare programs; housing; mass transportation, etc.; nor will money be available as long as "64 cents out of every Federal tax dollar (not including Social Security and other trust funds) goes for military and military-related spending, leaving only 16 cents for health and welfare," [4] and

Whereas: The Congress of the United States alone, under the Constitution, has the power to declare and wage war, and therefore must accept responsibility for its continuance,

Be it therefore resolved: That the Council of the City of Gary, fully cognizant of the seriousness of this action at this time, nevertheless implores the Congress, through its members from this area, to demand an immediate end to the bombing of North Vietnam, and an immediate end to American air and other logistic support for carrying on the war in South Vietnam, Cambodia and Laos, and

Be it further resolved: That Congress demand an immediate end to all other United States military intervention anywhere in Southeast Asia, and that a definite date for such a complete withdrawal be proclaimed; and

Be it further resolved: That copies of this Resolution be sent immediately not only to the appropriate members of Congress, but also to the President, the Secretary of State and the Secretary of Defense; and likewise to the Governor of Indiana and to the State Legislature; and

Be it further resolved: That copies of this Resolution be sent to the Conference of Mayors, with the expressed hope that similar action by other municipal bodies will be encouraged as the most direct means now available to bring the people's demand for an immediate end to the war to the Congress; and finally

Be it still further resolved: That the Council of the City of Gary calls upon all citizens, as individuals and through their organizations, to join this protest.

[1] These statistics are from Indo-China: 1971, a White Paper published by the American Friends Service Committee:

[2] Likewise from the American Friends Service Committee's White Paper.

[3] These figures are from a study of the costs of the war by Senator Mark Hatfield (R. Ore.), 1971.

[4] Senator Hatfield's study.

FEDERAL RESERVE SEEKS MORE FUNDS TO BE SPENT WITH APPROPRIATIONS OR AUDIT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Congress has a solemn responsibility to make certain that public moneys are being spent in the public interest and for proper purposes.

With this responsibility in mind, I want to call the attention of the Members of the House of Representatives to a new scheme being promoted by the Federal Reserve Board to drastically increase construction funds for branch buildings of the various district Federal Reserve banks around the Nation. In recent days, I have been approached by Federal Reserve Board Chairman Arthur Burns and asked to sponsor this legislation which would double the current authorization for construction expenditures for these branches. It is my understanding—from good sources—that the Federal Reserve has been actively lobbying other Members for the passage of this bill.

Mr. Speaker, I oppose the granting of this blank check to the Federal Reserve System so long as the Federal Reserve refuses to allow the GAO to conduct an audit.

The Congress would simply be authorizing $60 million in additional spending with no control over how the money was spent and with no check on its ultimate use. There would be no appropriations process involved and the Congress would be providing for the diversion of this public money to various construction projects with no audit and with absolutely no safeguards.

These expenditures would be on top of billions of dollars of outlays which have been made by the Federal Reserve without congressional appropriations and without audits through the years.

Mr. Speaker, I have discussed this problem with Dr. Burns and I have told him I could not consider sponsoring the legislation if the Federal Reserve continued its adamant opposition to a full-scale GAO audit. Dr. Burns has declined to agree to the audit.

Dr. Burns is an outstanding public servant and a great economist with a worldwide reputation, but I am disturbed that he would be coming to Congress for millions of dollars of authorizations while refusing an audit of the books or records of the Federal Reserve Board, the Federal Reserve district banks, and the Federal Reserve System. The American people are greatly disturbed about the use of their tax money and I do not feel that many Members of the Congress would agree to writing a blank check to any agency of the Federal Government.

Under current law, no more than $60 million may be spent for the construction of branch offices for all 12 district Federal Reserve banks. The legislation sought by Dr. Burns would double that figure and allow $120 million in construction expenditures for the branches in the 12 districts.

FEDERAL RESERVE COLLECTS $4 BILLION A YEAR ON U.S. GOVERNMENT BONDS PAID FOR ONCE

The Federal Reserve System finances its operations through public funds, but it does not come to Congress for appropriations and it has never had its books audited by the GAO. Ninety-eight percent of the funds are derived through interest payments made by the U.S. Treasury on Government securities which the Federal Reserve maintains in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. The Treasury payments to the Federal Reserve System are financed from tax funds. The payments to the Federal Reserve are currently running at an annual level of about $4 billion.

This $4 billion is collected from the taxpayers through the U.S. Treasury on interest on Government bonds that have been paid for once.

ABC NEWS INVESTIGATES FHA 235 HOUSING PROGRAM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for the past 2 years, the Banking and Currency Committee has been attempting to get the Department of Housing and Urban Development to shape up its administration of the FHA 235 and 236 housing programs.

It has been a slow process and HUD and FHA were initially reluctant to admit the serious deficiencies and the administrative shortcomings. But we have had some progress and at least a recognition on the part of HUD that there is a major problem.

At best, this is an expensive program and there is no excuse for tax money to be used to foist poor housing on the low income people we are trying to help. In too many areas, this program was taken over by speculators whose interests were advanced by the actions—or inactions—of employees of FHA.

The continuing investigation by the Banking and Currency Committee has been aided tremendously by the news media who have focused the spotlight on housing abuses in many parts of the Nation. Both the television networks and the major newspapers have done outstanding work on this issue and when justice is brought to these programs, the journalism profession can claim a large share of the credit.

One of the recent examples of this investigative reporting appeared on the ABC Evening News on March 30.

Mr. Speaker, I want to commend Howard K. Smith and Lem Tucker of ABC News and the producer for the ABC Evening News, Jeff Gralnick, for their part in investigating these housing programs and bringing them to the attention of the American people. These days we hear much criticism of the television networks and I think it is well that the Congress—and the American public—also take note of areas where networks are meeting their responsibilities in the public interest.

Mr. Speaker, I place in the RECORD a transcript of the March 30 ABC news program:

TRANSCRIPT REPORT ON FHA 235, ABC EVENING NEWS, MARCH 30, 1972

HOWARD K. SMITH. FHA 235 is the name of a program passed by Congress in the late 1960's . . . to enable poor families to buy their own homes. It provides for government guaranteed mortgages and government subsidized interest payments. Congress saw it as a way to rehabilitate slum neighborhoods. The unscrupulous saw it as a way to unload worthless property. Last year, when the program was labeled a national scandal by Congressional investigators, the housing secretary, George Romney, promised that prompt corrective action would be taken. ABC News has been conducting its own investigation of where the program stands today. Lem Tucker reports from Cincinnati.

LEM TUCKER. To understand fully what went wrong, and is still wrong, with the multi-billion dollar program, it is best to begin here; 1879 Biegler Street in Cincinnati.

Two years ago, before the scandal broke, the FHA approved this house for a guaranteed and subsidized $12,000 mortgage, so a poor family could buy it.

Today, this house is a derelict—beyond repair and condemned. A total loss like some 5,500 other FHA 235 homes around the country.

The people who lived here were finally moved in mid-March, into another recently rehabilitated 235 home. But, it too is a house with troubles.

On the outside, new siding is already stripping away. Inside, walls are cracking and a small child was almost hurt when this sink came loose from the wall.

The Utility company says the furnace needs repair. It refuses to hook up the electric meter and the fire department has just cited the house as electrically unsafe.

The only hope for the owners: That FHA will repair it, or force the real estate agency to. They may have to wait a long time. The Barnetts have.

Last year, while the program was being actively investigated, the Barnetts bought this house—promised to be sound and totally rehabilitated. But already new paint is stripping away. The porch is shaky. Walls are cracking badly; bathroom tile is falling away; and Mrs. Barnett showed us what happens when she shakes a window frame.

Federal law says FHA homes must meet city building codes. The city says this house has 14 major violations—violations which must be fixed or the Barnetts face prosecution.

Ms. Clayton Barnett: "I've did everything a person could to get it fixed. I've been to the people I bought it from. I've been to the FHA and the legal aid and I can't get anything fixed at all."

Two days after local publicity—a day after we filmed here—contractors *did* start work. But they and the FHA refused to tell Mrs. Barnett what all would be done.

Legal aid society lawyers plan to order the work stopped, until the Barnetts are guaranteed a completely safe and livable house.

But the Barnett house is livable. Idella Aridge's is not. Promised rehabilitation was never done. She's been here since 1970.

In addition to everytihng else that's wrong you can smell raw sewage which backs up in the basement. Now the house is condemned, a total loss to Mrs. Aridge and the government.

A year ago, after finally admitting profound problems with FHA 235, Housing Secretary Romney said: "We have taken steps to cope with these problems; time will tell if they are adequate."

ABC News has investigated here and in several other cities and the story time tells is still clearly not a very good one at all.

Lem Tucker, ABC News, Cincinnati.

HOWARD K. SMITH. ABC News has learned that the House Banking Committee will reopen its investigation of the FHA 235 program . . . and plans to call Housing Secretary Romney, among other witnesses. This week in Detroit, Romney said he is "still angered" by the abuses he finds in the program.

WHITE HOUSE HOLDS CONGRESS IN LOW ESTEEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on May 11, 1972, the following letter was sent to President Nixon, bearing the signatures of a number of Members of the House of Representatives:

DEAR MR. PRESIDENT: We have learned from recent press report that Secretary General of the United Nations Kurt Waldheim has offered his "good offices" for negotiation of the Vietnam conflict.

According to a spokesman for the Secretary General, none of the parties has formally responded to his offer.

With the recent escalation of hostilities in Vietnam it is easy to understand why this offer has not received the attention it merits. Yet it is just at this critical moment that the Secretary General's good offices may be most helpful.

In any event, we believe it would be a grave mistake for the United States to fail to make a formal response to such an offer from the Secretary General of the World Organization.

We respectfully recommend a prompt and positive response.

A total of 53 Members of the House signed the letter to the President. I am one of them. In reply, I received the following note dated May 15, from Mr. Richard Cook, Deputy Assistant to the President:

DEAR MR. SEIBERLING: This is to acknowledge and thank you for your letter in which you join with your colleagues in urging an early response to the offer of "good offices" for the negotiation of the Vietnam conflict by the Secretary General of the United Nations, Mr. Kurt Waldheim. You may be assured that your views will be brought to the President's attention at the earliest possible time, as well as being shared by his advisers on foreign policy.

With cordial regards,

Sincerely,

RICHARD K. COOK,
Deputy Assistant to the President.

The President has said that he would consider any serious offer for negotiation of the Vietnam conflict. This offer by the Secretary General of the World Organization is certainly serious. A month has passed since Mr. Waldheim announced this offer and still there has been no formal response by the parties concerned. I submit a recent statement by the Secretary General, released on May 5, 1972:

The present situation is extremely serious, and I wish to appeal to all the parties to act with the utmost restraint. The most recent developments have confirmed my conviction that a solution to the problem of Viet-nam can only be found through negotiations.

I have repeatedly offered my good offices in the search for a peaceful settlement in Vietnam. My offer still stands, but I feel that the time has now come when the full machinery of the United Nations should be used, first to achieve a cessation of hostilities and then to assist in the search for a peaceful and lasting settlement of the problem.

The United Nations was set up 27 years ago to "save succeeding generations from the scourge of war." The responsibility for maintaining international peace and security, which is incumbent on all states members of the United Nations, is the main function of the Security Council. It is my earnest hope that even at this very late stage the parties to the conflict will agree to use the machinery of the United Nations in their own interest as well as in the interest of world peace.

In view of the Secretary General's obligations under the Charter, I shall also pursue my own efforts with all concerned in the hope of finding a peaceful solution to this tragic situation.

It is a sad commentary on the President's isolation and the low esteem in which the Congress is held by the White House that the letter was apparently not

even shown to the President and the reply did not even bear the President's signature. I do not begrudge the thousands of congratulatory letters bearing the President's signature and sent each year to private citizens, but it does seem to me that there is something radically wrong when a communication from 53 Members of Congress on a matter of such gravity is handled in such a prefunctory manner by the President's staff. It says more about the kind of leadership we are getting from the White House than a volume of press releases.

Below are the names of our colleagues who joined in writing the President and who received similar responses from the White House:

LIST OF CONGRESSMEN

Brock Adams, Joseph Addabbo, William Anderson, Herman Badillo, Nick Begich, Jonathan Bingham, Edward Boland, John Brademas, Phillip Burton, Charles Carney, George Danielson, John Dow, Robert Drinan, Bob Eckhardt. Don Edwards, Joshua Eilberg, Joe Evins, Donald Fraser, Sam Gibbons, Ella Grasso, Martha Griffiths, Seymour Halpern, Michael Harrington.

H. John Heinz III, Margaret Heckler, Henry Helstoski, Frank Horton, Joseph Karth, Edward Koch, Arthur Link, Spark Matsunaga, Lloyd Meeds, Abner Mikva, Patsy Mink, Parren Mitchell, William Moorhead, John Moss, Morgan Murphy, Lucien Nedzi, Bertram Podell, Charles Rangel, Thomas Rees, Robert Roe, Benjamin Rosenthal, William Ryan, Paul Sarbanes.

James Scheuer, John Seiberling, James V. Stanton, Frank Thompson, Charles Wilson, Sidney Yates.

WALLACE S. SAYRE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is with a profound feeling of deep personal sadness that I bring to the attention of the House the fact that Prof. Wallace Stanley Sayre of Columbia University died in New York City on May 18.

One of our Nation's outstanding political scientists, Dr. Sayre long played a major role in the administration of the city of New York. His wisdom, vision, and counsel were sought by mayors and other public officials for over 30 years.

Born in West Virginia in 1905, Professor Sayre received his Masters and Doctoral degrees from New York University. In 1938, Mayor Fiorello LaGuardia appointed him a commissioner of the Civil Service Commission. From 1942 to 1946 he held significant positions at the Office of Price Administration. He taught at New York University, Cornell and City College before moving to Columbia University in 1954.

Dr. Sayre was a former member of the executive committee of the Citizens Union, a member of the board of directors of the Regional Plan Association, and a member of the American Academy of Arts and Sciences.

Perhaps no one in public life understood the political complexities of New York City better than Wallace Sayre. His book "Governing New York City," coauthored by Dr. Herbert Kaufman and published in 1960, remains one of the truly perceptive pieces of political literature ever published.

It was a privilege for me to know Professor Sayre as a friend and neighbor. To Mrs. Sayre, their daughters—Alison and Linda—as well as his mother and brothers and sisters, I extend my heartfelt sympathy.

At this point in the RECORD I include a tribute to Wallace Sayre which appeared in the New York Times of May 19, 1972:

[From the New York Times, May 19, 1972]

PROF. WALLACE SAYRE, 66, DIES; AUTHORITY ON CITY GOVERNMENT—HOLDER OF CHAIR AT COLUMBIA WAS CONFERRING WITH MAYOR WHEN STRICKEN AT CITY HALL

(By Paul L. Montgomery)

Prof. Wallace S. Sayre of Columbia University, a leading authority on city government collapsed and died yesterday morning while talking with Mayor Lindsay at City Hall. He was 66 years old.

Dr. Sayre, co-author of the classic "Governing New York City," was in private conversation with the Mayor when he apparently suffered a heart attack. Mr. Lindsay said he had asked the professor to his office to discuss a proposed appointment to the city charter revision commission recently authorized by the State Legislature.

Efforts to revive Dr. Sayre by Detective Patrick Mascia, one of the Mayor's bodyguards, and Dr. Michael McGarvey of the Health and Hospitals Corporation were unavailing. He was pronounced dead at 10:10 A.M. at Beekman Downtown Hospital.

"Our city is significantly diminished by Professor Sayre's passing," the Mayor said.

In his life, Wallace Stanley Sayre combined enough careers for four other men.

One of the nation's leaders in his disciplines of public administration and political science, he held public posts beginning in the La Guardia Administration and there was hardly a civic committee on governmental reform that did not include his name. In addition, he was a devoted teacher whose former students populate his field.

"We've all benefited from him," said Dr. Herbert Kaufman of the Brookings Institution, the other author of the book on governing the city. But even if he hadn't set a word to paper he still would be a giant in the profession. We're not going to see another like him for a long, long time."

Professor Sayre was neither a theoretician nor a statistician, though he knew their literature. His special talent was a wise, practical grasp of political realities as they affected public administration.

"He talked less than the rest of us," said Prof. Herbert Deane, chairman of Columbia's political science department. "But his three sentences were worth somebody else's half-hour. He was most at home in the business of politics, unlike many political scientists these days."

Dr. Sayre was a small-town boy, born near Point Pleasant, W. Va., on June 24, 1905. He attended Marshall College, then got master's and doctoral degrees at New York University. His 1930 dissertation was on the La Follette family of Wisconsin.

While teaching at N.Y.U. and speaking frequently on reform before civic groups, he caught the attention of Mayor Fiorello H. La Guardia. From 1938 to 1942 Dr. Sayre was a commissioner of the Civil Service Commission. Mr. La Guardia ousted him and a colleague, Paul J. Kern, for having criticized the political overtones of appointments.

From 1942 to 1946 Dr. Sayre held posts at the Office of Price Administration, ending as director of personnel.

Dr. Sayre was a former member of the executive committee of the Citizens Union, a member of the board of directors of the Regional Plan Association, and a member of the American Academy of Arts and Sciences.

BOOK IN THE CAMPAIGN

Among his 10 books and numerous articles, "Governing New York City," published in 1960, became best known. The 815-page work considered the city as a competing system of groups and politicians seeking rewards. It is often cited by officials.

"I'll have to bone up on my Sayre and Kaufman," Mr. Lindsay often said when he was campaigning in 1965.

Dr. Sayre taught at N.Y.U., Cornell and City College before moving to Columbia in 1954. At his death he was Eaton Professor of Public Administration.

Dr. Sayre, who lived at 448 Riverside Drive, is survived by his widow, the former Kathryn McKnight; two daughters, Alison and Linda; his mother, Mrs. Alford Sayre of Charleston, W. Va.; three brothers, Howard and Roland of Charleston and N. Dale of Westport, Conn., and four sisters, Mrs. Opal Gunnoe, Mrs. Denver Casto and Mrs. James Massie of Charleston and Mrs. Hubert Rance of Glencoe, Ill.

No funeral service is planned. There will be a memorial service at noon on June 1 in the auditorium of the International Affairs Building at Columbia.

SECTION 312 LOAN FUNDING

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, the Congress, in conformity with its clear constitutional authority to determine exactly what shall be spent and what shall not be spent by the Federal Government, appropriated $100 million for fiscal year 1972 to the Department of Housing and Urban Development for purposes of the so-called 312 low-interest rehabilitation loan program. It is my understanding that $50 million—one-half of the sums appropriated—have still not been released by the executive branch. Bearing in mind that we have only a little more than a month remaining in this fiscal year, if some of my colleagues find themselves thinking of the word "frozen," their suspicions are probably not without foundation.

My colleagues are well aware of the many problems created for communities when funds such as these are held up by the Office of Management and Budget or by the action of the Department of Housing and Urban Development. The situation created for my own city of Portland offers a distressing demonstration of the byproducts of such a delay.

As I have emphasized in letters to both Secretary Romney and OMB Director George Schultz, not only does such a delay have detrimental effects by delaying completion of plans outlined in other programs which depend on the availability of specific program funds, such as achievement of planned NDP or model cities annual goals, but it also creates major management problems for local agencies charged with the responsibility for the carrying out and oversight of these programs at the local level.

Permit me, at this point, to insert portions of a letter to me from Mr. John B. Kenward, executive director of the Portland Development Commission.

DEAR EDITH: I would like to bring to your attention a recurring problem in connection with implementation of Portland's Neighborhood Development Program and other programs of housing rehabilitation in Portland and across the country, which, at this moment, has reached a point of crisis.

The problem has to do with the availability of Section 312 low-interest rehabilitation loan monies which are required to meet the needs of persons of low income for financing improvements to their homes. I am sure you are familiar with the fact that they are available on a first-come, first-served basis to programs utilizing this rehabilitation tool without specific reservations being made to guarantee availability of loan funds to such programs.

It is our understanding that $100 million were appropriated for the Section 312 loan program for the current fiscal year. It was not until September, 1971, however, that the Office of Management and Budget released any of such funds and, then, only about one-half, or approximately $50 million.

Eventually, according to our information, $80,000 of such released 312 loan funds were allocated to HUD's Region X. $142,000 of that amount were immediately needed to fund the loan applications which had been processed and approved for persons undertaking rehabilitation of their homes in our own NDP project areas. It is presumed that other LPA's in Region X had a similar backlog of processed loans awaiting funding, and we were at that time only three months into the Program year.

On April 20, 1972, we were informed by the Regional Office that only $30,000, or approximately one week of 312 loan funding, remains uncommitted in the Region. Our own projects will generate a need for approximately $300,000 in loans to complete the housing rehabilitation programmed for the Second NDP Action Year, and an additional $25,000 will be needed for the Model Cities Housing Repair Program which PDC administers.

NAHRO's Information Center for Community Development has recently completed a survey of member LPA's as to their rate of Section 312 loan money utilization and the extent to which their programs have been affected by the recurrent exhaustions and/or holdbacks of 312 funds. Armed with facts and figures gleaned from such survey, the Information Center's staff is beginning a new effort to seek the release of impounded 312 funds from OMB.

Portland has a vital stake in the successful outcome of such efforts in order to complete the rehabilitation activities programmed through June 30th, and, further, to keep faith with the residents of the NDP areas who have worked so closely and cooperatively in developing programs of neighborhood improvement. For one agency of the Federal Government (HUD) to approve such programs and another agency of the Federal Government (OMB) to withhold the funding authorized and appropriated by the Congress necessary to the successful implementation of the approved programs lends an air of complete futility to the process of citizen involvement and destroys the credibility of the agencies working so hard to carry out the locally-approved programs.

Enclosed is a statement which we have prepared detailing the adverse effect which the present method of making Section 312 rehabilitation loan funds available is having on Portland's program. As you can see, in addition to making it extremely difficult for us to complete program activities programmed for the year, the present start-stop 312 funding technique results in increased administrative costs, poor utilization of staff, discouragement of minority-group contractors and subs participating in the Program, and a widening of the credibility gap between the residents and their local government which we can ill afford. In the words of an unidentified, independent Oregon Yankee, "It's a hell of a way to do business!"

Sincerely,

JOHN B. KENWARD,
Executive Director.

COMMENTS ON SECTION 312 LOAN FUNDING

The recurrent exhaustion and/or holdback of Section 312 rehabilitation loan funds continues to plague the Portland Development Commission's rehabilitation activities under the Neighborhood Development Program.

So far in this action year (July 1, 1971–June 30, 1972) we have had one seven-week period of exhausted 312 funds in which we generated 36 loan applications totaling $191,000. The bulk funding of these applications, when 312 loan funds were once again available, whiplashed the production schedule to such a degree that processing of new applications virtually had to be halted in order to process the paper work and supervise the heavy volume of starts. This start-stop approach to 312 loan funding results in poor utilization of Commission staff with corresponding increase in administrative costs.

Our schedule for utilization of 312 loan funds for the balance of this action year will approximate $300,000. We have been informed that there is approximately $30,000 remaining in Region X at this time. Whether additional funds can be secured before these funds are exhausted is of great concern to us. Portland, of course, is not the only city drawing on these rehabilitation loan funds.

Our staff has worked long and hard for residents of the Neighborhood Development Program (NDP) areas to explain the rehabilitation program and what it can mean to low- and moderate-income families and their neighborhoods. The concept of training and providing job opportunities for small contractors, particularly minority contractors, has been appealing to the neighborhood associations and the Model Cities Citizens' Planning Board which are actively participating in planning the NDP projects. It is difficult for these groups to understand why the program must periodically come to a standstill when Section 312 loan funds are exhausted.

Small minority contractors and other small contractors depend almost entirely upon our rehabilitation programs for their livelihood. Many are capable of handling only one job at a time. This start-stop approach to rehabilitation loan funding has created a situation which has made it even harder to bring and keep this group of contractors in the program. They are not sufficiently funded to carry themselves over the stop period and not large enough to handle several jobs simultaneously when a backlog of applications are suddenly funded. Discouraging these contractors from participating in the program not only defeats one of the major objectives, but also results in one other matter of significance and concern—poor public relations.

As of April 10, 1972, or after 21 months of operations, rehabilitation contracts in excess of $614,000 have been awarded to small minority contractors. This economic impact has been felt throughout the Portland Model Cities Area in which all current NDP Projects are located. We feel that retention and development of these contractors has added materially to the purpose and intent of the Model Cities Program.

Until a specific yearly allocation of 312 rehabilitation loan funds is provided for the full rehabilitation workload programmed for any given action year, this difficult job of rehabilitation will continue to operate with erratic patterns of minimal production and excessive administrative costs. In lieu of such allocation, we feel that consideration should be given to the interim remedy for stop-start 312 loan funding—the authorization for use of local funds to make rehabilitation loans during these periods of 312 loan fund exhaustion, to be reimbursed as new 312 monies are made available. This would level out the peaks and valleys of loan processing which would materially assist in stabilizing the production schedule. We have heard that this plan is now under consideration by HUD Region X officals for Seattle's NDP.

May I say to my colleagues that we cannot forever ignore the implications of such wholesale rebudgeting by the executive branch after the act of appropriation. Freezes on funding such as that which I have cited may become a serious and on-going erosion of that most fundamental weapon of the legislative branch; namely, "the power of the purse."

Moreover, action—or lack of action—by OMB and HUD which results in the delay of funding or the outright impoundment of funds appropriated, fosters something of a credibility gap in regard to HUD's stated goal of increasing local initiative and decisionmaking in the operation of HUD's programs. Though I have applauded their statements and efforts to provide such control and decisionmaking power at the local level, it seems to me that as long as HUD and/or the Office of Management and Budget continues to maintain such absolute control over the timing of the release of appropriated funds, we in the Congress have little option but to conclude that either some officials at HUD or higher officials in this administration are not truly committed to these stated goals of local control.

SEVENTIETH ANNIVERSARY OF CUBAN INDEPENDENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May 20, 1972, marks the 70th anniversary of Cuban Independence. It is a day marked with bitter irony for those free Cubans celebrating its spirit a few short miles from their homeland, yet unable to go home to their lovely green island, the jewel of the Caribbean, which has fallen to a new form of suppression and tyranny—this time enslaved by a Communist dictator, Fidel Castro.

The American people can never accept the destruction of freedom in Cuba, nor can we tolerate the idea of reconciliation with a nation who makes its creed and goal the destruction of democracy in the Western Hemisphere.

We all share the sorrow of the Cuban people who once more long for the freedom of their beloved home; but we can also share with them the hope that the bondage will not much longer endure.

It is in that spirit, Mr. Speaker, that I look forward to a day in the not so distant future, when the 20th of May will once again be celebrated in Havana as well as Miami.

I confidently look forward to that time when Cuba once again will be our free sister nation to the South. The very spirit, faith, and love for freedom which Cuban patriots, past and present, share, is

the surest guarantee for the rebirth of Cuban democracy.

THE 70TH ANNIVERSARY OF CUBA'S INDEPENDENCE FROM SPAIN

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, Saturday was the 70th anniversary of Cuba's independence from Spain. Our celebration of that glorious achievement was necessarily restrained, however, by the knowledge that increasingly Cuban sovereignty is again being subjugated to a foreign power, in this case, the Soviet Union.

Recently, a most thorough and concise report on the scope and implications of Cuba's growing dependence on the Soviet Union appeared in the March–April 1972 issue of the USIA publication, Problems of Communism. The article, entitled "Cuba's New Dependency," was written by two eminent scholars from the University of Miami's Center for Advanced International Studies, Leon Goure and Julian Weinkle.

Because of the great interest in Congress in Cuba and in the Soviet Union's activities in our hemisphere, I wish to call the article to the attention of my colleagues in the House:

[From Problems of Communism, March-April, 1972]

CUBA'S NEW DEPENDENCY

(By Leon Goure and Julian Weinkle)

In its steady expansion of economic relations with Cuba over the past decade, the Soviet Union has been motivated primarily by political rather than financial or humanitarian considerations. Basically, Soviet aid and trade do not reflect any major economic need or even any commercial interest in Cuba on the part of Moscow, for the island has little to offer the USSR economy. In fact, Cuba has turned out to be a growing economic liability,[1] for which the Soviet Union has attempted to compensate itself by such measures as the resale of imported Cuban cane sugar. However, the more important compensation has been in the political realm. Moscow views the Cuban Revolution as a triumphant "national liberation movement" which promises to weaken US prestige in Latin America and has given communism a foothold in the Western Hemisphere. Thus it is not surprising that the USSR came to Cuba's assistance when the Castro regime seemed to face economic crisis. As the Soviets have observed, "world socialism helps the national emancipation of oppressed peoples," and conversely, the latter's "liberation struggle contributes to the struggle for socialism. . . ."[2]

But if indeed Fidel Castro's 1959 victory can be said to have contributed to the "struggle for socialism," it also injected a discordant note into relations within the international socialist community. The Cuban leader has sought from the outset to maintain a wide sphere of independence in his dealings with the Soviet bloc, while promoting Castroism as the appropriate political model for both Latin America and the Third World in general. Proudly asserting that "we [Cuba] are not anyone's satellite and never shall be,"[3] he attempted to export his own brand of revolution, much to the chagrin of the USSR. Predictably, serious disputes arose between Moscow and Havana. As Carlos Rafael Rodriguez, Castro's Minister without Portfolio and one of the most influential of Cuba's old-line Communists, was later to acknowledge, "there have been inevitable differences which on some occasions became acute."[4]

The Soviet Union, in attempting to assert its influence over Cuban developments and policies, has lacked the ability to manipulate the local Communist party apparatus or to threaten military intervention as it has been able to do in dealing with the Communist states in Eastern Europe.[5]

Consequently, Moscow has attempted to exercise political control by exploiting Cuba's economic dependence on the Soviet Union. This strategy has proved increasingly effective as Cuba has faced growing economic difficulties at home and Castro's revolutionary ambitions abroad have gone unfulfilled. Moscow has used its economic leverage not only to moderate Castro's independent ideological position and foreign policy objectives but also to guide Cuba's domestic policies along desired lines, thus paving the way for the progressive integration of Cuba into the Soviet bloc.

In its pursuit of this last objective, the USSR has found itself in the awkward position of encouraging Cuba to concentrate on the production of sugar—a policy which not only contradicts past Soviet prescriptions that rapid industrialization is the key to overcoming underdevelopment but also casts the USSR, ironically, in the same exploitative role which Moscow accuses the "imperialist" United States of having played in its prerevolutionary economic relationship with Havana. Soviet spokesmen like to note that Cuba's experience "is significant . . . for the developing countries, whose economic peculiarities continue to be characterized by monoculture, dominance by monopoly capital in the sphere of production, and a complete dependence in foreign trade on the market of a few imperialist states."[6] Cuba's prerevolutionary dependence on the export of sugar to the U.S. is described by the Soviets as "one of the prime elements of that model of international division of labor which the North American imperialists foisted upon the Latin Amerian countries."[7]

After the Revolution, Castro—presumably impelled by such views and in clear emulation of Soviet experience—resolved to launch an ambitious program of industrial diversification while renouncing Cuba's traditional reliance on the production and export of sugar. This program, however, quickly resulted in severe economic setbacks as well as a growing trade deficit with the USSR, which was supplying Cuba with needed capital goods. In light of the growing cost of subsidizing the sputtering Cuban industrialization experiment, Moscow came to view a return by Cuba to its "historically-determined specialization," *i.e.*, sugar monoculture, to be an acceptable "optional model" for the island's future development. Henceforth Cuba was to concentrate on sugar production and deliver large quantities of this commodity to the Soviet bloc in order to offset the economic burden which the Cuban economy had become for the Soviet Union and its East European associates. What had been pictured as a "sin" when Cuba was trading with the United States was now represented as a desirable phenomenon according to the principles of "proletarian internationalism" and "socialist division of labor"—euphemisms for Soviet self-interest.

Once Castro was "persuaded" to accept this reversal of his rapid-industrialization policy, Cuba's dependence on the Soviet bloc inevitably followed—and her vulnerability to Soviet political pressure was rendered even greater by the USSR's own concerted drive to achieve self-sufficiency in sugar. We shall now examine how Havana's dependence on the Soviet bloc as economic benefactor and prime sugar market evolved in the past 11 years of Soviet-Cuban economic relations.

INITIAL SOVIET INVOLVEMENT

Soviet economic involvement in Cuba began essentially as a rescue operation in which Moscow came to Castro's assistance after the latter found himself first threatened with a reduction in US sugar purchases and then, in early 1962, cut off entirely from the US market.[8] Moscow initially remained aloof from Castro and his problems, and it was not until February 1960, during a visit to Havana by Soviet Deputy Premier Anastas Mikoyan, that the USSR signed a trade agreement providing for the Soviet purchase of 425,000 metric tons[9] of sugar that year and one million tons a year in each of the following four years. (Prior to 1960, Soviet purchases of sugar from Cuba had been more modest—205,600 tons in 1955; 214,300 tons in 1956; 350,000 tons in 1957; 197,900 tons in 1958, and 132,500 tons in 1959.[10]) In addition, the Soviet Union granted Cuba a credit of $100 million, at low interest, for the purchase of Soviet machinery and materials required in the "construction of plants and factories."[11] The agreement also called for the resumption of diplomatic relations, which occurred in May 1960.

When the United States in July 1960 cut its annual Cuba sugar quota by 700,000 tons,[12] the Soviet Union agreed not only to increase its own purchases for that year by one million tons but also to take the 700,000 tons left by the United States. (Actual Soviet purchases, however, reached only 1,467,800 tons for the year.) Following an exchange of views in Moscow between Raul Castro and Premier Nikita Khrushchev, the USSR also agreed to supply Cuba with petroleum and other strategic products "in amounts full meeting" Cuba's needs.[13]

The Soviet Union further expanded its economic commitments to Cuba in December 1960, perhaps in part as a response to the signing in October of a Sino-Cuban trade agreement providing for the purchase by the People's Republic of China of one million tons of sugar in 1961 and granting Cuba credits totaling $60 million. Moscow then pledged to buy 2.7 million tons of sugar from Cuba in 1961 at a fixed price of four cents per pound (1.25 cents a pound below the US-subsidized price) "if the United States carries out its threat not to buy Cuban sugar."[14] Under the new commitment, Soviet payments for Cuban products were to be 80 percent in goods and 20 percent in convertible currency.

The 1960 accord also committed the Soviet Union to assist Cuba in its newly-initiated industrialization program—especially in the construction of an iron and steel mill and an oil refinery, and in the development of Cuban petroleum and ore deposits and electric power resources. As US-Cuban trade continued to constrict, the Soviet Union in 1961 bought 3,345,000 tons of sugar, greatly exceeding the commitments made in December 1960. At the same time, Soviet exports to Cuba, including petroleum products and machinery, increased dramatically from 67.3 million rubles ($74.6 million)[15] in 1960 to 258.3 million rubles in 1961, but Cuba still maintained a favorable trade balance with the USSR through 1961 (See Table 1).[16] Clearly, the new relationship with Moscow involved a major reorientation of Cuba's foreign trade. Whereas the island's trade with the Soviet bloc in 1959 amounted to only $16 million, or roughly 2 percent of total Cuban trade, the figures rose to $905 million and 72 percent in 1961 and $1,056 million and 82 percent in 1962. For the same years, the United States' share dropped from 68 percent to zero.[17]

THE FAILURE OF INDUSTRIALIZATION

The Soviet decision to channel significant trade and aid resources into Cuba's industrial development proved ill-conceived. As one foreign observer remarked, "when the Russians came to the rescue of the Cuban Revolution, their sense of solidarity was in direct pro-

Footnotes at end of article.

portion to their total ignorance of the situation and problems in that country." [18] The Cuban leaders were equally naive, both in assuming that the Soviet Union would finance their industrialization effort without hesitation and in anticipating immediate success for the program. Ernesto "Che" Guevara, then Minister of Industries in the Castro government, predicted that ". . . within a year, industrialization will have eradicated unemployment throughout the country." [19] Regino Boti, President of JUCEPLAN (Junta Central de Planificación—Central Planning Board) and Castro's economic minister, similarly asserted in August 1961 that Cuba's economic growth rate would rise to a level of 10–15 percent in each of the next four years and that Cuba "would be the most industrialized country in Latin America." [20]

Despite such optimism, the Cuban industrialization program soon faltered, and by the end of 1963 the experiment was patently a costly failure which the Soviet Union was no longer willing to underwrite. This experience demonstrated the inadequacies of Moscow's simplistic doctrine stressing rapid industrialization after the Soviet model as the *sine qua non* of economic progress in underdeveloped countries. The failure also generated considerable disappointment and frustration in both Havana and Moscow. As K. S. Karol reports, "much of the obsolete Russian equipment neither met their [the Cubans'] need nor enabled them to get out of their economic difficulties." [21] The Soviet Union, on the other hand, learned the hard way how ill-prepared Cuba had been for diversified industrial development. A 1968 Soviet study frankly recognized this fact:

Between 1960 and 1963, with the assistance of the socialist countries, a significant number of old enterprises were reconstructed in Cuba, and new plants and factories were built in various branches of industry. However, such a rate of construction inevitably resulted in the dissipation and exhaustion of Cuba's internal savings. Some enterprises were constructed without sufficiently accurate economic calculation. They turned out to be unprofitable since they worked on expensive raw material imported for hard currency and with the insufficiently high labor productivity of poorly qualified Cuban labor.[22]

An important consequence of the disastrous industrialization experiment was the creation of an unfavorable balance in Cuba's trade with the USSR. This came about because of several interrelated developments. First, Havana came to rely on high-priced capital goods and raw materials imported principally from the Soviet Union. Second, in the interest of diversification of the economy, Cuba had cut back sugar production. The result was that, in 1962, Cuba's exports to the USSR declined in value to a point where they failed to balance the growing Soviet shipments to Cuba (see Table 1).

TABLE 1.—VOLUME OF CUBAN TRADE WITH THE SOVIET UNION

[In millions of rubles and percentages]

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Turnover	160.6	539.0	540.7	507.8	588.6	645.9	689.2	842.2	811.8	770.1	1,045.0
Imports	67.2	258.3	330.1	359.8	329.4	337.9	431.9	506.7	561.8	561.6	580.0
Exports	93.4	280.7	210.6	148.0	259.2	308.0	257.3	335.5	250.0	208.5	465.0
Balance	+26.2	+22.4	−119.5	−211.8	−70.2	−29.9	−174.6	−171.2	−311.8	−353.1	−115.0
Cuba's share of Soviet trade (percent)	1.6	5.1	4.5	3.9	4.2	4.4	4.5	5.1	4.5	3.9	4.7
U.S.S.R. share of Cuban imports (percent)	13.8	41.1	54.2	53.1	40.2	49.5	56.3	58.3	----	----	----
U.S.S.R. share of Cuban exports (percent)	16.7	48.2	42.3	30.2	38.5	47.0	46.2	52.1	----	----	----

Sources: Vneshniaia torgovlia S.S.S.R: statisticheskii sbornik 1918–66, (U.S.S.R. Foreign Trade: Statistical Handobok 1918–66), Moscow, Mezndunardonie Otnosheniia, 1967, p. 69; Vneshniaia orgovlia S.S.S.R. za 1968 god, (U.S.S.R. Foreign Trade in 1968), Moscow, Mezhdunarodnie Otnosheniia, 1969, p. 15; Foreign Trade (Moscow), No. 6, 1970, p. 55, and No. 5, 1971, p. 48; Compendio estadistico de Cuba, 1967 (Statistical Handbook of Cuba 1967), Havana, Juceplan, 1967, p. 27.

Although Havana's debt to Moscow was beginning to rise, Soviet-Cuban ties deteriorated markedly in the aftermath of what Castro viewed as a Soviet "sell-out" to the U.S. during the 1962 missile crisis. Moscow therefore felt obliged to pacify Castro with further economic concessions. A trade agreement signed in February 1963 raised the Soviet purchase price for Cuban sugar to bring it into line with rising world market prices. A joint communique issued on May 23, 1963, at the end of Castro's visit to Moscow, noted that the Soviet government had proposed the price change "on its own initiative." [23] The agreement also allowed Cuba to withhold delivery of one million tons of sugar due the Soviet Union under the previously designated quota of some two million tons for 1963. While this step doubtless was a response to the sharp decline in Cuban sugar production in that year, the concession ostensibly enabled Cuba to obtain hard currency through sales on the world market.[24] Such currency may have been necessary, particularly, in order to import certain required machinery and equipment which the Soviet Union was unable to provide. In any case, Cuba's trade with non-Communist countries increased to 25.7 percent of her total trade volume in 1963, as compared with 17.6 percent in 1962.[25] But the ultimate result was a further sharp decline in Cuban sugar deliveries to the U.S.S.R. and a marked rise in Cuba's trade deficit with that country.

RETURN TO SUGAR MONOCULTURE

Faced with the realization that its Cuban rescue operation was developing into a costly long-term economic undertaking, Moscow apparently persuaded or forced Cuba to rethink its development policy and return to the traditional concentration on sugar production in order to generate adequate foreign exchange to finance a more modest, decelerated industrialization program and (hopefully) to reduce or eliminate its unfavorable trade balance with the Soviet bloc.

Although Castro had stated at the outset of 1964 that Cuba was entering the New Year with the best economic situation and prospects in a long time,[26] he apparently was persuaded to accept the Soviet view during a visit to Moscow in January of that year. Upon his return he announced that Cuba would henceforth concentrate on increasing sugar production. A long-term trade agreement signed with the USSR in the same month pointedly provided for a schedule of Cuban sugar deliveries totaling more than 24 million tons for 1965–70, at a fixed price of 6.11 cents a pound.[27] Since Soviet payments for Cuban imports were now to be made entirely in the form of goods, Cuba's ability to obtain convertible currency apparently hinged solely on its success in producing sufficient sugar to meet Soviet-bloc commitments and still have a surplus for sale on the world market. As a consequence, the Cuban government announced a five-year sugar plan setting a production target of 10 million tons in 1970.[28] The USSR promised aid in mechanizing sugar harvesting and improving and expanding Cuban sugar mills.

In fact, Cuba failed to achieve its planned level of sugar production for 1965–70 (see Table 2) and to deliver its promised quota of sugar to the USSR during this period (see footnote 27). In a 1970 interview with a Soviet correspondent, Castro admitted:

"Previously we did not fulfill many pledges, and accordingly—very naturally and justifiably—a certain skepticism developed concerning our economic plans." [29]

On the other hand, the Soviet supply of mechanized sugar harvesting equipment failed to yield expected results. It turned out that the Soviet harvester, imported in large numbers, was unsuited to Cuban conditions. Castro described the machine as "a great destroyer—where it had passed nothing will grow for a long time to come." [30] Although annual sugar output has gradually increased since the disastrous year 1963, when Cuba reportedly was forced to purchase 10,000 tons of sugar each from England and France in order to meet its commitments to Bulgaria and Communist China,[31] labor productivity in Cuban sugar production has actually decreased.

TABLE 2.—CUBAN SUGAR PRODUCTION, 1960–70

Year	Total production [1]	Planned production [1]	Percent of crop exported to U.S.S.R.
1960	5.862	----	25.0
1961	6.767	----	49.4
1962	4.815	----	46.4
1963	3.821	----	26.1
1964	4.589	----	40.5
1965	6.082	6.0	38.3
1966	4.866	6.5	37.8
1967	6.236	7.5	39.9
1968	5.315	8.0	32.9
1969	4.700	9.0	30.0
1970	8.520	10.0	35.2

[1] In millions of tons.

Source: International Sugar Organization, Sugar Year Book 1969, London, 1970, p. 52; U.S. Department of Agriculture, Foreign Agriculture (Washington), Nov. 3, 1970, p. 8; Foreign Agriculture Circular, Sugar (Washington), December 1970, p. 11; Foreign Trade (Moscow), No. 9, 1971, pp. 34–55; Hoy (Havana), Oct. 14, 1965.

Shortfalls in Cuban deliveries to the Soviet Union resulted not only from fluctuations in annual sugar production but also from Casto's resolve to meet Cuban commitments to other Communist states and the need to sell sugar on the world market to obtain hard currency. In spite of the rising Cuban trade deficit and increasing political difficulties, Soviet exports to Cuba, according to Moscow sources, increased steadily between 1964 and 1968. In fact, the island has grown increasingly dependent upon Soviet deliveries of petroleum and other critical commodities.

The Soviet Union claims to "fully or almost fully" fill Cuba's needs for oil and petroleum products, mineral fertilizer, sulphur, asbestos, cotton, saw-timber, trucks and special automobiles, and metal-cutting lathes.[32] Cuban imports of petroleum and petroleum products from the USSR rose from 2 million tons in 1960 to 5.7 million tons in 1969. Machinery imports from the Soviet Union rose from 54.8 million rubles in

Footnotes at end of article.

1961 to 213.9 million rubles in 1969.[33] The following figures for USSR imports to Cuba in 1968 are indicative of the critical types of goods supplied: 287,500 tons of fertilizer, 3,203 trucks and 377 special automobiles, 4,619 tractors, 9,741 agricultural machines and 251 combines, 159 metal-cutting lathes, 6,900 tons of cotton, 480,900 tons of grain, 294,900 tons of flour, 51.7 million cans of meat, 43.8 million cans of milk, and 100,600 tons of fats.[34]

It was only in 1967–68, however, at the height of Castro's quarrel with Moscow, that the Soviet Union was able to turn its economic leverage over Cuba to demonstrable political advantage.[35] Clearly annoyed by Castro's acts of defiance, Moscow resorted to veiled economic sanctions, mainly in the form of irregularities and delays in the delivery of strategic items to Cuba. In January 1968, for example, Castro was forced to announce the immediate rationing of gasoline because of the "limited ability" of the Soviet Union to satisfy Cuba's growing demands.[36] According to Orlando Castro Hidalgo, a defector from the Cuban General Directorate of Intelligence, the shortage of fuel supplies made it necessary for Castro's armed forces to turn over 30 percent of their stocks for use in agriculture.[37] The USSR also delayed for one month the signing of the 1968 annual trade agreement[38] and reportedly began to charge interest on new credits extended to Cuba.[39]

Moscow's pressure apparently achieved an important shift in Soviet-Cuban relations in August 1968, when Castro gave his qualified endorsement to the invasion of Czechoslovakia by Warsaw Pact forces in exchange for an assurance of continued Soviet aid. Soviet economic restrictions were lifted shortly thereafter, and following a round of hard bargaining in late 1968 and early 1969, the annual trade agreement for 1969 was signed without undue delay. This agreement targeted a total trade turnover between the two countries of almost 1,000 million rubles for the year. The USSR was also apparently willing to continue to subsidize the Cuban economy, for the 1969 agreement provided "long-term credit to Cuba to cover the differences in the volume of reciprocal supply of goods and services."[40] Actual trade in 1969 amounted to only 770 million rubles.[41] A likely cause of the discrepancy was Cuba's production of only 4.7 million tons of sugar for the year instead of the targeted 9 million tons.[42]

For its part, the USSR leveled off its exports to Cuba in 1969. However, Soviet shipments resumed their steady growth in 1970, presumably in conjunction with Castro's all-out drive to produce a record 10 million tons of sugar. The 1970 Soviet-Cuban Trade Agreement targeted a turnover of 1,200 million rubles,[43] but the actual total came only to 1,045 million rubles. Although Cuba produced 8.5 million tons of sugar in 1970, it was able to deliver only three million tons of its five million-ton obligation under the 1964 agreement with the Soviet Union.

A new, long-term trade agreement concluded between the two countries in February 1971 stated that Cuba and the Soviet Union were "extending until 1975 the trade and payments agreement," and that the USSR would make deliveries of goods "worth 100 million rubles more than last year."[44] This would amount to 680 million rubles for 1971, based on the 580 million rubles reported for 1970 (see Table 1). The sugar production target for 1971 was originally set at seven million tons but was subsequently reduced by Castro to 6.6 million tons. Cuba actually produced only 5.9 million tons, which means that with the Soviet commitment to increase its exports the Cuban trade deficit in all likelihood will continue to rise.

TABLE 3.—SOVIET SUGAR TRADE

Year	Imports from Cuba (raw sugar) Volume[1]	Value[2]	Price paid[3]	Yearly average price on world market[3]	Cost to U.S.S.R. of sugar subsidy[4]	Exports from U.S.S.R. (refined sugar) Volume[1]	Value
1960	1,467	93.4	3.21	3.15	1.94	243	22.8
1961	3,345	270.4	4.00	2.70	95.87	414	33.2
1962	2,233	183.6	4.13	2.78	66.46	792	56.4
1963	996	123.2	6.22	8.29	(+45.45)	802	94.1
1964	1,859	222.7	[5] 6.00	5.72	11.48	348	50.2
1965	2,330	273.4	[5] 6.00	2.03	203.93	604	43.9
1966	1,841	225.8	6.11	1.76	176.55	1,070	59.8
1967	2,479	302.3	6.11	1.99	225.17	1,106	58.8
1968	1,749	212.7	6.11	1.12	192.41	1,374	79.5
1969	1,332	161.9	6.11	3.38	80.17	1,081	85.6
1970	3,000	364.3	6.11	3.69	159.72	----------	----------

[1] In thousands of metric tons.
[2] In millions of rubles.
[3] In cents per pound. The authors have no explanation for these deviations from the 6.11-cent price established in 1964 (the 1964 and 1965 prices, as all others, are derived from official Soviet statistics).
[4] In millions of U.S. dollars.

Sources: Vneshniaia torgovlia SSSR, statisticheskii sbornik, 1918–66, p. 95; Vneshniaia torgovlia SSSR za 1968 god, pp. 32, 50; Vneshniaia torgovlia SSSR za 1969 god, Moscow, Mezhdunarodnie Otnosheniia, 1970, pp. 32, 49; Foreign Trade, No. 9, 1971, pp. 54–55. Figures for average prices on the world market (column 5) are from the International Sugar Organization, Sugar Yearbook 1970, London, 1971.

CASTRO'S MOUNTING DEBT

It seems useful at this point to attempt to assess the overall dimension of Castro's mounting indebtedness to Moscow. According to available Soviet statistics (see Table 1), the cumulative Cuban trade deficit with the USSR for 1960–70 amounted to 1,508 million rubles. It appears likely that the trade deficit for 1971 will amount to approximately another 400 million rubles, which indicates that the cumulative trade deficit will have surpassed 1,900 million rubles, or $2,000 million, by 1972. The trade deficit, however, represents only part of Cuba's total debt to the Soviet Union. Not included in this figure are the cost of maintaining Soviet technical and military advisors in Cuba (in addition to their ruble salaries, they receive substantial monthly living allowances in pesos); the cumulative interest charged on credits since 1968; Soviet loans of hard currency for Cuban purchases in non-Communist countries; military aid; and other forms of assistance. A recent Cuban defector who formerly occupied a responsible position in Cuba's central planning agency claims that Havana's total economic indebtedness to the USSR officially stood at $2,200 million in January 1971. Consequently, the total debt—excluding the cost of Soviet arms assistance—is likely to approach $3,000 million by 1972.

It is difficult, of course, to make an accurate assessment of the true cost of Soviet assistance to Cuba. This is particularly so because the prices charged by the Soviet Union for its exports to Cuba appear in many instances to have been inflated over world market prices. An estimate by the National Bank of Cuba places the total cost of the Soviet goods supplied to Cuba at about 50 percent above what Cuba would have had to pay if it had been able to purchase the same quality and types of goods from non-Communist countries. To pay for these goods, Cuba is required to deliver sugar—the only medium it has for generating urgently needed dollar exchange. In effect, Castro is "forced to make dollar investments for ruble sales."[45]

There are other factors, however, which are to Cuba's advantage. In the first place, the Soviet price paid for Cuban sugar has remained above the prevailing world market price since 1964. Furthermore, Moscow has shown considerable leniency in relaxing Cuba's quota for sugar deliveries to the USSR, apparently in order to allow Havana to make hard-currency sales on the world market. (It might be noted in this regard that in May 1971 Cuba's annual quota under the International Sugar Agreement for sales on the world market was set at 2.3 million tons.[46])

Another measure of Soviet aid to Cuba is the volume of Soviet shipping engaged in traffic between the two countries. According to a 1969 Moscow shipping report, 400 Soviet vessels called at Cuban ports on 1,600 occasions that year.[47] This same source stated that "an average of 60–65 large vessels are daily sailing between Cuba and the USSR or are in the ports of both countries," and that more ships would be placed in service "in the next few years." It was also reported that besides the Black Sea ports of Odessa, Novorossiisk, Tuapse, and Batumi—the main shipping points for trade with Cuba—the port of Feodosiya in the Crimea was added at the end of 1968, and a special oil jetty was built there to facilitate the loading of tankers destined for Cuba.[48] According to a Moscow radio broadcast, Soviet ships in 1969 carried 7.8 million tons of cargo to Cuba, including 5.6 million tons of oil, but brought back only 1.3 million tons of cargo from Cuba.[49] This indicates that the Soviet Union bears the additional cost of a highly uneconomical use of its ships in the Cuban trade—a factor further compounded by the long delays in loading and unloading in Cuban ports.

SOVIET-CUBAN SUGAR TRADE

Important to any assessment of the Soviet Union's support of the Cuban economy is an attempt to draw some balance for the trade in sugar between the two countries. This trade, together with Soviet deliveries of critical supplies and equipment to Cuba, has brought Cuba to the position of the sixth largest trading partner of the USSR.[50] The Soviet Union, itself a major sugar producer, has been willing to pay high "subsidized" prices for large quantities of Cuban cane sugar. It would appear that this sugar has not only helped supplement Soviet production in meeting domestic demand in the USSR but also provided the Kremlin with a marketable surplus of refined sugar which it has utilized for hard-currency sales and other foreign deliveries.

Let us examine first the matter of the Soviet sugar subsidy. As shown in Table 3, the Soviet Union has paid a price for Cuban

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sugar in excess of the prevailing world average price in every year since 1960 except 1963, when the Soviet Union raised its payments significantly, but not enough to equal the brief upsurge in world prices. When Khrushchev and Castro agreed in 1964 to a stable long-term price of 6.11 cents a pound, they both apparently believed it to be a fair one. Had Cuba been able to deliver in full its annual commitments of sugar to the USSR, this would in all probability have balanced the cost of Cuban imports from the Soviet Union. Furthermore, if world sugar prices had remained high, Moscow might even have realized a profit in its Cuban trade by reselling imported sugar on the world market.

What actually occurred, however, is that Cuba failed to deliver the promised quantities of cane sugar, while at the same time the 6.11-cent price proved consistently higher than the average world price in every ensuing year. Thus, according to Soviet figures and the average annual world market sugar prices, the net subsidy to Cuban sugar for 1960–70 amounted to a cumulative total of $1,168 million (see Table 3) over what the USSR would have paid for deliveries if it had paid the prevailing average world market price in each year.[51] Of course, from 1965 on, these sugar purchases were exclusively applied against Cuban purchases of Soviet goods in what amounted to barter, or paper, transactions. (Before that, some 20 percent of Soviet sugar purchases had been paid for in convertible currency.) As noted above, these Soviet goods were also overpriced by world standards, or so Cuba has claimed. It is therefore virtually impossible to draw a definitive balance sheet for this bilateral trade relationship.

Whatever the economic balance, however, Moscow did gain several secondary benefits from its "subsidization" of Cuban sugar production. As we have seen, the large debt incurred by Cuba gave the USSR leverage over Castro and the Cuban economy. Also, favorable propaganda capital accrued from Soviet "generosity" toward Cuba and its willingness to pay prices considerably higher than those offered on the world market for Cuban sugar: Cuba's "liberation" from the fluctuations of world sugar prices was presented as an example of the USSR's "internationalism" and of its "disinterested" efforts to stabilize the Cuban economy. Significantly, when the long-term trade agreement came up for renewal in 1971, the fixed price of 6.11 cents per pound for Cuban sugar was extended for five years.

The decision to import large amounts of Cuban sugar has had a major impact on the Soviet Union and its trading partners in Eastern Europe. For example, Poland and Czechoslovakia—would as recently as 1962 had delivered a total of 231,000 tons of refined sugar to the USSR—saw their sugar deliveries to the Soviet Union dwindle to only 1,400 tons in 1965.[52] At the same time Moscow has become an increasingly significant exporter of sugar, thanks to the growing shipments from Havana. From a total of 242,900 tons exported in 1960, the Soviet Union has expanded its sugar exports to 1,374,000 tons in 1968 and 1,080,800 tons in 1969 (see Table 3). The greater part of Soviet sugar exports in recent years have been to non-Communist countries of the developing world—notably Afghanistan, Iran, Iraq, Sudan, the United Arab Republic, and Yemen. Finland and Yougoslavia are also important sugar customers, while Soviet-bloc countries receive only some 15 to 20 percent of Soviet sugar exports.

TABLE 4.—CUBAN TRADE WITH COMECON MEMBERS EXCLUSIVE OF USSR

[In millions of dollars]

	1960	1961	1962	1963	1964	1965	1966	1967
Turnover	31.6	151.2	233.2	268.4	211.0	196.2	229.2	232.2
Cuban trade	2.3	11.9	18.2	19.0	12.2	12.6	15.1	13.5
Exports	11.7	61.4	110.3	124.1	54.5	100.2	100.9	115.1
Imports	19.9	89.8	122.9	144.3	156.5	96.0	118.7	117.1
Balance	−8.2	−28.4	−12.6	−20.2	−102.0	+4.2	−7.8	−2.0

SOURCE: C. Paul Roberts, ed., Cuba, 1968, supplement to the Statistical Abstract of Latin America, Latin American Center, University of California, Los Angeles, 1970, pp. 168-69.

Beyond providing Moscow with an exportable commodity, the Cuban sugar imports would also appear to have helped meet Soviet domestic consumption and stockpiling requirements.[53] Comparing data on Soviet imports of Cuban sugar with the amounts of sugar exported by the USSR (Table 3), one finds that the Cuban shipments to the USSR more than covered the latter's exports. This would indicate that the Soviet Union, despite being the world's largest sugar producer and despite its prodigious efforts to expand beet-sugar production (in 1966–70, the USSR produced 37 percent more sugar than in the 1961–65 period), still falls short of self-sufficiency. Evidently Moscow is continuing its efforts to achieve this goal, for the 1971–75 Five-Year Plan calls for a further "significant increase" in beet-sugar production.[54]

One may ask why Soviet planners are unwilling to rely for their needs on the "socialist division of labor," which has made Cuba a major supplier of sugar to the socialist world. One reason may be that the USSR is uncertain about Cuba's economic and political future and hence is loath to become dependent on that country for Soviet domestic consumption. Furthermore, reliance on Cuba for sugar would mean surrendering the Kremlin's economic leverage over Castro. Finally, by becoming self-sufficient in sugar, the USSR can hope to earn growing amounts of hard currency through the resale of refined Cuban sugar or the sale of its equivalent in beet sugar. This may, in Moscow's economic calculus, offset some of the losses incurred in its trade with Cuba. From the Cuban viewpoint, it means that Moscow and Havana will be competing for sales on the world market, the former on the strength of Cuban sugar deliveries.

HAVANA AND COMECON

Although Moscow is not willing to become dependent on its trade with Cuba, it does seem intent on integrating the island's economy more closely into the "world socialist economy." As one Soviet commentator observed, Cuba's development must be based not on the rejection of historically-determined specialization but on the wise use of all its possibilities with the purpose of capital accumulation and transfer in the future to a more effective and rational structure of the national economy within the framework of the international socialist division of labor.[55]

While Cuba is regarded as a member in good standing of the "community of socialist states," it has yet to join Comecon (Council for Mutual Economic Assistance—the main economic institution of the Soviet bloc). Havana is content to send an occasional observer to Comecon meetings,[56] and the Council's membership seems none too eager to have Cuba join, perhaps in light of the heavy burden which Havana has already been to the bloc.

Nevertheless, Cuba continues to maintain close economic ties with other Comecon countries besides the USSR. A number of these have, in turn, granted Castro long-term credits—*e.g.*, a loan from Czechoslovakia in 1960 of $40 million for industrial construction, a credit of $20 million from the German Democratic Republic in 1968 to buy hydraulic equipment, a credit of $30 million from Romania in 1968 for oil-drilling equipment, and an unspecified amount from Bulgaria in 1968 for refrigeration equipment.[57] In 1970, additional credits were granted to Cuba by Hungary, Bulgaria, Poland, and the GDR. These credits have been necessary, at least in part, because of the consistent deficit which Cuba has been running in its trade with the Comecon states (exclusive of the USSR). The deficit had mounted to a cumulative total of $177 million through 1967 (see Table 4). As in the case of trade with the Soviet Union, the bulk of Cuba's exports to these countries is accounted for by sugar, although they also include tobacco, nickel, and alcohol. Since 1963, Cuban sugar exports to the East European members of Comecon has fluctuated from a low of 250,000 tons to a high of 796,000 tons (in 1969).[58] It is interesting to note that Bulgaria and the German Democratic Republic pay significantly less for Cuban sugar than does the USSR—their respective costs being 5.15 and 5.53 cents a pound, as compared to 6.11 cents for the Soviet Union.

Cuba also trades with the People's Republic of China, Albania, North Korea, and North Vietnam. Cuban exports of sugar to China have amounted to as much as 556,000 tons in a single year,[59] and in return China has supplied rice—a staple of the Cuban diet. In recent years, Cuba's annual sugar exports to Communist states other than the USSR appear to have been in excess of one million tons. In February 1971, Cuba agreed to deliver 120,000 tons of sugar to Chile each year for three years, mainly in exchange for agricultural produce.[60]

TOWARD INTEGRATION

Although Castro has yet to join the USSR-dominated Comecon, he has been under increasing pressure to integrate his economic programs more closely into the Soviet scheme of things. Domestic economic setbacks in Cuba and the 1970 expiration of the long-term trade agreement with the USSR set the stage for a new step in this direction. In December 1970, the Soviet news agency Tass announced the formation of a Soviet-Cuban Intergovernmental Commission for Economic, Scientific and Technological Cooperation. The report commented that "the new commission will deal with the question of further improvement of economic relations, especially draft proposals for organizing cooperation between planning bodies, industries, and departments."[61] Carlos Rafael Rodriguez, speaking at the signing ceremony, stressed that "the establishment of the new commission raises Soviet-Cuban cooperation to a high level, will give an opportunity to plan joint works over a long period of time, and will help make better use of economic resources."[62]

The first session of the joint body was held in Havana in September 1971. V. Novikov, Deputy Chairman of the USSR Council of

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Ministers, who headed the Soviet delegation, stated prior to departing from Moscow that the commission would examine "a vast number of problems in Havana in order to increase Soviet-Cuban economic links." [63] These matters were said to include future collaboration in nickel production, power generation and transmission, irrigation construction, manufacture of medicines, and production of cane harvesters. Upon his return, Novikov indicated that "one of the fundamental problems of the session was the examination of the fulfillment of commercial contracts between the two countries in the past two years and at present." [64]

In a broader perspective, the commission seems designed to get Cuba to develop more effective economic planning geared to the USSR's Ninth Five-Year Plan. According to a Cuban source, the December 1970 agreement was followed by the arrival in Cuba of large numbers of Soviet planning specialists and economists who were to help the Castro government place its long-term planning on a more rational and efficient basis. It has since been reported that Soviet advisors and technicians are working at all levels of the Cuban economic structure to help correct critical shortages and develop fundamental areas of the economy.[65]

If the Soviet Union should succeed in reshaping the Cuban planning structure, the position of professional economic planners and managers would doubtless be strengthened. This, in turn, might result in a further increase of Soviet influence, for most of the planners have been trained by Moscow. Furthermore, in an attempt to ease its critical shortage of technicians, managers, and skilled workers, Cuba has sent large numbers of its citizens to the USSR for training. During the years 1960–65, a total of 3,000 Cuban agricultural workers, 200 shipping and fisheries officials, and 500 Cuban students attended Soviet technical schools.[66] By 1968, some 2,600 Cubans had attended Soviet universities, and some 700 more were studying there in 1969.[67] A 1971 Soviet newspaper account made mention of 3,500 Cuban technicians who had studied in Soviet technical schools and 5,000 Cuban skilled workers who had received on-the-job training in Soviet industry.[68] Significally, the September 1971 meeting of the Soviet-Cuban intergovernmental Commission specifically examined the question of "training of national [Cuban] cadres."

AN UNEASY PARTNERSHIP

What, then, is the prognosis for the Soviet-Cuban economic relationship?

Despite continuing expressions of mutual regard as well as ever-increasing political subservience on the part of Havana, collaboration in the economic sphere can be expected to continue to generate frustration and irritation on both sides. While granting credits designed to help Cuba "overcome the difficulties connected with the deficit in foreign trade," [69] Moscow would clearly prefer that Cuba pay its own way within the Soviet bloc. Yet the trade deficit continues to grow, with little likelihood of reduction in the near future. Meanwhile, the Russians do not hide their dissatisfaction. According to one close observer, they 'tell all who care to listen" that they "have been pampering this ungrateful island, and that they can never recover their investments with any amounts of sugar, nickel, and tobacco Cuba may be able to send." [70]

The Cuban leadership, on the other hand, seemingly expected the USSR to provide Cuba with unlimited aid on account of Moscow's "internationalist" obligation to support another socialist state, and it has been disappointed at discovering that Moscow not only places a high premium on its assistance but also expects gratitude in return. On the subject of this Soviet aid, Castro once complained that "they give us nothing for nothing (i.e., for free), and then act as if they were our greatest benefactors, as if they were showering us with gold!" [71]

Nonetheless, neither side is ready to break up the partnership. The Soviet Union, for its part, is apparently willing to continue paying the price, high as it may be, in order to preserve a Communist regime and salient in the Americas which it hopes can be effectively used to reduce the role of the U.S. It believes that "understanding is growing in Latin America of the fact that the scope of the movement against US influence will become broader when the blockade and artificial isolation of Cuba is ended," [72] and that Chile's resumption of trade and diplomatic relations with Cuba is a "serious blow to Washington" which sets an example of "independent"" foreign policy for other Latin American countries.[73]

Castro, in turn, has persisted in asserting that he will not rejoin the OAS if it means loosening Cuba's military ties with the Soviet Union and abandoning his support of revolutions in the Americas.[74] Yet, ironically, Havana's renewed access to its natural markets and primary source of supplies—i.e., the Western Hemisphere, and particularly the United States—offers the only practical means of reducing its economic vassalage to the USSR and of slowing down the process of Cuba's progressive integration into the Soviet bloc.

FOOTNOTES

[1] Soviet aid to Cuba is presently believed to exceed one million dollars a day. In the past decade, according to Norman Gall, Cuba has received more foreign economic aid per capita than any nation on earth. See Norman Gall, "How Castro Failed," *Commentary* (New York), Vol. 52, No. 5, November 1971, p. 56.

[2] *The USSR and Developing Countries*, Moscow, Novosti Press Agency Publishing House, n.d., p. 17.

[3] *Bohemia* (Havana), March 19, 1965.

[4] Prensa Latina (English), June 12, 1969.

[5] Cuba presents special problems in this respect, being too distant from the USSR to be susceptible to control by the Soviet armed forces. The Soviet tactic of using local Communist parties to achieve Moscow's political ends also proved unfeasible in Cuba, where Castro managed very quickly to gain control of the PSP (*Partido Socialista Popular*—Popular Socialist Party) and convert this Communist party into an instrument of his own personal power.

[6] A. D. Bekarevich, *Kuba: vneshneekonomicheskie otnosheniia* (Cuba: Foreign economic Relations), Moscow, Nauka, 1970, p. 5.

[7] *Ibid*, p. 20.

[8] All trade between Cuba and the United States was suspended in February 1962, one month after the Organization of American States (OAS) foreign ministers had voted at Punta del Este, Uruguay, to exclude Cuba from participation in the inter-American system because of its "incompatible" ties with a Marxist-Leninist government *i.e.*, the USSR). The OAS subsequently voted, in July 1964, to condemn Cuban aggression and intervention against Venezuela and called on member states to "suspend all their trade, whether direct or indirect with Cuba, except in foodstuffs, medicines, and medical equipment that may be sent to Cuba for humanitarian reasons." See *Final Act. Ninth Meeting Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance*, Pan American Union, OEA/Ser. C/11.9 (English), Washington, D.C., 1964, p. 6.

[9] In this paper, all tonnage figures are in metric tons, except where otherwise noted.

[10] *Vneshniaia torgovlia SSSR: statistichekii sbornik 1918–1966* (USSR Foreign Trade: Statistical Handbook 1918–1966), Moscow, Mezhdunarodnie Otnosheniia, 1967, pp. 227–28.

[11] *Pravda* (Moscow), Feb. 15, 1960.

[12] In the five years preceding the Cuban revolution of 1959, the United States purchased about 50 percent of Cuba's average annual sugar production of 5.1 million tons. See International Sugar Organization, *Sugar Year Book 1960*, London, 1961, p. 38.

[13] *Pravda*, July 21, 1960.

[14] *Hoy* (Havana), Dec. 20, 1960.

[15] For the purposes of this paper, the Soviet ruble is considered equal to $1.11 (US), and the Cuban peso at part with the US dollar.

[16] A word of caution is in order concerning data on Soviet and Cuban economic activities. Both governments, as well as the various bureaus within them, publish "official" statistics on these operations. They are not always in agreement, which tends to cast a measure of doubt on their overall reliability. For a discussion of the problems arising in connection with the use of Soviet and Cuban economic and trade data, see Carmelo Mesa Lago, "Availability and Reliability of Statistics in Socialist Cuba," *Latin American Research Review* (Austin, Texas), Vol. 4, No. 1, Spring 1969, pp. 53–91, and No. 2, Summer 1969, pp. 47–81. Also see Vassili Vassilev, *Policy in the Soviet Bloc on Aid to Developing Countries*, Paris, Development Center of the Organization for Economic Cooperation and Development, 1969, pp. 61–74. Similarly, statistics from Western sources—such as the International Sugar Organization, the United Nations and the US Department of Agriculture—do not always agree. However, these various sources are sufficiently close to reflect the general trends, as well as the critical points, in Soviet-Cuban relations. For the purpose of consistency in this discussion, Soviet sources will be used insofar as is possible, with other sources being cited only where Soviet information is not readily available.

[17] Republic of Cuba, *Boletin estadistico 1966* (Statistical Bulletin 1966), Havana, JUCEPLAN, 1966, p. 124; *Compendio estadistico de Cuba 1967* (Statistical Handbook of Cuba 1967), JUCEPLAN, Havana, 1967, p. 27 (Original figures in pesos).

[18] K. S. Karol, *Guerrillas in Power*, New York, Hill and Wang, 1970, p. 209.

[19] *Ibid*, p. 49.

[20] *Ibid*, p. 218.

[21] *Ibid*, p. 282.

[22] V. V. Volskii, Ed., *Kuba: 10 let revoliutsii* (Cuba: Ten Years of the Revolution), Moscow, Nauka, 1968, p. 226.

[23] Stephen Clissold, Ed., *Soviet Relations with Latin America, 1918–1968: A Documentary Survey*, New York, Oxford University Press, 1970, p. 285.

[24] *Ibid*. In May 1963, sugar prices on the world market stood at nine cents (US) per pound.

[25] *Compendio estadistico de Cuba 1967*, p. 27.

[26] See Castro's speech of January 2, 1964, in *Bohemia*, No. 2, Feb. 10, 1964, p. 39.

[27] *Pravda*, Jan. 23, 1964. The agreement stipulated the following schedule of sugar deliveries: 2.1 million tons in 1965; 3 million tons in 1966; 4 million tons in 1967; and 5 million tons a year in 1968–70.

[28] *Hoy*, Oct. 14, 1964.

[29] *Ogoniok* (Moscow), No. 21, June 1970, p. 3.

[30] Karol, *op. cit.*, p. 48.

[31] *The New York Times*, April 30, 1964.

[32] Volskii, *op. cit.*, p. 253.

[33] *Vneshiaia torgovlia Soiuza SSR za 1968 god* (USSR Foreign Trade in 1968), Moscow, Mezhdunarodnie Otnosheniia, 1969, p. 288; *Vneshniaia torgovlia SSSR za 1969 god* (USSR Foreign Trade in 1969), Moscow, Mezhdunarodnie Otnosheniia, 1970, p. 50.

[34] *Vneshniaia torgovlia SSSR za 1968 god*, p. 293.

[35] A major dispute during this period involved the trial in 1968 of a "microfaction" of old-line Cuban Communists headed by Anibal Escalante. This group was accused of

Footnotes at end of article.

having conspired with representatives of the Soviet Czechoslovak and German Democratic Republic's Communist parties to "destroy the firmness of the [Cuban] revolutionary forces." See *Granma* (Havana), Feb. 2, 1968.

[56] *Ibid.*, Jan. 3, 1968.

[57] *Communist Threat to the United States through the Caribbean: Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate*, Part 20, October 16, 1969, Washington, DC, US Government Printing Office, 1970, p. 1426.

[58] *Granma*, May 23, 1968.

[59] Kevin Devlin, "The Soviet-Cuban Confrontation: Economic Reality and Political Judo," from the Research Department of Radio Free Europe, April 1, 1968, pp. 15–16, cited in Edward Gonzales. "Castro: The Limits of Charisma," *Problems of Communism* (Washington), July–August 1970, p. 21.

[60] Radio Moscow, Feb. 7, 1969.

[61] *Foreign Trade* (Moscow), No. 6, 1970, p. 55; *Vneshniaia torgovlia SSSR za 1969 god*, p. 15.

[62] US Department of Agriculture, Foreign Agricultural Circular, Sugar, December 1970, p. 11, gives a production figure of 5.2 million short tone. Carmelo Mesa-Lago, "Ideological Radicalization and Economic Policy in Cuba," Studies in Comparative International Development, (Beverly Hills, California) Vol. 5, 1969–1970, p. 207, places 1969 sugar production at 4.46 million metric tons. The International Sugar Organization, The Sugar Year Book, 1969, London, 1970, p. 52, places the figure at 5.534 million metric tons for the entire 1968—69 harvest period.

[63] Radio Moscow, TASS International Service, Dec. 9, 1970.

[64] Radio Moscow, Feb. 22, 1971.

[65] Karol, *op. cit.*, p. 424.

[66] Cuba's 1972 quota for sugar sales on the world market, as established at the Seventh Session of the International Sugar Council meeting in London last November, is 2,257,500 tons. This compares with a 1972 quota of 1,175,000 tons set for the USSR. See International Sugar Organization Press Release (71) 17, London, Nov. 19, 1971.

[67] Moscow Maritime Press Service, July 4, 1969.

[68] Radio Moscow, Feb. 14, 1969.

[69] Moscow Maritime Press Service, March 25, 1970.

[70] The New York Times, March 24, 1971.

[71] See Table 2. According to Bekarevich, Soviet price support of Cuban sugar for 1960–67 alone amounted to $730.1 million (*op. cit.*, p. 213).

[72] *Vneshniaia torgovlia SSSR . . . 1918–1966*, p. 159.

[73] According to available Soviet statistics, sugar reserves of the USSR in terms of days of domestic consumption declined from 75 days in 1963 to 56 days in 1964, and then rose to 99 days in 1965. (It also appears that in 1963 the USSR increased sugar exports to take advantage of high world prices.) *Narodnoe khoziaistvo SSSR v. 1964 g.* (The USSR National Economy in 1964), Moscow, Gosstatizdat, 1965, p. 634, and *Narodnoe khoziaistvo SSSR v 1967 g.* (The USSR National Economy in 1967), Moscow, Gosstatizdat, 1968, p. 721. In 1963, a sharp drop in Cuban sugar shipments (to 996,000 tons) and a decline in Soviet beet sugar production likely caused a depletion of Soviet stocks. Although Cuban shipments rebounded to 1,859,000 tons in 1964, Soviet exports of sugar dropped sharply to 348,000 tons (compared with 802,000 tons in 1963). One may infer that the Cuban shipment went to replenish the sugar stocks of the USSR.

[74] *Pravda*, Feb. 14, 1971.

[75] Volskii, *op cit.* p. 159 (emphasis added).

[76] Daniel Tretiak, *Cuba and the Communist System: The Politics of a Communist Independent (1967–1969)*, Waltham, Massachusetts, Westinghouse Electric Corporation Advanced Studies Group, July 1969, p. 22.

[77] Volskii, *op. cit.*, p. 277–88 (original data given in pesos).

[78] *Sugar Year Book, 1969*, p. 53–56.

[79] *Ibid.*

[80] Radio Havana, Feb. 17, 1971. The Santiago (Chile) daily, *Puro Chile*, reported on February 28, 1971, that Cuba has been paying for imports of agricultural products in US dollars.

[81] Radio Moscow, TASS International Service, Dec. 9, 1970.

[82] *Ibid.*

[83] Radio Moscow, Sept. 2 and 11, 1971.

[84] *Ibid.*, Sept. 25, 1971.

[85] *The Miami Herald*, April 14, 1971; *Latin America* (London), May 7, 1971.

[86] Volskii, *op cit.*, p. 334.

[87] Radio Moscow, Jan. 22, 1969.

[88] *Komsomolskaia pravda* (Moscow), Jan. 27 1971.

[89] Volskii, *op. cit.*, p. 165.

[90] Karol, *op. cit.*, p. 425.

[91] *Ibid.*, p. 426.

[92] A. Aleksin, "'Tikhaia' Interventsiia" (The "Silent" Intervention), *Kommunist* (Moscow), No. 10, July 1970, p. 98.

[93] *Pravda*, Nov. 14 and 15, 1970; *Izvestia* (Moscow), Nov. 17, 1970.

[94] Radio Havana, April 20, 1971.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. WILLIAM D. FORD (at the request of Mr. BOGGS) for today on account of illness.

Mr. MANN (at the request of Mr. BOGGS) for today, May 22, and Tuesday, May 23, on account of a death in the family.

Mr. RANGEL (at the request of Mr. BOGGS) for today on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. BOGGS) for Monday, May 22, Tuesday, May 23 and Wednesday, May 24, on account of official business.

Mr. DEL CLAWSON (at the request of Mr. GERALD R. FORD) on account of illness.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD) for June 3 through June 14 on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD) for today and the balance of the week on account of continued recuperation.

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. MCKINNEY), to revise and extend their remarks, and to include extraneous matter to:)

Mr. BEISTER, today, for 5 minutes.
Mr. VEYSEY, today, for 5 minutes.
Mr. KEMP, today, for 15 minutes.
Mr. POFF, today, for 10 minutes.
Mr. HALPERN, today, for 5 minutes.
Mr. QUIE, on May 31, 1972, for 1 hour.
Mr. ESCH, today, for 5 minutes.

(The following Members (at the request of Mr. GONZALEZ), to revise and extend their remarks, and to include extraneous matter to:)

Mr. DIGGS, today, for 10 minutes.
Mr. ASPIN, today, for 10 minutes.
Mr. BEGICH, today, for 30 minutes.
Mr. PEPPER, today, for 10 minutes.
Mrs. GRASSO, today, for 10 minutes.
Mr. MATSUNAGA, on May 23, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include a statement.

(The following Members (at the request of Mr. MCKINNEY), and to include extraneous matter:)

Mr. SCHWENGEL, in two instances.
Mr. BLACKBURN.
Mr. GERALD R. FORD in two instances.
Mr. SPRINGER in five instances.
Mr. ARENDS.
Mr. DERWINSKI in two instances.
Mr. GOODLING.
Mr. ZWACH. in three instances.
Mr. HOSMER.
Mr. NELSEN.
Mr. DAVIS of Wisconsin.
Mr. KEMP in two instances.
Mr. BELL.
Mr. ASHBROOK in three instances.
Mr. FRENZEL.
Mr. WYMAN in two instances.
Mr. HALPERN in three instances.
Mr. BROOMFIELD.
Mr. ESCH.
Mr. QUIE.
Mr HUNT.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DRINAN.
Mr. BEGICH in three instances.
Mr. MATSUNAGA.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. HAMILTON in two instances.
Mr. FLOOD in two instances.
Mr. RYAN in three instances.
Mr. GETTYS in two instances.
Mr. WOLFF in four instances.
Mr CELLER.
Mr. BRASCO.
Mr. PURCELL in five instances.
Mr. HUNGATE.
Mr. BRINKLEY.
Mr. HANNA in three instances.
Mrs. GRIFFITHS in two instances.
Mrs. ABZUG in 10 instances.
Mr. ADAMS.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 23, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Unler clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2007. A communication from the President

of the United States transmitting proposed amendments to the budget for the District of Columbia for fiscal year 1973 (H. Doc. No. 92–299) to the Committee on Appropriations and ordered to be printed.

2008. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1973 for the Civil Service Commission and the Equal Employment Opportunity Commission (H. Doc. No. 92–300) to the Committee on Appropriations and ordered to be printed.

2009. A communication from the President of the United States, transmitting amendments reducing the request for appropriations in the budget for fiscal year 1973 for the General Services Administration (H. Doc. No. 92–301) to the Committee on Appropriations and ordered to be printed.

2010. 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 National Guard, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2011. 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 Naval and Marine Corps Reserves, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2012. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Silversides* (ex-AGGS–236) to the Combined Great Lakes Navy Association, Chicago, Ill., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2013. A letter from the Commissioner, District of Columbia, transmitting a draft of proposed legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide relocation payments for persons displaced by local code enforcement in the District of Columbia; to the Committee on the District of Columbia.

2014. A letter from the Deputy Assistant Secretary of the Interior, transmitting copies of several proposed concession permits under which various concessioners will be authorized to operate float trips on the Colorado River during a period ending December 31, 1976, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2015. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant with the University of Utah, Salt Lake City, for a research project entitled "Informational Core Drilling in Utah's Tar Sand Deposits," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2016. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

2017. A letter from the Administrator of Veterans' Affairs; transmitting a draft of proposed legislation to amend title 38, United States Code, to provide more equitable standards under which the Administrator of Veterans' Affairs may waive recovery of overpayments of veterans benefits and release or waive liability with respect to certain home loans; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2018. A letter from the Comptroller General of the United States, transmitting a report covering calendar years 1970 and 1971 summarizing the progress made by Federal agencies in developing and improving their accounting systems in accordance with the requirements of the Congress and with the related principles and standards prescribed by the Comptroller General; to the Committee on Government Operations.

2019. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for improving the administration of the Government-wide indemnity benefit plan of health insurance for Federal employees and annuitants; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTION

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. HALEY: Committee on Interior and Insular Affairs. H.R. 5332. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes; with amendment (Rept. No. 92–1073). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5721. A bill pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon; with amendment (Rept. No. 92–1074). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6575. A bill to amend the act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337) with amendment (Rept. No. 92–1075). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8694. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets No. 22–E and 22–F, and for other purposes; with amendment (Rept. No. 92–1076). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9032. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes (Rept. No. 92–1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10394. A bill to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.; with amendment (Rept. No. 92–1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10436. A bill to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes (Rept. No. 92–1079). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10858. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes (Rept. No. 92–1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14267. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission docket No. 72, and for other purposes (Rept. No. 92–1081). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCFALL: Committee on Appropriations. H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 990. Resolution waiving points of order against designated provisions in the bill H.R. 15093, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1083). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 991. Resolution providing for the consideration of H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1084). 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. MCFALL:

H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ANDERSON of Tennessee (for himself, Mr. BEGICH, Mr. GUDE, Mr. HARRINGTON, Mr. HOWARD, Mr. KEITH, Mr. KYROS, Mr. LEGGETT, Mr. MATSUNAGA, Mr. O'HARA, Mr. SANDMAN, and Mr. WILLIAMS):

H.R. 15098. A bill to authorize the construction of 40 liquefied natural gas carriers to meet the energy crisis; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 15099. 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.

By Mr. DRINAN (for himself and Mr. REID):

H.R. 15100. 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. DULSKI:

H.R. 15101. A bill to amend title 23 of the United States Code to authorize the construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 15102. A bill to amend title II of the Social Security Act to extend the time within which certain Federal-State agreements may be modified to give noncovered State and local employees under the divided retirement system procedure an additional opportunity to elect coverage; to the Committee on Ways and Means.

By Mr. McKEVITT (for himself, Mr. BRAY, Mr. BROTZMAN, Mr. BROWN of Michigan, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DANIELSON, Mr. DENHOLM, Mr. FISHER, Mr. HORTON, Mr. HOSMER, Mr. KEMP, Mr. LANDGREBE, Mr. MCCOLLISTER, Mr. PIKE, Mr. ROONEY of Pennsylvania, Mr. WYMAN, and Mr. YOUNG of Florida):

H.R. 15103. A bill to authorize designated employees of the National Park Service and the U.S. Forest Service to make arrests for violation of Federal laws and regulations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 15104. A bill to require that all schoolbuses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 15105. A bill to amend title 38, United States Code, to provide more equitable standards under which the Administrator of Veterans' Affairs may waive recovery of overpayments of veterans benefits and release or waive liability with respect to certain home loans; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia, (for himself and Mr. PEPPER):

H.R. 15106. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age insurance benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 15107. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15108. 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.

By Mr. WRIGHT:

H.R. 15109. A bill to authorize construction of diversion works to convey certain saline water from the Wellton-Mohawk Valley in the State of Arizona to the Gulf of California, Mexico; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY:

H.R. 15110. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15111. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 15112. A bill to increase tariff rates with respect to certain petroleum and petroleum products, to eliminate the existing quota system, for petroleum and petroleum products, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. RIEGLE, Mr. HARRINGTON, and Mr. RODINO):

H.J. Res. 1207. Joint resolution providing for the termination of hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio:

H.J. Res. 1208. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Res. 992. Resolution providing for the printing of additional copies of the conference report on S. 659, Education Amendments of 1972; to the Committee on House Administration.

By Mr. BROYHILL of Virginia:

H. Res. 993. Resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese Communist invasion of South Vietnam and in support of actions taken by the United States to repel the invasion; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

393. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to expansion of the Beverly National Cemetery in New Jersey; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSTENKOWSKI introduced a bill (H.R. 15113) for the relief of Stanislaw Ciochon, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

236. The SPEAKER presented petition of Albert J. Sullivan and William Cannon, Jr., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

QUESTIONNAIRE REPORT FROM CONGRESSMAN LARRY HOGAN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HOGAN. Mr. Speaker, this year, as in the past, I sent the residents of Maryland's Fifth Congressional District a questionnaire so that they might advise me of their opinions on the issues and I might be guided by their wishes as I cast my votes for them in Congress.

I have prepared a report on the responses from this year's questionnaire, and I now insert it into the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: In March I sent you a questionnaire asking for your opinions. I'm pleased to report that I received 33,752 responses compared with 27,756 last year.

Each of the questionnaires was individually tabulated and I personally read every one that included a personal note. I deeply appreciate the efforts of everyone who took the time to respond. The responses will be very helpful to me in the months ahead as I cast my votes for you in Congress.

I've put together this newsletter to give you the results of the questionnaire. I hope you'll find the results as interesting and informative as I have.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

QUESTIONNAIRE REPORT FROM YOUR CONGRESSMAN, LARRY HOGAN, MAY 1972

1. Do you favor busing schoolchildren to achieve racial balance? Yes: 9.2%. No: 88.0%. Undec.: 2.8%.

The overwhelming majority of Fifth District residents agree with the anti-busing fight I have been waging against the Department of Health, Education and Welfare. Most people—black and white—do not want their children bused away from their neighborhood schools to achieve some form of artificial racial balance.

Busing is not the answer to our race relations problems. We must reach a point in our society where the color of a person's skin makes no difference. Racial busing schemes keep reminding blacks that they are blacks and whites that they are white. We must insure a full measure of equality in every aspect of our society—in jobs, in pay, in housing—and we must make a firm commitment to root out all remnants of bigotry.

Racial busing plans disrupt school systems, restrict students' opportunity to engage in extra-curricular activities, waste millions in taxpayers' money and make meaningless the concept of the neighborhood school.

Parents want their children to attend quality neighborhood schools. The emphasis should be on quality for all schools. Parents do not want their children used as pawns in a scheme of social manipulation. Racial busing schemes are merely an attempt to use children to solve a problem which should properly be solved by us.

The President made that case in his message on busing and immediately following his address I called on HEW to comply with both the letter and the spirit of his anti-busing policy. Shortly thereafter HEW withdrew its threat to cut off $14 million in funds for the Prince George's public school system, but I am still concerned that these HEW bureaucrats, who seem to consider themselves above the law and immune from President Nixon's instructions, are still trying to dictate to Prince Georges County schools.

This fight is not yet over.

2. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policy holders regardless of who is at fault? Yes: 65.8%. No: 20.2%. Undec.: 14.0%.

The growing push for no-fault insurance has been the result primarily of rapidly rising costs for auto insurance premiums. In an effort to hold the line on premium increases or cut back on premiums, insurance and government leaders have been looking for ways to streamline the insurance system and make it more efficient.

Studies have shown that only about 45 per cent of each premium dollar is paid out in actual benefits and that 20 to 25 cents of all liability dollars go to paying lawyers, claims investigators and other costs of fixing