HOUSE OF REPRESENTATIVES—*Monday, June 5, 1972*

The House met at 12 o'clock noon.

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

I am the light of the world; he that followeth me shall not walk in darkness, but shall have the light of life.—John 8: 12.

"O thou who dost the vision send
And giveth each his task,
And with the task sufficient strength:
Show us Thy will, we ask;

Give us a conscience bold and good;
Give us a purpose true,
That it may be our highest joy,
Our Father's work to do."

This day and every day. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 635) entitled "An act to amend the Mining and Minerals Policy Act of 1970," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. Moss, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

CONVEYANCE OF CERTAIN VETERANS' ADMINISTRATION PROPERTY IN CANANDAIGUA, N.Y., TO SONNENBERG GARDENS, A NONPROFIT, EDUCATIONAL CORPORATION

The Clerk called the bill (H.R. 13780) to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation.

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

H.R. 13780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey by quitclaim deed, without monetary consideration, to Sonnenberg Gardens, a charitable, nonprofit, educational corporation, chartered under the education law of the State of New York, for the purpose of restoring and maintaining the Sonnenberg Estate in accordance with the terms of the corporate charter, all the right, title, and interest of the United States in and to that tract of land constituting a portion of the grounds of the Veterans' Administration Hospital in Canandaigua, New York, including the improvements thereon, containing forty-five acres, more or less. The exact legal description of the real property to be conveyed pursuant to this Act shall be determined by the Administrator of Veterans' Affairs, and if a survey is required in order to make such determination, Sonnenberg Gardens shall bear the expense thereof.

SEC. 2. Any deed of conveyance made pursuant to this Act shall—

(a) provide that the land conveyed shall be used solely for the stated purpose by Sonnenberg Gardens, and in a manner that will not, in the judgment of the Administrator of Veterans' Affairs, or his designate, interfere with the care and treatment of patients in the Veterans' Administration Hospital, Canandaigua, New York;

(b) contain such additional terms, conditions, reservations, easements, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interest of the United States;

(c) provide that if Sonnenberg Gardens, or its successors in interest, violate any provision of the deed of conveyance or alienate or attempt to alienate all or any part of the parcel so conveyed, title thereto shall revert to the United States; and that a determination by the Administrator of Veterans' Affairs of any such violation or alienation or attempted alienation shall be final and conclusive; and

(d) provide that in the event of such reversion, improvements shall vest in the United States without payment or compensation therefor.

Mr. TERRY. Mr. Speaker, I wish to thank and extend to all of my colleagues today my sincere appreciation for their cooperation in passing H.R. 13780, a bill which conveys certain Veterans' Administration property in Canandaigua, N.Y., to Sonnenberg Gardens, Inc., a nonprofit, educational corporation.

The property contains the gardens and mansion of Sonnenberg. The land was originally owned by Mrs. Frederick Ferris Thompson, who commissioned Ernest W. Bowdich to design and supervise construction of the Sonnenberg Gardens. From 1865 to 1923, when Mrs. Thompson died, many distinguished people visited Sonnenberg. Each commemorated his visit by the planting of a rare tree. Many of these, now grown to maturity, remain today.

The Thompson heirs sold the estate to the U.S. Government in 1930, and a Veterans' Administration hospital was erected on the site. The present total acreage at the VA hospital facility is now 208.

In 1966, the worth of the remaining estate was recognized. The difficulty and expense to the hospital and its staff to continue adequate maintenance of the gardens and mansion of Sonnenberg, coupled with the harsh upstate New York winters and vandalism, have resulted in the physical depreciation of Sonnenberg. This led to the proposal of turning over the mansion, gardens, and grounds surrounding them to an interested civic organization for restoration and public use.

The Canandaigua Lively Arts Council, Inc., accepted this commission following initial investigation by the chamber of commerce. Thereafter, responsibility was given to Sonnenberg Gardens, Inc., a nonprofit, tax-exempt, educational corporation, chartered by the New York State Board of Regents for the following purposes:

First. To receive, hold, restore, and improve the gardens, grounds, and the mansion of the estate known as Sonnenberg.

Second. To display and exhibit for both study and enjoyment numerous types and styles of gardens, landscape architecture, and structural architecture.

Third. To provide a place for the display of paintings, sculpture, and artworks in general.

Fourth. To provide a place for the performance of musical concerts, operas, and dance ballet recitals, art exhibits, and other performing and fine arts in general.

Sonnenberg Gardens, Inc., is charged with the responsibility of developing a plan for restoration of the mansion and gardens and the institution of a program of cultural pursuit which will enrich all who visit them. An infinite variety of cultural programs could be conducted within the mansion, gardens, and the estate. Cost estimates for the project of restoration and maintenance range in the area of half a million dollars for the restoration, and annual expenditures of approximately $200,000 for operational expenses.

Again, Mr. Speaker, I extend my gratitude and that of the people of Canandaigua to my colleagues for passing this measure today.

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

AUTHORIZING THE SALE OF CERTAIN LANDS OF THE SOUTHERN UTE INDIAN TRIBE

The Clerk called the bill (H.R. 5332) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1140, be considered in lieu of the House bill.

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

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

S. 1140

An act to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of the Southern Ute Indian tribal constitution and the ordinances and resolutions adopted thereunder, any lands that are held by the United States in trust for the Southern Ute Indian Tribe or that are subject to a restriction against alienation or taxation imposed by the United States, and that are not needed for Indian use, may be sold by the Southern Ute Indian Tribe, with the approval of the Secretary of the Interior, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the lands, except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale to a member of the tribe.

SEC. 2. All funds derived from the sale of lands pursuant to this Act shall be used only for the purchase of real property within the boundaries of the Southern Ute Indian Reservation. Title to any lands purchased with such funds and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust shall be taken in the name of the United States in trust for the Southern Ute Indian Tribe.

SEC. 3. Any tribal lands that may be sold pursuant to section 1 of this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446, title 28 of the United States Code, and the United States shall have the right to appeal from any order of remand in the proceeding.

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

Mr. ASPINALL. Mr. Speaker, S. 1140 authorizes the Southern Ute Tribe to sell any land that is held by the United States in trust for the tribe or land that is subject to a restriction against alienation or taxation imposed by the United States, and that is not needed for Indian use. Funds derived from the sale of tribal land must be used for the purchase of other land within the reservation. The tribe will also have the authority, with the approval of the Secretary of the Interior, to encumber by mortgage or deed of trust any land that may be sold pursuant to section 1 of the bill, in order to raise money with which to purchase other land needed by the tribe.

This authority is needed by the Southern Ute Tribe of Indians in order to consolidate trust or restricted lands on their reservation into more usable and profitable units. The tribe has adequate authority to acquire land and to exchange tribal land, but it lacks authority to sell tribal lands. The Southern Ute Tribe owns approximately 302,000 acres of land in trust, approximately 38,000 of which are isolated tracts that are not bordered on at least two sides by other tribally owned or Indian allotted land. The location of these tracts throughout the reservation area presents problems in use, access, development, and management. They are for the most part unfenced, lack a sufficient water supply, contain no commercial timber, have inadequate forage, and are of insufficient size to constitute an economic unit. Location, terrain, accessibility, soils, and moisture supply make the cost of optimum development too high when compared with the return the owners may expect to receive after development.

The tribe has heretofore designated three primary areas for concentrated development efforts. In the past, the tribe has been hampered in its attempts to acquire key tracts of land because of its limited financial resources. The enactment of this legislation will provide an opportunity to improve the land base of the Indians and be of considerable economic benefit to the tribe. It may be able to dispose of undesirable isolated parcels and thus obtain funds to purchase land that has an immediate foreseeable value to the tribe.

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. 5332) was laid on the table.

PERTAINING TO THE INHERITANCE OF ENROLLED MEMBERS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

The Clerk called the bill (H.R. 5721) pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon.

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

H.R. 5721

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

SECTION 1. (a) A person who is not an enrolled member of the Confederated Tribes of the Warm Springs Reservation of Oregon with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted lands within the Warm Springs Reservation or within the area ceded by the treaty of June 25, 1855 (12 Stat. Treaties, 37), if, while the decedent's estate is pending before the Examiner of Inheritance, the Confederated Tribes of the Warm Springs Reservation of Oregon pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon.

(b) On request of the Confederated Tribes of the Warm Springs Reservation of Oregon the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Confederated Tribes of the Warm Springs Reservation of Oregon shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a).

SEC. 2. The provisions of section 1 of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

With the following committee amendment:

On page 1, lines 5 and 6, strike out "with one-fourth degree or more blood of such tribes".

The committee amendment was agreed to.

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

Mr. HALEY. Mr. Speaker, H.R. 5721 limits the right to receive by devise or inheritance any interest in trust or restricted property on the Warm Springs Reservation to persons who are enrolled members of the Confederated Tribes with one-fourth degree or more blood of such tribes. The limitation will not apply, however, unless the person who is precluded from inheriting is paid by the tribes the fair market value of the interest in the lands.

This bill is an exact parallel of the statute enacted by the 91st Congress for the Yakima Reservation—act of December 31, 1970; 84 Stat. 1874. The purpose in both cases is to keep as much of the reservation as possible in the ownership of tribal members, and to preclude the transfer of reservation lands by devise or descent to nonmembers of the tribe. As a matter of fairness, however, if an heir or devisee is precluded from taking an interest in reservation land he must be paid for its fair market value. If he is not paid he may inherit. In other words, the nonmember is entitled either to the land or its value in money, and the choice rests with the tribe.

The enactment of the bill is also needed to correct an inequity created by the Yakima statute. Many members of the Yakima and Warm Springs Tribes are intermarried and have property on both reservations. A Yakima member may inherit land on the Warm Springs Reservation, but a Warm Springs members may not inherit land on the Yakima Reservation. The bill will make the same rule of law apply to both groups.

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. AL ULLMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR COLLEAGUE: Attached is a copy of your bill, H.R. 5721, together with the report of the Committee on Interior and Insular Affairs. This bill is scheduled for consideration on the Consent Calendar on Monday, June 5, 1972.

The Committee would like for you to be on the Floor when the Calendar is called so that you can help answer any detailed inquiries that might arise concerning this bill.

It is advised that you contact the Members of the Objectors Committee before the session when the bill will be considered.

Sincerely yours,
WAYNE N. ASPINALL, *Chairman.*

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

AMENDING THE ACT 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)

The Clerk called the bill (H.R. 6575) 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).

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

Mr. HALL. Mr. Speaker, reserving the right to object, and I do not intend to object.

This is a bill to provide for the disposition of judgment funds. But might I ask if we may expect all of these type bills for the disposition of judgments to be amended now by separate legislation lowering the age for such adjudged distributions to age 18, as this one does?

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

Mr. HALL. I am glad to yield to my friend, the gentleman from Florida.

Mr. HALEY. Of course, I might say to my distinguished friend, the gentleman from Missouri, it depends what the tribe itself wants in many instances.

Mr. HALL. I see, this varies, depending on the decision of the council from tribe to tribe and there will not be a blanket bill, which I would prefer, rather than handling them all on an individual basis and bringing in a mass of repetitive legislation, even under the Consent Calendar.

Mr. HALEY. Of course, I would be glad to try to bring as many of these bills here and more or less put them all together. But then they do vary from tribe to tribe on the distribution of funds and so forth so it is impossible to put in an omnibus bill to take care of all of them.

Mr. HALL. I understand, Mr. Speaker. I thank the gentleman for his reply. I respect his wisdom and will incidentally say the work that has been done on settling these claims and finally bringing to a close the cessation of all of these findings by the courts for the various tribes, will always be a feather in the headdress of the gentleman from Florida, and members of the committee, and we appreciate it.

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

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

H.R. 6575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b) (and (c) of section 3 of 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), are amended to read as follows:

"(a) A share payable to an enrollee not less than eighteen years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

"(b) A share payable to an enrollee dying after the date of this Act shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided,* That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under eighteen years of age or to an heir or legatee under legal disability other than because of age, the same shall be paid and held in trust pursuant to subsection (c) of this section;

"(c) A share or proportional share payable to an enrollee or person under eighteen years of age or to an enrollee or person under legal disability other than because of age shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as Trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

With the following committee amendment:

Page 2, line 23, between the period and the quotation marks insert:

"The Secretary of the Interior is authorized to approve amendments to trust agreements entered into pursuant to the Act of October 31, 1967 (81 Stat. 337), to permit the distribution of assets to, and the termination of trusts for, minor beneficiaries, not under other legal disability, who have attained or who shall hereafter attain the age of eighteen years."

The committee amendment was agreed to.

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

Mr. HALEY. Mr. Speaker, H.R. 6575 amends a 1967 statute which authorized the distribution and use of a judgment against the United States that was recovered in the Indian Claims Commission by the Cheyenne-Arapahoe Tribes of Oklahoma. The amendment changes the age of majority for the purpose of distributing the judgment from 21 to 18.

The 1967 statute provided that the share of a tribal member who is 21 years of age or older will be paid directly to him, and that a share payable to a member who is under 21 will be held in a private trust until the member reaches 21. The proposed reduction in the age limitation from 21 to 18 is in accord with the national trend with respect to voting responsibility.

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

DISPOSITION OF JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

The Clerk called the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission docket Nos. 22–E and 22–F, and for other purposes.

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

H.R. 8694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon, after payment of attorney fees and litigation expenses and costs of carrying out the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior prepare a roll of all persons who were born on or prior to and living on the date of this Act and are (a) enrolled or entitled to be enrolled as members of the Yavapai Apache Indian Community of the Camp Verde Reservation, or the Fort McDowell Mohave Apache Community, or the Yavapai Prescott Community; or (b) are residing on the date of this Act with the Payson Indian Band at Payson, Arizona, and can establish Yavapai lineal descent to the satisfaction of the Secretary. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. Subsequent to the establishment of the roll as provided in section 2 of this Act, the funds shall be apportioned among the cited groups on the basis of the number of enrollees in each group bearing to the total number enrolled. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band shall be utilized pursuant to a plan agreed upon between the governing body thereof or by the members thereof at a meeting called in accordance with rules prescribed by the Secretary of the Interior. Title to land purchased with funds apportioned to the Payson Band may be taken in the name of the United States in trust for the Payson Band.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes; and only those persons enrolled under the provisions of section 2 of this Act shall be permitted to share in any per capita distribution of the funds apportioned to the cited groups. Sums payable to enrollees or heirs or legatees who are less than twenty one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided herein.

"SEC. 2. The Secretary of the Interior shall set aside for the benefit of the Payson Indian Band, at Payson, Arizona, 3.5 per centum of the net judgment funds described in section 1 of this Act, which shall be disposed of pursuant to section 4 hereof.

"SEC. 3. For the purposes of apportioning the funds, the Yavapai Apache Indian community of the Camp Verde Reservation,

the Fort McDowell Mohave-Apache community, and the Yavapai-Prescott community shall prepare rolls of all persons who were born on or prior to and living on the date of this Act, and who are enrolled or entitled to be enrolled in accordance with the respective tribal constitutions or articles of association, as the case may be, in effect on April 1, 1972. The Secretary of the Interior shall verify and approve the rolls.

"SEC. 4. Upon completion and approval of the rolls as provided in section 3 of this Act, the balance of the funds not set aside pursuant to section 2 hereof shall be apportioned among the cited groups in section 3 on the basis of the number of enrollees in each group. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band pursuant to section 2 hereof shall be utilized pursuant to a plan agreed upon between the governing body elected by the Payson Indian community or by the members thereof at a meeting called in accordance with rules prescribed by the Secretary of the Interior.

"SEC. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to enrollees or heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

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

The committee amendment was agreed to.

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

Mr. HALEY. Mr. Speaker, H.R. 8694 authorizes the distribution and use of a claims judgment recovered by the Yavapai Apache Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of September 1, 1971, was $5,090,885. The money is currently invested in interest bearing accounts.

The Yavapai Indians are divided into four separate groups. Legislation is needed to divide the claims judgment between the four groups, and to authorize the use of the money.

The four groups have agreed that the Payson Indian Community, which has no formal organization and which is not recognized by the United States as a separate reservation, will receive 3.5 percent of the net judgment, and that the remainder will be divided among the Fort McDowell Reservation, the Camp Verde Reservation, and the Yavapai-Prescott Reservation, according to the relative numbers of members enrolled or entitled to be enrolled at each place.

After the money is divided, the bill permits it to be used for any purpose requested by the respective groups and approved by the Secretary of the Interior. Plans for the use of the money are as follows:

Camp Verde: 23 percent for a per capita and family plan program; 35.2 percent for economic and resources development; 35.2 percent for a tribal trust and investment program; and 6.6 percent for community development.

Fort McDowell: 30 percent for a per capita and family plan program; 15 percent for a tribal resources development program; 20 percent for a community development program; and 35 percent in a tribal trust and investment program.

Yavapai-Prescott: 50 percent in a 10-year irrevocable trust for investment; 15.625 percent in a resources development fund; 18.125 percent in a community development fund; and 16.250 percent for family and individual planning.

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

DISPOSITION OF JUDGMENT FUNDS OF THE HAVASUPAI TRIBE OF INDIANS

The Clerk called the bill (H.R. 9032) 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 numbered 91, and for other purposes.

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

H.R. 9032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment to the Havasupai Tribe in Indian Claims Commission docket numbered 91, together with interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

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

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

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

Mr. HALEY. Mr. Speaker, H.R. 9032 authorizes the distribution and use of a claims judgment recovered by the Havasupai Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of August 4, 1971, was $1,228,705. The money is currently invested in interest bearing accounts.

The Havasupai Tribe has adopted a plan for the use of the money which in summary is as follows:

Twenty-five percent for a standard of living betterment program for individuals in the form of per capita payments of about $700.

Thirty-nine percent for economic development programs, including improvement and expansion of the tourism and recreation enterprise, development of a tribal livestock loan program, and development and ownership of a public water system for the reservation.

Thirty-six percent is to be reserved for utilization in an irrevocable tribal trust and investment fund program, the interest from which would be used for education and financing tribal government services.

The bill permits the judgment to be used in accordance with this plan, and any modification that may be approved by the Secretary of the Interior.

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

DIVISION AND DISPOSITION OF JUDGMENT FUNDS OF THE ASSINIBOINE TRIBES OF THE FORT PECK AND FORT BELKNAP RESERVATIONS, MONT.

The Clerk called the bill (H.R. 10394) 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.

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

H.R. 10394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (Public Law 91 665), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

SEC. 2. One hundred per centum of the share of the Assiniboine Tribe of the Fort Peck Reservation, after deduction of costs of roll preparation and estimated costs of distribution, shall be distributed per capita to each person born on or prior to, and living on, the date of this Act who is a citizen of the United States and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation, on rolls prepared according to the membership ordinance of the Tribe, subject to approval of the Secretary of the Interior.

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

SEC. 4. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes, or to any loan from the tribe, and shall not be considered in determining eligibility for public assistance.

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

With the following committee amendment:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

"SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

"SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission Docket No. 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided,* That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

"SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degree of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (P.L. 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

"SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

"SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

"SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

"SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines."

The committee amendment was agreed to.

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

Mr. HALEY. Mr. Speaker, H.R. 10394 authorizes the distribution and use of a claims judgment recovered by the Assiniboine Tribes of the Fort Peck and the Fort Belknap Reservations. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of January 4, 1972, was $2,880,317. The money is currently invested in interest-bearing accounts.

The Assiniboine Indians are located on two reservations. They share the Fort Peck Reservation with the Sioux, and they share the Fort Belknap Reservation with the Gros Ventre. Legislation is needed to divide the judgment between the two groups, and to authorize the use of the money.

The two groups have agreed that the judgment should be divided between them equally.

After the money is divided, the Assiniboine Tribe at Fort Peck will reserve $50,000 to be available to match a similar sum reserved from an earlier judgment in favor of the Sioux Tribe, to be used for reservation purposes. The Assiniboine Tribe at Fort Belknap will reserve $100,000 which may be used separately for tribal purposes or for reservation programs in conjunction with a sum reserved from an earlier judgment in favor of the Gros Ventre Indians. The remainder will be distributed per capita to all members of the respective Fort Peck and Fort Belknap communities who are of Assiniboine descent, excluding persons who have more Sioux or Gros Ventre blood than Assiniboine blood, and excluding persons who share or are entitled to share in the prior Sioux and Gros Ventre judgments.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3230), to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3230

An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes in Indian Claims Commission docket numbered 279–A, and the interest thereon, after payment of attorney fees and litigation expenses shall be divided equally between the Assiniboine Tribe of the Fort Peck Reservation, Montana, and the Assiniboine Tribe of the Fort Belknap Reservation, Montana.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who posseses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payments: (a) persons who possess a greater degree of of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

SEC. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3230 and insert in lieu thereof the provisions of H.R. 10394, as passed.

The amendment was agreed to.

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

The title was amended so as to read: "To 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, Montana."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10394) was laid on the table.

INHERITANCE OF INTERESTS IN RESTRICTED OR TRUST LAND WITHIN THE NEZ PERCE INDIAN RESERVATION

The Clerk called the bill (H.R. 10436) to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes.

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

H.R. 10436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a person who is not an enrolled member of the Nez Perce Tribe of Idaho with one-fourth degree or more blood of such Tribe shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957), if, while the decedent's estate is pending before the Examiner of Inheritance, the Nez Perce Tribe of Idaho pays to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which such payment is made shall be held by the Secretary in trust for the Nez Perce Tribe of Idaho.

SEC. 2. On request of the Nez Perce Tribe of Idaho the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

SEC. 3. When a person who is prohibited by section 1 from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Nez Perce Tribe of Idaho shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under section 1.

SEC. 4. The provisions of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act and to all future estates, but shall not apply to any estate heretofore closed.

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

Mr. HALEY. Mr. Speaker, H.R. 10436 limits the right to receive by devise or inheritance any interest in trust or restricted property on the Nez Perce Reservation to persons who are enrolled members of the tribe with one-fourth degree or more blood of the tribe. The limitation will not apply, however, unless the person who is precluded from inheriting is paid by the tribe the fair market value of the interest in the land.

This bill is an exact parallel of the statute enacted by the 91st Congress for the Yakima Reservation—act of December 31, 1970; 84 Stat. 1874. The purpose in both cases is to keep as much of the reservation as possible in the ownership of tribal members, and to preclude the transfer of reservation lands by devise or descent to nonmembers of the tribe. As a matter of fairness, however, if an heir or devisee is precluded from taking an interest in reservation land he must be paid for its fair market value. If he is not paid he may inherit. In other words, the nonmember is entitled either to the land or its value in money, and the choice rests with the tribe.

The enactment of the bill is also needed to correct an inequity created by the Yakima statute. Many members of the Yakima and Nez Perce Tribes are inter-married and have property on both reservations. A Yakima member may inherit land on the Nez Perce Reservation, but a Nez Perce member may not inherit land on the Yakima Reservation. The bill will make the same rule of law apply to both groups.

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

DISPOSITION OF JUDGMENT FUNDS OF THE PUEBLO DE ACOMA

The Clerk called the bill (H.R. 10858) 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.

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

H.R. 10858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Pueblo de Acoma that were appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment by the Indian Claims Commission in docket numbered 266, and interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

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

Mr. HALEY. Mr. Speaker, H.R. 10858 authorizes the distribution and use of a claims judgment recovered by the Acoma Pueblo. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of May 4, 1972, was $5,954,682. The money is currently invested in interest bearing accounts.

The tribe has adopted a plan for the use of the money, which contemplates that the entire amount will be invested, and only the interest will be used for, first, aid to education, second, tribal administration, third, tribal law enforcement, fourth, youth services, fifth, land acquisition, sixth, economic development, seventh, matching funds for various Federal grant programs, eighth, preservation of historic shrines, ninth, emergency aid to the elderly, and tenth, long-range planning.

The bill permits the judgment to be used in accordance with this plan, and any modification that may be approved by the Secretary of the Interior.

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

DISPOSITION OF JUDGMENT FUNDS OF THE DELAWARE TRIBE OF INDIANS AND THE ABSENTEE DELAWARE TRIBE OF WESTERN OKLAHOMA, AND OTHERS

The Clerk called the bill (H.R. 14267) 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 numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission docket numbered 72, and for other purposes.

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

H.R. 14267

Be it enacted by the Senate and House of Representatives of the United States of Amer-

ica in Congress assembled, That the funds appropriated by the Act of December 26, 1969 (83 Stat. 447, 453), to pay a judgment in favor of the petitioners, the Delaware Tribe of Indians in docket 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in docket 72, together with any interest thereon, after payment of attorney fees, litigation expenses, and such expenses as may be necessary in effecting the provision of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

(a) they were born on or prior to and were living on the date of this Act; and

(b) they are citizens of the United States; and

(c) (1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or

(2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

SEC. 3. All applications for enrollment must be filed either with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following the date of this Act, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant.

SEC. 4.(a) The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to subsection 2(c)(2) bears to the total number of persons enrolled pursuant to section 2. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 99 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c)(2). and 1 per centum shall remain to the credit of the tribe in the United States Treasury, and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

(b) The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c)(1), and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided,* That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

SEC. 5. Sums payable to living enrollees are eighteen or older or to heirs or legatees of deceased enrollees age eighteen or older shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are under age eighteen or who are under legal disability other than minority shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

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

Mr. HALEY. Mr. Speaker, H.R. 14267 authorizes the distribution and use of a claims judgment recovered by the Delaware Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of June 24, 1971, was $8,633,379. The money is currently invested in interest bearing accounts.

The Delaware Indians are divided into two groups: the Delaware Tribe, and the Absentee Delaware Tribe of western Oklahoma. Legislation is needed to divide the judgment between the two groups, and to authorize the use of the money.

The two groups have agreed that the judgment should be divided between them on the basis of their relative numbers as shown on, first, a 1906 per capita payment roll for the Delaware Indians, and second, a constructed base census roll as of 1940 for the Absentee Delaware Tribe, after both rolls have been brought up to date by adding the names of lineal descendants and by deleting the names of deceased persons.

After the money is divided, the bill provides that the Absentee Delaware Tribe will retain 1 percent for tribal purposes, and that the Delaware Tribe will retain 10 percent for tribal purposes, and that the balance will be distributed per capita to persons on the updated rolls.

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

INTERSTATE OIL COMPACT EXTENSION

The Clerk called the Senate Joint Resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

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

S.J. RES 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of three years from September 1, 1971, to September 1, 1974, of the interstate compact to conserve oil and gas, as amended, which was signed in its initial form in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1969, to September 1, 1971, consented to by Congress by Public Law Numbered 91–158, Ninety-first Congress, approved December 24, 1969. The agreement to amend, extend, and renew said compact effective September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States and reads as follows:

"AN AGREEMENT TO AMEND, EXTEND, AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"WHEREAS, on the 16th day of February 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

"WHEREAS, effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"WHEREAS, the original of said Compact as so amended will, upou execution thereof, be deposited promptly with the Department of State of the United States, a tr'ie copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open

air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each state joining herein shall appoint one representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

"'ARTICLE VII

"'No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining therein.

"'ARTICLE VIII

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"'The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"'Done in the City of Dallas, Texas, this sixteenth day of February, 1935.'

"WHEREAS, the said 'Interstate Compact to Conserve Oil and Gas' in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

"WHEREAS, it is desired to amend said 'Interstate Compact to Conserve Oil and Gas' effective September 1, 1971, and to renew and extend said compact as so amended:

"NOW, THEREFORE, THIS WRITING WITNESSETH:

"It is hereby agreed that effective September 1, 1971, the Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.' and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved as provided in Article I of said compact as so amended.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ALASKA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ARIZONA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ARKANSAS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF COLORADO

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF FLORIDA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF ILLINOIS

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF INDIANA

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Secretary of State (SEAL)

"THE STATE OF KANSAS

By _____, Governor
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Secretary of State (SEAL)

"THE STATE OF KENTUCKY

By _____, Governor
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Secretary of State (SEAL)

"THE STATE OF LOUISIANA

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Secretary of State (SEAL)

"THE STATE OF MARYLAND

By _____, Governor
Dated: _____
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Secretary of State (SEAL)

"THE STATE OF MICHIGAN

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF MISSISSIPPI

By _____, Governor
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Attest: _____
Secretary of State (SEAL)

"THE STATE OF MONTANA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NEBRASKA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NEW MEXICO

By _____, Governor
Dated: _____
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Secretary of State (SEAL)

"THE STATE OF NEW YORK

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF NORTH DAKOTA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF OHIO

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF OKLAHOMA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE COMMONWEALTH OF PENNSYLVANIA

By _____, Governor
Dated: _____
Attest: _____
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)
"THE STATE OF TENNESSEE
By ----------, Governor
Dated: ----------
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Secretary of State (SEAL)
"THE STATE OF TEXAS
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Attest: ----------
Secretary of State (SEAL)
"THE STATE OF WEST VIRGINIA
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)
"THE STATE OF WYOMING
By ----------, Governor
Dated: ----------
Attest: ----------
Secretary of State (SEAL)

SEC. 2. (a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 391) is hereby repealed.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

With the following committee amendments:

Page 11, line 4, insert before "States" the following: "Interstate Oil Compact Commission and the"

Page 11, line 6, insert before the period following: ", and have been limited to activities related directly to the immediate purpose of such compact as set out in Article II of such compact".

The committee amendments were agreed to.

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

The SPEAKER. This concludes the call of the Consent Calendar.

CIVIL RIGHTS OF THE PEOPLE VIOLATED IN CALIFORNIA BY ANGELA DAVIS VERDICT

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

Mr. RARICK. Mr. Speaker, the revolution to destroy the people's confidence in our institutions has scored another victory.

A mockery has been made of justice in our country. Judge Harold J. Hailey, an assistant district attorney, and several jurors were taken prisoner in their own courtroom, the judge murdered, and the prosecutor paralyzed from gunshot wounds—yet justice has not been satisfied.

Symbolically, the civil rights of all the people of California were violated. Acquittal by the jury on State charges does not preclude trial on Federal charges under the civil rights statutes.

Precedent exists in prosecutions of earlier civil rights cases. I urge the Attorney General of the United States to act in the interest of preserving justice under law rather than surrender to so-called justice at the end of a gun barrel.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON THURSDAY, JUNE 15

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 15, 1972, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the United Mexican States.

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

There was no objection.

JUSTICE IN AMERICA?

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

Mr. WAGGONNER. Mr. Speaker, yesterday was a sad day for America and a banner day for international communism. Angela Davis, the black, self-avowed Communist, was acquitted of charges of murder, kidnaping, and criminal conspiracy, and set free to continue her personal war on this country. Once again the leftwing version of justice has been served in the courts of our land.

This same type of justice has been witnessed before in the United States; where those bent on the destruction of our form of government and our free society have been rewarded for a job well done. In this instance, Angela Davis' "good job" resulted in the death of a California judge and three other persons, and the crippling for life of another.

According to the local newspaper's account of yesterday's acquittal, the jurors, after returning the acquittal verdict, attended a celebration party for Miss Davis. Are we to presume that the jury acted in a fair and impartial manner and that justice was meted out fair and impartially? For my own part, I tend to think not.

Meanwhile, a member of our Armed Forces, who has dutifully served his country and who has fought the Communist enemies of the free world, Lt. William J. Calley, continues to be confined to quarters at Fort Benning, having already been found guilty on a rather dubious charge of killing Vietnamese civilians while on a combat mission. He is awaiting the outcome of his appeal.

There are those in our society who for varying reasons continue to praise any and all who viciously attack America, and Angela Davis falls into that category, while they heap only scorn and derision on anyone who attempts to defend and protect our country from our enemies.

America cannot continue to remain free with this kind of distorted one-sided justice.

TRANSPO 72 A SUCCESS

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

Mr. GRAY. Mr. Speaker, Transpo 72 at Dulles International Airport is now history. As a fixed wing and helicopter pilot and former airport operator, I consider the 9-day affair to be a tremendous success and well worth what it cost the taxpayers, the exhibitors, and the more than 1,250,000 persons who visited this international airshow.

It is indeed unfortunate that the airshow portion of Transpo suffered three fatalities. I am sure I speak for every Member of the House when I say our sympathies go out to the members of the families of these brave men. However, these were highly professional flyers who were performing almost daily somewhere in this country, and their unfortunate accidents could have occurred anywhere and cannot be blamed on Transpo. Two of the deaths can be attributed to equipment failure.

Secretary Volpe, General Manager Bird, Jim Evans, the publicity manager and all the staff at Transpo 72 are to be highly commended.

I hope we can start planning now for an even bigger and better Transpo in 1974, to follow the Paris Air Show in 1973.

TRIBUTE TO LATE TED PEARSON, TOP POLITICAL WRITER FOR BIRMINGHAM NEWS

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

Mr. EDWARDS of Alabama. Mr. Speaker, during these days when frequent criticism is being leveled at the press, there was a newsman in Alabama who stood out like a giant among his contemporaries. The mere byline, Ted Pearson, carried great credibility.

It is with great sadness that I report Pearson's death June 2.

For almost all his life Ted Pearson served the people of the State by keeping them informed through the medium of print journalism. He began as a copy boy for the Mobile Press Register and later became the top political writer for the Birmingham News.

I can say without reservation that Ted Pearson both personally and professionally was among the finest people I have known. His honesty and integrity were above reproach and his constant pursuit of truth and objectivity in his writing was a comfort to his readers and an inspiration to his fellow writers.

Ted Pearson was a leader in his field. He will be sadly missed by all people of Alabama.

MAJ. JOE HOWARD'S LIFE AN INSPIRATION TO ALL

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

Mr. COUGHLIN. Mr. Speaker, the death of Air Force Thunderbird, Maj. Joe Howard, at Transpo 72 is a tremendous tragedy.

Joe Howard symbolized the gallantry of the men and women in our Armed Forces. He was the best of our young men—a dashing leader.

A veteran of 2,500 hours of jet flying, Joe Howard had flown 322 missions in Southeast Asia, 69 of them over North Vietnam. He wore the Silver Star, the Distinguished Flying Cross, the Air Medal with 18 Oak Leaf clusters, the Purple Heart, an Air Force commendation medal, the Vietnamese Service Medal, four Bronze Stars and the Vietnamese Campaign Medal.

All of us join in mourning this fine young American and extend our condolences to his widow, his family, and friends.

Yet, Joe Howard's death cannot delay the things for which he lived and flew.

He flew for the strength of the United States.

He flew because he believed in Transpo 72 and the American industry.

He flew because he knew our Nation could compete and we can sell our technology.

When Joe Howard, flying in formation, crashed, his companions in their F–4 Phantoms flashed over the site as if to signify that things will keep on going.

The show went on. This Nation, of course, goes on.

All goes on because of gallant people who serve their country.

May we all think for a minute of Joe Howard, of North Carolina.

May his life inspire us for the United States of America.

CONFERENCE REPORT ON S. 1736, PUBLIC BUILDINGS AMENDMENTS OF 1972

Mr. GRAY. Mr. Speaker, I call up the conference report on the the (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take adequate time to explain the conference report?

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

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

Mr. GRAY. Yes; I shall be delighted to explain the conference report.

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

The SPEAKER. The Clerk will read the statement of the managers.

The Clerk read the statement.

Mr. GRAY (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read. I shall be glad to explain it.

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

There was no objection.

(For conference report and statement, see proceedings of the House of May 30, 1972.)

CALL OF THE HOUSE

Mr. GROSS. 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. 184]

Abbitt	Dwyer	Murphy, N.Y.
Abernethy	Edmondson	Nix
Abourezk	Esch	O'Konski
Abzug	Eshleman	O'Neill
Andrews, N. Dak.	Fraser	Passman
	Frelinghuysen	Pepper
Ashbrook	Galifianakis	Pettis
Badillo	Gallagher	Podell
Baring	Gibbons	Pryor, Ark.
Barrett	Green, Oreg.	Railsback
Belcher	Griffin	Rangel
Bell	Grover	Reid
Bingham	Gubser	Rhodes
Blanton	Gude	Robinson, Va.
Blatnik	Hagan	Rodino
Boland	Halpern	Rooney, N.Y.
Burton	Hanna	Rousselot
Caffery	Hawkins	Roybal
Camp	Hébert	Runnels
Cederberg	Helstoski	St Germain
Celler	Holifield	Scheuer
Chappell	Jones, Tenn.	Schmitz
Chisholm	Kee	Shipley
Clancy	Kyros	Shoup
Clark	Landgrebe	Smith, N.Y.
Clawson, Del	Leggett	Springer
Clay	Lloyd	Staggers
Collins, Ill.	Long, La.	Steele
Conte	Lujan	Stokes
Conyers	McClory	Stratton
Curlin	McCloskey	Stubblefield
Daniels, N.J.	McDonald, Mich.	Stuckey
Danielson		Tiernan
Davis, Ga.	McKinney	Van Deerlin
Davis, S.C.	McMillan	Vander Jagt
Davis, Wis.	Macdonald, Mass.	Veysey
Dellums		Waldie
Dennis	Madden	Whalley
Dent	Mayne	Whitten
Diggs	Miller, Calif.	Widnall
Dow	Mink	Wilson, Bob
Dowdy	Moorhead	Wilson, Charles H.
Dulski	Moss	

The SPEAKER. On this rollcall 307 Members have answered to their names, a quorum.

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

AMENDMENT OF TITLE OF S. 3230

The SPEAKER. Without objection, the title of S. 3230, which was considered, amended, read a third time and passed earlier this afternoon, following the passage of H.R. 10394 on the Consent Calendar, will be amended to conform to that of the House bill.

There was no objection.

CONFERENCE REPORT ON S. 1736, PUBLIC BUILDINGS AMENDMENTS OF 1972

The SPEAKER. The gentleman from Illinois (Mr. GRAY) is recognized.

Mr. GRAY. Mr. Speaker, the conference report before us today is almost identical with the House-passed bill known as the Public Buildings Amendments of 1972.

The House-passed bill was approved by a vote of 331 to 40, and in conference with the other body almost all of the House language was agreed to.

Briefly, Mr. Speaker, the conference report authorizes private financing for a 3-year period only for the construction of an 8-year backlog of 63 much-needed Federal buildings in the United States, Puerto Rico, and the Virgin Islands. The legislation also authorizes the establishment of a revolving fund in which will be deposited rents collected from all Federal agencies using space in Government-owned buildings. These rents will be used to pay the payments on the purchase contracts for the new buildings to be constructed.

We believe this will save the taxpayers millions of dollars each year.

The conference report also contains the House language concerning the Kennedy Center and the Congressional Hotel.

I might say to my distinguished friend, the gentleman from Iowa, it includes his amendment he offered and which was adopted on the floor concerning fair market value prices.

Mr. Speaker, the House bill was a good bill. The conference report is the same. I urge its adoption.

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

Mr. GRAY. I yield to my friend, the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I find one very definite change in the conference report from the House bill, that is the jurisdiction of the Appropriations Committee to review and approve proposed purchase contracts for public buildings. Would the gentleman explain why the language was changed, which took away the jurisdiction of the Appropriations Committee in this respect?

Mr. GRAY. Yes; I will be delighted to explain.

First of all, let me state to my distinguished friend, the ranking minority member on the House Committee on Appropriations, that the Appropriations Committee will have to approve all the funds collected in rents that will go into this revolving fund to pay the purchase contracts, so the Appropriations Committee will still have control. What was deleted in conference was the proviso stating that before a contract could be entered into, that line item or individual contract should have been submitted back to the Appropriations Committee.

We had adopted this provision in the House and then we received a letter from the Acting Attorney General, Hon. Rich-

ard Kleindienst, pointing out it was his opinion that the President would veto the legislation with that precise language, because he said it usurps the prerogative of the administration by making them come back to Congress before they award a contract. As I said, it was our position in the House that we wanted the Committee on Appropriations to have full and complete control, not on one occasion, but in this instance on two occasions. However, we were faced with the letter from the Acting Attorney General citing precedents from President Roosevelt up to and including the present incumbent in the White House, President Nixon, and stating after the Committee on Appropriations has approved the funds on this revolving fund, they felt the administration should have the authority to award the contract.

So we had no alternative but to agree to substitute language, which merely says that before they can enter into a contract down at the General Services Administration they must submit to the Appropriations Committee a list of the intended contracts, and then the committee has 30 days before GSA can go out and award such a contract.

I realize it is not as much control as the gentleman from Ohio would want.

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

Mr. GRAY. I am glad to yield further.

Mr. BOW. Section (h) on page 6 of the conference report is the one the gentleman is now referring to?

Mr. GRAY. The gentleman is correct.

Mr. BOW. I must say they might as well have left that out, because it says:

> No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

Assuming that they do send up a 30-day notice to the Appropriations Committee, and the Appropriations Committee would like to say "no", there is nothing in this language that gives the Appropriations Committee any authority except to read a 30-day notice and then forget about it.

This is the point I raise. I believe there is just nothing to it. It is meaningless so far as any control is concerned.

Under the other provision, which refers to the appropriations in the revolving fund, how are funds brought into the revolving fund?

Mr. GRAY. Under existing law the Appropriations Committee has been appropriating approximately $100 million to $115 million a year for all public buildings construction throughout the country. Any residue left over from existing appropriations now will go automatically, when this legislation is signed into law, into the revolving fund. That residue from previous appropriations plus the amount of rents collected from all Federal agencies will make up the total revolving fund, and the House Committee on Appropriations will have complete control on an annual basis over the revolving fund.

Does that answer the gentleman's question?

Mr. BOW. It answers the question, but I still believe, so far as the other provision is concerned, it has stripped the Appropriations Committee of some of its authority.

The gentleman referred to a letter from the Justice Department. I have read that letter carefully. There is nothing in the letter that says the President would veto the bill.

I believe the gentleman will agree his statement that the letter said the President would veto is not completely correct; it might be implied, but it certainly is not in the language of the letter.

Mr. GRAY. I believe what the letter said was the fact that Presidents from Mr. Roosevelt up to and including Mr. Nixon have vetoed legislation precisely for the same reasons and the same language that was embodied in the House bill. Then we were told on the telephone that with all these precedents facing us they felt sure the President would veto the bill. That was the reason the Attorney General wrote the letter.

I would say to my distinguished friend from Ohio, I, too, subscribe to the House language. In fact, the gentleman will recall that we offered it and accepted it on the House floor.

After receiving the letter from the Attorney General pointing out all these precedents, we had no alternative but to agree to the substitute langauge in conference if we wanted a bill.

Mr. BOW. May I say to the gentleman, I hope that under this bill he is bringing in now the backlog of Federal buildings will be cut down. I believe there are some 60 now ready to go. I would hope that even the Appropriations Committee will continue to finance some of these buildings for direct Federal construction for the many Members who have been waiting for a long time to get Federal buildings built. I would hope the gentleman would join with some of the rest of us in insisting on that.

Under the present system, as I see it, under this language in paragraph (h), we have no assurance, certainly, that these buildings will be built.

They are on both sides of the aisle, and this is not partisan in any way. It seems to me that the Members here have been waiting for a long time for these Federal buildings to be constructed, and they should be in a position to have some control over the funds so that the buildings will be built that are most urgently needed by the people of the United States.

Mr. GRAY. I agree with my friend implicitly. Let me again reiterate what I said just a few moments ago; namely, that this legislation is only for a short, 3-year period, as it takes up the backlog. The fact is that the gentleman's committee after that short period of 3 years will continue to fund with direct Federal appropriations all future public building construction.

Mr. BOW. I thank the gentleman. I only wish I would be here to overlook the situation. As the gentleman knows, this is my last session, and I will not be here next session, but I hope that the gentleman will see to it that these buildings are actually constructed. It is a great satisfaction to be a Member of this House.

Mr. GRAY. I sincerely want to say the gentleman's service will be missed around here very much, because he is always very active and helpful in managing the taxpayers' business.

I now yield to my distinguished friend, the ranking member of the full Committee on Public Works, Mr. HARSHA, of Ohio.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I support the report and the statement made by the gentleman from Illinois. I think that this conference report does represent about 95 percent of the House version of this bill. Insofar as the colloquy that took place concerning what we had in the House version relating to the Appropriations Committee amendment and what came out of the conference, practically speaking, I think there is quite an adequate safeguard in what the Committee on Appropriations can do in controlling the implementation of this measure. All of the money that goes into the revolving fund must be appropriated before it is expended. Therefore, the Committee on Appropriations will have control from that standpoint. It seems to me beyond question that if the General Services Administration sends up a prospectus and gives the Committee on Appropriations 30 days' notice, if an objection is lodged by the Committee on Appropriations to the funding or construction of that building, then the General Services Administration would be very short-sighted if it went ahead in the face of that objection or opposition to the building, to construct it, knowing full well that the Committee on Appropriations had the ultimate control of its annual appropriation. So I think, as a practical matter, while there may be some question about the legality of such control, there is adequate control vested in the committee.

Mr. Speaker, insofar as the bill as a whole is concerned, I urge my colleagues to support the recommendations of the conference committee. This was a complicated measure. The Public Buildings Act Amendments of 1972 will effect a wholesale revamping of the Government construction and improvement program. To eliminate the backlog of 63 badly needed but unfunded buildings, a purchase contract procedure of 3 years' duration was authorized. To finance the Government building program thereafter on a fiscally sound and efficient basis, a revolving fund would be established. Government agencies occupying space in public buildings would pay rent equivalents at commercial rates for the space they occupy.

As you know, the other body acted first on this measure. Thereafter, your Committee on Public Works considered and reported it to the House with several key changes. These were incorporated in the House approved measure.

As has already been stated, the essential features of the House approach were retained in conference. Indeed, I think

it fair to say that the bill follows the House approach most of the time.

Two constructive changes were made however, by the conference which I believe merit your consideration and support. The first relates to the language of an amendment to the House bill which sought to liberalize the construction of any buildings utilizing the purchase contract device beyond the 63 backlog structures. In conference, the House receded from this amendment. As the matter stands, any additional buildings to be constructed must go through the regular prospectus process. This means that to initiate such buildings, GSA must submit a prospectus describing their essential features to the Committee on Public Works of both Houses for their approval.

The second key accommodation that emerged from the conference relates to the appropriations amendment which has already been discussed.

A final comment relative to this bill is in order. Section 10 of the House bill provides for a transfer of the non-performing arts functions of the JFK Center of the performing arts to the National Park Service. These include all maintenance, security, information, interpretation, janitorial and other similar services. This section was retained in the conference.

The joint explanatory statement of the committee of conference, with regard to section 10 of the bill, states that the interpretation of the National Park Service and the Kennedy Center appear to differ as to what is meant by "information" and "interpretation," that the section does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the Center, and that in no way gives authority to the National Park Service over the Friends of the Kennedy Center or places the friends under the direction of the Park Service.

To clarify that statement it should be pointed out that the Kennedy Center trustees and the Park Service have already come to agreement on the role of the Park Service in interpretive and informational functions at the Center, and on the role of the Friends of the Kennedy Center.

As to the words "information" and "interpretation," the vice chairman of the board of trustees, in a May 23, 1972, letter to Senators RANDOLPH and COOPER, stated:

> Principally, the words refer to the work of guiding and informing the thousands of visitors who come through the Center each day. The National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center.

The Acting Director of the National Park Service, in a letter of the same date (May 23, 1972), stated:

> The National Park Service considers its authority and responsibilities under section 10 to provide the public with an interpretive program of high standards similar in quality and integrity to the informational and interpretive programs for other memorials in the Washington area such as the Washington Monument, Lincoln Memorial and Jefferson Memorial. It will provide under its control guides and other visitor services.

In other words, the trustees and the Park Service agree that the information and interpretation function will be exercised by the Park Service in the same way that agency now operates the other memorials in the Washington area.

As to the role of the Friends of the Kennedy Center, the vice chairman of the board of trustees stated in his earlier mentioned letter:

> This kind of volunteer work is now being performed by the Friends, to the great benefit of the Center and the public. My understanding is that the Park Service is actively encouraging such voluntary efforts throughout its system, and believes it should be done at the Center.

Thus, concerning information and interpretation the trustees are of the opinion that "it is appropriate that the Service have overall responsibility for it in the Center," but that the work of the Friends of the Kennedy Center should continue. The Park Service agrees. It states in its letter that—

> We would not envision the present interpretive and informational services now conducted by the Friends of the Kennedy Center to continue as an independent activity should the Service assume responsibility for this function. It would be the hope of the National Park Service, however, that the Friends of the Kennedy Center could work with the National Park Service in continuing to furnish information and in interpreting the functional or memorial aspects of the Kennedy Center, provided that high standards are maintained.

It is apparent from the foregoing that the two agencies are in agreement that, first, the National Park Service will have overall responsibility for informational and interpretive functions at the Center, exclusive of the performing arts functions, of course, and second, the Friends of the Kennedy Center will be encouraged to continue to provide their services, subject to the high standards set by the Park Service in the exercise of its management responsibility for the nonperforming arts functions at the Center.

Accordingly, the statement of the conferees, that section 10 in no way gives the National Park Service authority over the Friends of the Kennedy Center, must be interpreted as applicable only to the performing arts functions, since the authority of the National Park Service over the nonperforming arts functions is clear.

So, Mr. Speaker, I urge the House to adopt the conference report.

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

Mr. HARSHA. Yes, I yield to the distinguished gentleman from Ohio.

Mr. BOW. I should like to ask the gentleman from Ohio and the gentleman from Illinois whether there is anything in this bill that would prevent direct financing of public buildings by the General Services Administration.

Mr. HARSHA. No, sir. As far as I am concerned the answer would be "no".

Mr. GRAY. I concur with the statement made by the gentleman from Ohio.

Mr. BOW. If funds were provided for direct financing the gentleman feels it could be done in that manner under the provisions of this bill?

Mr. GRAY. The gentleman is correct.

Mr. BOW. I thank both of the gentlemen.

Mr. GROSS. Mr. Speaker, will the gentleman yield 3 minutes to me?

Mr. HARSHA. I yield 3 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Ohio for yielding to me to propound a few questions to the gentleman from Illinois (Mr. GRAY).

Before doing so, may I observe that this conference report may well be substantially the House bill, but that does not make it any more palatable to some of us who are opposed to the financing provisions for the so-called Kennedy Cultural Center.

When was it, if the gentleman will revive my memory, that he told the House that we were through making appropriations of tax dollars to the Cultural Center.

Mr. GRAY. Mr. Speaker, will be gentleman yield?

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

Mr. GRAY. I made that statement on the floor when we authorized the Kennedy Center. There is not one dime in this bill for the performing arts functions of the Center. What is contained in this bill, as the gentleman well knows, is $1.5 million to pay for the costs already incurred for maintenance and security, which is an obligation to keep up this monument in similar fashion as we maintain the Washington Monument, the Jefferson Memorial, the Lincoln Memorial, and many other places of national interest.

And, also, in the bill, as the gentleman knows, we have tried to attack this maintenance and security problem as a permanent basis by giving to the National Park Service the responsibility for security and maintenance so we will not have to come back year after year for this item.

Mr. GROSS. What is the difference between nonperforming and performing arts? There must be a building for performing arts unless the performances are in a tent or something of that kind.

Mr. GRAY. Essentially, the performing arts functions start at 8 p.m. and the nonperforming art functions are carried on in the daylight hours when about 12,000 to 15,000 people a day, many of which are schoolchildren, are given the opportunity to go through and see the John F. Kennedy Center.

The air conditioning, the guards, the guides, and the other services and other functions of the nonperforming arts costs money not related to the performing arts. So we delineate the two functions down there. The performing arts are going on at 8 o'clock and the daylight hours will be for the nonperforming arts for the general public who just want to come to see the monument and not a play or other performance that is taking place.

Mr. GROSS. And, so, the park service, under this open-ended appropriation—and I would be interested to know why it

is open ended for the purpose of the legislation——

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

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

Mr. GROSS. So, the park service will vacate the premises at 8 p.m. each and every day, is that correct?

Mr. GRAY. No; the park service will have the full authority for policing, security, and maintenance. The cost for special services after the performing arts functions start at 8 p.m. will be charged to the performing arts. It is estimated that it will cost about $586,000 to secure and maintain the building in the evening and approximately $2 million a year for the rest of the cost of the nonperforming arts functions. This promise is contained in the letter addressed to us by Mr. Hartzog, Director of the National Park Service.

Mr. GROSS. What does the gentleman estimate the total will be to the taxpayers in financing the park service from now on in perpetuity?

Mr. GRAY. The total cost will be about $2 million per year. However, about $5,000 per week is being collected by the so-called Friends of the Kennedy Center through the sale of various items with reference to the center. The money from that will go to help pay for guides and other costs and will be subtracted from the total.

Mr. GROSS. What is the meaning of "interpretation" as used here? Apparently it is to be an obligation or responsibility of the park service?

Mr. GRAY. If the gentleman will yield further, on the last page of the report we state that an agreement will be signed by the National Park Service and the so-called Friends of the Kennedy Center for these services.

Mr. GROSS. Well, what is "interpretation?" What is the meaning of interpretation in this context?

Mr. GRAY. Interpretation would be an umbrella over the guide service to explain the building and tell a little bit of the history about the building, similarly to our guide service operations here at the Capitol.

Mr. GROSS. Does "interpretation" mean providing funds for day and night nursery care for children of those who go to see the performing and nonperforming arts?

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

Mr. GROSS. I yield.

Mr. GRAY. Only for the purpose of disseminating information of interest to school groups and the public visiting the Center will be included, nothing else, no private services whatsoever.

Mr. GROSS. So that the taxpayers, once having been assured that this cultural center would not cost them a dime, are now going to be called upon for $2 or $3 million a year, and that is probably minimal, for the upkeep of the cultural center from now on into perpetuity. This after having seen $57 million of their money dumped into the thing. Is that correct?

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

Mr. GRAY, I yield 1 additional minute to the gentleman from Iowa.

Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman.

Mr. GRAY. I would say to my friend, the gentleman from Iowa, that there is not one red cent in this bill for further construction at the Kennedy Center. We are treating this national monument to a former deceased President in identically the same fashion as we treat all other national monuments to all of our other former Presidents, and this includes, of course, President Lincoln, President Washington, President Jefferson, and the other national monuments in the Capital City for which we have an annual, recurring appropriation to maintain those national monuments. And I am sure that the gentleman from Iowa would not want to see anybody do anything to prevent the security and upkeep of a monument to any of our former Presidents.

Mr. GROSS. Then this will be the only monument so treated?

Mr. GRAY. Absolutely not, all of the other monuments, in fact——

Mr. GROSS. I am talking about this particular former President—this will be the only national monument that will be so treated, the only edifice bearing his name that will be so treated. As for the rest of them, it will be up to their friends, or whatever they are, to take care of them; is that correct?

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

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

Mr. GRAY. The gentleman is correct, this is the only authorized national monument to former President Kennedy constructed in the Nation where we have any obligation for its upkeep.

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

Mr. SEIBERLING. Mr. Speaker, final approval by the House of S. 1736 will mark a landmark in the efforts to put the construction of Federal public buildings on a businesslike basis. Since the lease-purchase program is a pioneer program as far as the Federal Government is concerned, the bill wisely contains a 3-year limitation. This will enable future legislation to profit from experience under this legislation.

However, it seems to me that there are two major achievements of the bill, one with an immediate effect, the other having a long-range effect. The immediate effect is that the bill will allow the General Services Administration to move ahead without delay on the many Federal building projects which have been held up under the old system in which the financing from the start required congressional appropriations. Because of fiscal constraints, this meant that only a few such buildings could be completed each year. Many cities have had to wait many years before obtaining the necessary office space to accommodate adequately the Federal employees engaged in work in the locality.

The city of Akron, Ohio, has been waiting for over 8 years for a Federal office building. The site has been cleared, the title to the land is in the General Services Administration, the architect's designs for the building have been completed and paid for, yet the construction of the building has been held up for several years, even though both GSA and the Public Works Committee have both given it high priority.

Moreover, the completion of the downtown urban renewal program, so important to the preservation to the central city as a viable economic resource, has been stalled because prospective developers were uncertain as to the future construction of the Federal office building. This has meant that millions of Federal and local dollars invested in the downtown urban renewal program have not been achieving their maximum effect and that the city of Akron has been losing millions of dollars of potential tax revenue.

I have been advised that, once this bill becomes law, the GSA is prepared to move rapidly ahead on the Akron Federal building, and I am sure, on many similar projects in other parts of the country. This is a most welcome break for the many thousands of citizens who are dependent upon services of the Federal Government and it is a most welcome break for the taxpayers in the city of Akron.

The long-range achievement of the bill is to require the occupying agencies and other Federal offices to pay a rental for the space. This should facilitate proper accounting within the Federal Government itself and curb any tendencies toward excessive office space on the part of any particular agency. It also builds up a revolving fund for construction of future Federal office buildings.

The Public Works Committee and its Subcommittee on Public Buildings and Grounds are to be commended for their excellent work in putting together this legislation.

Mrs. ABZUG. Mr. Speaker, I rise in favor of the conference report on S. 1736, Public Buildings Amendments of 1972. One provision contained in the report ends a long battle by the people of my district to have the opportunity to construct housing on the Morgan Annex site at 29th Street and Ninth Avenue in Manhattan.

The Morgan Annex property was acquired by the Post Office in December 1963, for $5.4 million. Some 300 families and businesses were displaced so that the annex could be built adjacent to the Morgan Station postal facility. In 1966, Congress authorized a proposed expansion plan for the site, but a 1967 fire in Morgan Station halted those plans. The post office then decided it wanted a massive rail handling facility in Secaucus, N.J.

In an executive session of the Building and Grounds Subcommittee of the Public Works Committee, held June 11, 1970, Assistant Postmaster General Henry Lehne declared that if the Secaucus facility were authorized, Morgan Annex would be declared excess to Post Office needs and conveyed to the City of New York for housing. The transcript reads as follows:

Mr. LEHNE. What I wanted to say is that it seems like part of the property is going to be surplus to the Post Office Department needs. We plan to discuss that with General Services (Administration) as soon as possible. The entire disposition of the property will be up to them.

We have reached the point that we do want to modify Morgan Station as preferential mail handling only. This will relieve greatly the need, because that whole property was involved in foreign mail, which is now going to Jersey and bulk mail, so some of the property will be made available to General Services. How much, we will have to discuss with them.

Mr. Lehne's assistant, Jerry Reynolds, made the same promise again on June 22, 1970, in a letter to Rep. KENNETH. J. GRAY, chairman of the Buildings and Grounds Subcommittee. The relevant paragraph is as follows:

As soon as the New Jersey facility is operational, this truck traffic will decrease by about one-half in the Morgan Station area, and the Post Office Department will no longer need the block in question for parking and maneuvering purposes, except, of course, the 16,000 square feet which would be involved in a 20-foot widening of 29th Street. Thus, of the approximately 160,000 square feet in the block, 144,000—90 per cent—would become available.

These promises were in part responsible for eventual approval by Congress of the Secaucus facility, which, it may be noted, has already experienced a cost overrun of about 109 percent with no end in sight.

In a Nov. 3, 1970, letter to Commissioner Albert A. Walsh of the New York Housing and Development Administration, Mr. Lehne again said:

As soon as the New Jersey facility is operational, this truck traffic will decrease and the block in question will no longer be needed, except for the widening at 29th Street.

The Public Works Subcommittee on Buildings and Grounds, of which I am a member, met in New York City on May 14, 1971, to ascertain public feeling on the future of the annex land. Sentiment was overwhelmingly in favor of housing—and housing only—on the property. Post Office officials appearing at that hearing, however, were vague as to their plans for Morgan Annex, so the question of Post Office plans was again raised before the Investigations and Oversight Committee of the Public Works Committee in Washington on July 13, 1971.

On that date, Mr. Lehne again said at least three times that the Post Office would not need the Morgan Annex once the Secaucus facility became operational:

It is still the intent of the Postal Service that in June of 1973, provided the schedules are continuing to be met as we now plan them, that that land will be available.

* * * * *

The letter that we signed is Post Office policy. The land will no longer be available to it for our use, no longer needed for our use.

* * * * *

I think we have stated, Mrs. Abzug, that the property is not required in our plans when the Morgan Station refurbishing is complete, and when the New Jersey facilities are operational in 1973.

There is no question that this commitment was made, repeatedly and firmly, to the people of New York City by responsible Post Office officials.

In order to insure that the Postal Service would fulfill their commitment, I offered an amendment when this bill was marked up in the Subcommittee on Buildings and Grounds. This amendment, which was accepted without change by the subcommittee, provided that the Morgan Annex site be conveyed to New York City without charge, for use solely for housing purposes.

Shortly after the original submission of my amendment, the Post Office—now reconstituted as the U.S. Postal Service—cast aside all it had promised earlier and announced that it needed the Morgan Annex land.

In another letter from Mr. Reynolds to members of the Buildings and Grounds Subcommittee, the Postal Service proposd to build its Vehicle Maintenance Facility—VMF—for 1,300 trucks on the site. This letter, dated Nov. 8, 1971, read as follows:

Mr. Lehne testified that the Postal Service did not anticipate having a need for this property once the Secaucus bulk installation becomes operational in approximately two years.

Since that date, it has become apparent that the Postal Service will have a critical need for this property, even after Secaucus becomes operational.

The Postal Service thereupon proposed a four-story VMF, two floors above ground and two below, with walls and foundations sufficiently reinforced to allow construction of 20 stories of housing above the garage. For the reinforcement, the Postal Services would require $4 million from the city of New York.

The Chelsea-Clinton community, while anxious to get housing, expressed a preference to do so without mixed use of the Morgan site. Among other objections raised to the Postal Service's decision to build on the site was the fact that an eminently satisfactory alternative location for the vehicle facility was available nearby. It is a full block, half owned by the city and half by the Sharp Development Corp. at 30th Street and 12th Avenue. It possesses all the advantages the Postal Service cites for Morgan Annex: a lower Manhattan location, available space, and reasonable financing. In addition, the site would not interfere with existing traffic patterns, would not disrupt a residential area and would aid in revitalizing the 12th Avenue area for commerce.

However, the Post Office initially gave the Sharp site only cursory attention and dismissed it as financially unworkable on grounds a VMF there would cost $73.5 million while the same facility at the Morgan site would cost only $5.1 million—a $68 million difference. The Sharp site was not even included in the feasibility study the Postal Service commissioned from the Army Corps of Engineers and which has not yet been completed.

However, a General Accounting Office report which I commissioned revealed that the Postal Service's cost analysis had been prepared from preliminary data in 1 day. It further showed that according to standard GAO accounting methods, the cost differential between the two sites was not $68 million but only $2.1 million.

The Sharp Development Corp., working with the New York Economic Development Administration, subsequently made another offer to the Postal Service that would provide the full block and would be even less costly, thus tipping the economic balance in favor of the Sharp site.

Unfortunately, the Postal Service persisted in its objections, and the provision was amended on the House floor to provide that although the city would receive the air rights to the site without charge, the Postal Service would be afforded 2 years to begin building its facility there. The provision was not altered by the conference committee.

Subsequent to House consideration of the bill, Postal Service and New York City officials met to begin planning the construction for the site. Among other things, the Postal Service agreed to advance to the city funds for the preliminary design study of the high rise residential tower, to defer payment of the city's share of the foundation cost of $1.9 million—which had originally been expected to be around $3 million—and to aid the city in seeking financial assistance from the Department of Housing and Urban Development.

In summary, then, we began with a situation in which the Postal Service had decided to foreclose the building of any housing on or above the Morgan Annex site. The hearings before the Subcommittee on Buildings and Grounds, followed by its adoption of my original amendment, compelled the Postal Service to enter into bargaining on the question, and the final result is somewhat better than the best offer which the Postal Service had advanced prior to floor consideration of the buildings legislation.

A site which was unavailable for housing will now become available to the people of my district who so desperately need adequate shelter. Thanks for this victory are due to many members who helped bring it about—Chairman JOHN BLATNIK, Acting Chairman BOB JONES, and Subcommittee Chairman KEN GRAY—as well as to the fine staff of the Public Works Committee and the Buildings and Grounds Subcommittee.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. 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 278, nays 40, not voting 114, as follows:

[Roll No. 185]

YEAS—278

Adams	Fraser	Mosher
Addabbo	Frenzel	Murphy, Ill.
Alexander	Frey	Myers
Anderson, Calif.	Fulton	Natcher
	Fuqua	Nedzi
Anderson, Ill.	Garmatz	Nelsen
Andrews, Ala.	Gettys	Nichols
Annunzio	Giaimo	Obey
Arends	Goldwater	O'Hara
Ashley	Gonzalez	Patman
Aspin	Grasso	Patten
Aspinall	Gray	Perkins
Badillo	Green, Pa.	Peyser
Baker	Griffiths	Pickle
Barrett	Haley	Pike
Begich	Hamilton	Pirnie
Bennett	Hammer-schmidt	Poage
Bergland		Podell
Betts	Hanley	Poff
Bevill	Hansen, Idaho	Powell
Biaggi	Hansen, Wash.	Preyer, N.C.
Blackburn	Harrington	Price, Ill.
Boggs	Harsha	Pucinski
Bolling	Harvey	Quie
Brademas	Hastings	Randall
Brasco	Hathaway	Rees
Brooks	Hays	Reid
Broomfield	Hébert	Reuss
Brotzman	Hechler, W. Va.	Riegle
Brown, Mich.	Heckler, Mass.	Roberts
Brown, Ohio	Heinz	Roe
Broyhill, N.C.	Henderson	Rogers
Broyhill, Va.	Hicks, Mass.	Roncalio
Buchanan	Hicks, Wash.	Rooney, Pa.
Burke, Fla.	Hillis	Rosenthal
Burke, Mass.	Hogan	Rostenkowski
Burleson, Tex.	Horton	Roush
Burlison, Mo.	Hosmer	Roy
Byrne, Pa.	Howard	Ryan
Byrnes, Wis.	Hull	Sandman
Byron	Hungate	Sarbanes
Cabell	Hunt	Satterfield
Carey, N.Y.	Ichord	Saylor
Carlson	Jarman	Schneebeli
Carney	Johnson, Calif.	Schwengel
Carter	Johnson, Pa.	Scott
Casey, Tex.	Jones, Ala.	Seiberling
Chamberlain	Jones, N.C.	Shriver
Clausen, Don H.	Karth	Sikes
	Kastenmeier	Sisk
Clay	Kazen	Skubitz
Cleveland	Keating	Slack
Colmer	Kee	Smith, Iowa
Conable	Keith	Staggers
Conover	Kemp	Stanton,
Corman	King	J. William
Cotter	Kluczynski	Stanton,
Coughlin	Koch	James V.
Culver	Kuykendall	Stephens
Daniel, Va.	Landrum	Stratton
Davis, S.C.	Latta	Sullivan
de la Garza	Lennon	Talcott
Delaney	Lent	Taylor
Dellenback	Link	Teague, Tex.
Denholm	Long, Md.	Terry
Dent	McClure	Thompson, Ga.
Derwinski	McCollister	Thompson, N.J.
Devine	McCormack	Thomson, Wis.
Dingell	McCulloch	Thone
Donohue	McDade	Udall
Dorn	McEwen	Vander Jagt
Downing	McFall	Vanik
Drinan	McKay	Vigorito
du Pont	McKevitt	Waggonner
Dwyer	Mahon	Wampler
Eckhardt	Mailliard	Ware
Edwards, Ala.	Mallary	Whalen
Edwards, Calif.	Mann	White
Eilberg	Mathias, Calif.	Whitehurst
Erlenborn	Matsunaga	Wiggins
Esch	Mayne	Williams
Evans, Colo.	Mazzoli	Winn
Fascell	Meeds	Wolff
Findley	Metcalfe	Wright
Fish	Mikva	Wyatt
Fisher	Miller, Ohio	Wydler
Flood	Mills, Ark.	Wylie
Flowers	Minish	Wyman
Flynt	Minshall	Yates
Foley	Mitchell	Yatron
Ford, Gerald R.	Mizell	Young, Tex.
Ford, William D.	Mollohan	Zablocki
	Monagan	Zion
Forsythe	Montgomery	Zwach
Fountain	Morgan	

NAYS—40

Archer	Collins, Tex.	Gaydos
Biester	Crane	Goodling
Bow	Dennis	Gross
Bray	Dickinson	Hall
Brinkley	Duncan	Hutchinson
Collier	Evins, Tenn.	Jacobs
Jonas	Quillen	Spence
Kyl	Rarick	Steed
Martin	Robison, N.Y.	Steiger, Ariz.
Mathis, Ga.	Ruth	Steiger, Wis.
Michel	Scherle	Teague, Calif.
Mills, Md.	Sebelius	Young, Fla.
Pelly	Smith, Calif.	
Price, Tex.	Snyder	

NOT VOTING—114

Abbitt	Eshleman	O'Neill
Abernethy	Frelinghuysen	Passman
Abourezk	Galifianakis	Pepper
Abzug	Gallagher	Pettis
Anderson, Tenn.	Gibbons	Pryor, Ark.
	Green, Oreg.	Purcell
Andrews, N. Dak.	Griffin	Railsback
	Grover	Rangel
Ashbrook	Gubser	Rhodes
Baring	Gude	Robinson, Va.
Belcher	Hagan	Rodino
Bell	Halpern	Rooney, N.Y.
Bingham	Hanna	Rousselot
Blanton	Hawkins	Roybal
Blatnik	Helstoski	Runnels
Boland	Holifield	Ruppe
Burton	Jones, Tenn.	St Germain
Caffery	Kyros	Scheuer
Camp	Landgrebe	Schmitz
Cederberg	Leggett	Shipley
Celler	Lloyd	Shoup
Chappell	Long, La.	Smith, N.Y.
Chisholm	Lujan	Springer
Clancy	McClory	Steele
Clark	McCloskey	Stokes
Clawson, Del	McDonald, Mich.	Stubblefield
Collins, Ill.		Stuckey
Conte	McKinney	Symington
Conyers	McMillan	Tiernan
Curlin	Macdonald, Mass.	Ullman
Daniels, N.J.		Van Deerlin
Danielson	Madden	Veysey
Davis, Ga.	Melcher	Waldie
Davis, Wis.	Miller, Calif.	Whalley
Dellums	Mink	Whitten
Diggs	Moorhead	Widnall
Dow	Moss	Wilson, Bob
Dowdy	Murphy, N.Y.	Wilson, Charles H.
Dulski	Nix	
Edmondson	O'Konski	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Widnall for, with Mr. Rousselot against.

Mr. Rhodes for, with Mr. Landgrebe against.

Mr. Gude for, with Mr. Schmitz against.

Mr. Del Clawson for, with Mr. Ashbrook against.

Mr. Bob Wilson for, with Mr. Camp against.

Mr. Frelinghuysen for, with Mr. McClory against.

Until further notice:

Mr. Shipley with Mr. Cederberg.

Mr. Tiernan with Mr. Andrews of North Dakota.

Mr. Boland with Mr. Conte.

Mr. Rooney of New York with Mr. McDonald of Michigan.

Mr. Daniels of New Jersey with Mr. Railsback.

Mr. Hanna with Mr. Ruppe.

Mr. Miller of California with Mr. Bell.

Mr. Celler with Mr. Halpern.

Mr. Murphy of New York with Mr. Grover.

Mr. Pepper with Mr. Clancy.

Mr. Gibbons with Mr. McKinney.

Mr. Rangel with Mr. Waldie.

Mrs. Abzug with Mr. Diggs.

Mr. Jones of Tennessee with Mr. Lloyd.

Mr. Holifield with Mr. Pettis.

Mr. Conyers with Mr. Helstoski.

Mrs. Green of Oregon with Mr. Lujan.

Mr. St Germain with Mr. Davis of Wisconsin.

Mr. O'Neill with Mr. McCloskey.

Mr. Dent with Mr. Eshleman.

Mr. Dellums with Mr. Scheuer.

Mr. Dow with Mr. Stokes.

Mr. Dulski with Mr. Dowdy.

Mr. Galafianakis with Mr. Collins of Illinois.

Mrs. Chisholm with Mr. Rodino.

Mr. Gallagher with Mr. O'Konski.

Mr. Burton with Mr. Nix.

Mr. Clark with Mr. Whalley.

Mr. Edmondson with Mr. Belcher.

Mr. Moss with Mr. Shoup.

Mr. Moorhead with Mr. Smith of New York.

Mr. Macdonald of Massachusetts with Mr. Springer.

Mr. Kyros with Mr. Steele.

Mr. Leggett with Mr. Gubser.

Mr. Blatnik with Mr. Runnels.

Mr. Hagan with Mr. Robinson of Virginia.

Mr. Abbitt with Mr. Whitten.

Mr. Curlin with Mr. Baring.

Mr. Davis of Georgia with Mr. Pryor of Arkansas.

Mr. McMillan with Mr. Stubblefield.

Mr. Symington with Mr. Hawkins.

Mr. Abourezk with Mr. Purcell.

Mr. Roybal with Mr. Ullman.

Mr. Van Deerlin with Mr. Madden.

Mr. Caffery with Mr. Anderson of Tennessee.

Mr. Abernethy with Mr. Long of Louisiana.

Mr. Bingham with Mr. Blanton.

Mr. Chappell with Mr. Danielson.

Mr. Griffin with Mr. Stuckey.

Mrs. Mink with Mr. Charles H. Wilson.

Mr. Melcher with Mr. Passman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

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

There was no objection.

NATIONAL CEMETERIES ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Cemeteries Act of 1972".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapters 24 and 25:

"Chapter 24.—NATIONAL CEMETERIES AND MEMORIALS

"Sec.

"1000. Establishment of National Cemetery System; composition of such system; appointment of director.

"1001. Persons eligible for interment in national cemeteries.

"1002. Memorial areas.

"1003. Administration.

"1004. Disposition of inactive cemeteries.

"1005. Acquisition of lands.

"1006. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1972;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument (which is designated by the Administrator as a national cemetery) transferred to the Veterans' Administration by the National Cemeteries Act of 1972, or later acquired or developed.

"§ 1001. Persons eligible for interment in national cemeteries

"(a) Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"(b) Eligibility criteria for interment in national cemeteries shall be applied uniformly with respect to all such cemeteries in the National Cemetery System.

"§ 1002. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers may be erected to honor the memory of those individuals, or groups of individuals, referred to in subsection (a) of this section.

"§ 1003. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator may provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbariums.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator may by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe and without regard to the laws concerning advertising for competitive bids.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government-owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, all, or such portion as he may deem desirable, of the jurisdiction acquired by the United States over the lands involved, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"(h) The Administrator shall provide for the care, maintenance, and operation of any cemetery or burial plot transferred to the Veterans' Administration by the National Cemeteries Act of 1972 but which is not a part of the National Cemetery System, and may prescribe conditions for interment therein.

"§ 1004. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government.

"(b) The Administrator may also transfer any inactive cemetery or burial plot, or portion thereof, to a State, or political subdivision thereof, which agrees to maintain such cemetery in an appropriate manner, with the understanding that control thereof shall be returned to the Veterans' Administration if the Administrator deems such action to be appropriate.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1005. Acquisition of lands.

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1006. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary.

"Chapter 25.—AMERICAN BATTLE MONUMENTS COMMISSION

"Sec.

"§ 1100. The American Battle Monuments Commission; purpose; appointment; term of office; vacancies; expenses; designation of secretary.

"(a) The American Battle Monuments Commission (hereinafter in this chapter referred to as the 'Commission') established pursuant to the Act entitled 'An Act for creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes', approved March 4, 1923 (42 Stat. 1509), as amended by the Acts of June 26, 1946 (60 Stat. 317), and July 25, 1956 (70 Stat. 640), is continued as an instrumentality of the

United States within the Veterans' Administration to administer and maintain, under the Administrator, the permanent military cemeteries, monuments, and memorials on foreign soil and perform such other functions as are set forth in section 1101 of this chapter.

"(b)(1) The Commission shall consist of not more than eleven members who shall be appointed by the President, who shall designate one such member as Chairman. The members shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur.

"(2) Notwithstanding any other provision of law, commissioned officers of the Armed Forces of the United States may be appointed members of the Commission.

"(3) The members of the Commission shall serve as such without compensation, except that (A) their actual expenses in connection with the work of the Commission, (B) when in a travel status outside the continental United States, a per diem of $40 in lieu of subsistence, and (C) when in a travel status within the continental United States a per diem at the same rate authorized to be paid under section 5703 (c)(1) of title 5, may be paid to them from any funds appropriated for the purposes of this chapter, or acquired by other means authorized by this chapter.

(c) There shall be a secretary to the Commission who may be a commissioned officer of the United States Armed Forces on active duty.

"§ 1101. Functions of Commission

"The functions of the Commission shall be those necessary to—

"(1) administer and maintain World War I American national cemeteries, memorials, and monuments in Europe;

"(2) erect and maintain works of architecture and art in such American cemeteries located outside the United States, its territories, and possessions, as the Secretary of the Army shall declare to be permanent cemeteries, and to administer and maintain such cemeteries after they have been transferred to the Commission;

"(3) prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American Armed Forces;

"(4) erect and maintain memorials in the United States or outside the United States where the American Forces have served or shall hereafter serve as the Commission and the Administrator shall determine; and

"(5) carry out any other function designated by the President or the Administrator.

"§ 1102. Armed Forces officers assigned; other personnel

"(a) Upon the request of the Administrator, the Secretary of the Army, Navy, or Air Force is authorized to designate such personnel, and to make available to the Commission such facilities, as may be necessary to assist in carrying out the purposes of this chapter, and may expend for such purposes any funds appropriated to such department, and services, with reimbursement from the Veterans' Administration for the pay and allowances of the personnel so designated. The Administrator is authorized to employ such further personnel as may be necessary to carry out the purposes of this chapter.

"(b) Where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations.

"(c) When traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

"§ 1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; reentry

"When, as a result of combat operations, the Armed Forces shall establish military cemeteries in zones of operations outside the United States and its territories and possessions, the Commission and the Secretary of the Army immediately upon the cessation of hostilities, shall determine which of the cemeteries so established, if any, shall become permanent cemeteries or, as they may deem desirable, select new sites at any other location for such cemeteries. The Commission shall be solely responsible for the design and construction of such permanent cemeteries, and of all buildings, plantings, headstones, and other permanent improvements incidental thereto except that (1) the Armed Forces shall be responsible for the maintenance of such permanent cemeteries until such time as the Commission shall express its readiness to assume the functions of administration hereinafter authorized, (2) all construction undertaken by the Armed Forces in establishing and maintaining the cemetery prior to its transfer to the Commission shall be nonpermanent in nature, (3) burials and reburials therein by the Armed Forces shall be carried out in accordance with plans prepared by the Commission, (4) the Armed Forces shall have the right to reenter any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

"§ 1104. Powers and duties as to memorials

"(a) The Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the services of the American Armed Forces, and shall erect and maintain memorials at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. The Commission shall also erect and maintain works of architecture and art in such American cemeteries located outside of the United States, its territories, and possessions, as have been or may hereafter be declared to be permanent cemeteries.

"(b) The Commission shall control as to materials and design and provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside the United States, its territories, and possessions.

"(c) The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

"(d)(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission's assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for any war memorial under this subsection is final.

"(2) Any funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purposes of this subsection. Any such funds so transferred shall be deposited by the Commission in the manner provided for in section 1108 of this chapter.

"(e) The Commission is authorized to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

"(1) the appropriate foreign authorities agree to such demolition; and

"(2) the sponsors of the memorial consent to such demolition; or

"(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

"(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

"(B) to locate the sponsors.

"(f) As used in this section, the term 'sponsors' includes the legal successors to the sponsor.

"§ 1105. Approval of designs for memorials

"Before any designs for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

"§ 1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials

"The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this chapter.

"§ 1107. Arrangements with foreign countries

"The President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the Commission to carry out the purposes of this chapter.

"§ 1108. Funds received from States, municipalities, or private sources

"The Commission is authorized to receive funds from any State, municipal, or private source for the purposes of this chapter, and such funds shall be deposited by the Commission with the Treasurer of the United States and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the Commission.

"§ 1109. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries

"The President may by Executive order transfer to the Commission, with respect to any permanent military cemeteries located outside of the United States, its territories, and possessions, the same functions of administration which were transferred to the Commission by Executive Order 6614, dated February 26, 1934, and Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, together with any supplies, materials, and equipment located therein or in military depots overseas which are excess to the

needs of the Department of Defense and are requested by the Commission for the performance of such functions. Thereafter the Commission shall be responsible for the maintenance of such cemetery and of all improvements therein.

"§ 1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; delegation of authority; claims against Commission

"(a) Within the limits of any appropriation or appropriations made for the purposes of this chapter, the Commission is authorized (1) to acquire land or interest in land in foreign countries for carrying out the purposes of this chapter or of any Executive order conferring functions upon the Commission without submission to the Attorney General of the United States under the provisions of section 255 of title 40; (2) to establish offices outside of the United States; (3) to rent office and garage space in foreign countries which may be paid for in advance; (4) to procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries with respect to which it may exercise any functions.

"(b) Notwithstanding the requirements of existing laws or regulations, under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment outside, or for use outside, of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel.

"(c) The Commission may under such terms and conditions and in such manner as it may deem proper dispose of any land or interest in land in foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work.

"(d) Claims of the type described in section 224d of title 31, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956, and caused by the negligent or wrongful act or omission of any member of the Commission the secretary of the Commission, any member of the Armed Forces assigned to the Commission, civilian employee of the Veterans' Administration detailed or assigned to the Commission, while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in sections 224d–224i of title 31 for the settlement of Army claims, except that in such cases one or more officers of the Armed Forces or employees of the Veterans' Administration who are detailed to or working with the Commission upon the recommendation of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions, and all payments in settlement of such claims shall be made out of appropriations made for the purposes of this chapter.

"§ 1111. Regulations; delegations

"(a) The Commission, with the approval of the Administrator, has authority to make all rules and regulations which are necessary or appropriate to carry out the functions provided in this chapter.

"(b) The Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper."

(b) The table of chapters of part II, and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits ..... 901"

the following:

"24. National cemeteries and memorials ..... 1000"

"25. American Battle Monuments Commission ..... 1100."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to the Ninety-third Congress, within thirty days after the convening of such Congress, concerning—

(1) the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to servicemen and veterans; and

(3) the steps to be taken to conform the existing System to the recommended criteria.

(b) Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall not transfer (by sale, lease, or otherwise) any real property under the jurisdiction of the Veterans' Administration, to any public or private agency or person, except pursuant to a public law.

SEC. 4. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new section:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1001(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1002 of this title, or in any private or local cemetery."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) inserting immediately after

"905. Persons eligible under prior law."

the following:

"906. Headstones and markers.".

SEC. 5. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point).

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery located at Philadelphia, and the United States Air Force Academy at Colorado Springs).

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) There are hereby transferred from the American Battle Monuments Commission to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery, memorial, and monument under the jurisdiction of the American Battle monuments Commission immediately preceding the effective date of this section.

(d) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to the American Battle Monuments Commission are hereby transferred to the Administrator of Veterans' Affairs.

(e) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(f) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the American Battle Monuments Commis-

sion with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(g) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the American Battle Monuments Commission with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such Department or Commission with respect to functions transferred under such subsection (a) or (c), or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such Department or Commission, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 6. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forefitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) (A) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(B) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(C) The first proviso to the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(D) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(E) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(F) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(G) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(H) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(I) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(J) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(K) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(L) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(M) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(N) The first proviso to the first paragraph and all of the second pargraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(O) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(P) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(Q) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(R) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions

administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(S) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(T) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(U) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions, administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(V) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(W) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(X) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(Y) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(Z) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(AA) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(BB) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (67 Stat. 197).

(CC) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(DD) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(EE) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

16(A) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(B) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(C) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(D) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes", approved September 2, 1969 (74 Stat. 743).

(E) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes", approved September 30, 1961 (75 Stat. 722).

(F) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(G) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(H) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(I) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(J) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(K) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(L) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(M) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal

Water Pollution Control Administration, the Bureau of Reclamation power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(N) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(O) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(17) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(18) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) The Act entitled "An Act for creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (42 Stat. 1509), as amended by the Acts of June 26, 1946 (60 Stat. 317), and July 25, 1956 (70 State. 640).

(2) The second and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes", approved April 2, 1924 (43 Stat. 35).

(3) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes", approved June 7, 1924 (43 Stat. 522).

(4) The second, third, fourth, and fifth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1927, and for other purposes", approved April 22, 1926 (44 Stat. 306).

(5) The first, second, third, fourth, fifth, and sixth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" "in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1928, and for other purposes", approved February 11, 1927 (44 Stat. 1071).

(6) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes", approved May 16, 1928 (45 Stat. 575).

(7) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes", approved February 20, 1929 (45 Stat. 1231).

(8) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1931, and for other purposes", approved April 19, 1930 (46 Stat. 230).

(9) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1356).

(10) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (47 Stat. 454).

(11) The first and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", approved June 16, 1933 (48 Stat. 285).

(12) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1936, and for other purposes", approved February 2, 1935 (49 Stat. 7).

(13) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act titled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes", approved March 19, 1936 (49 Stat. 1169).

(14) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes", approved June 28, 1937 (50 Stat. 331).

(15) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes", approved May 23, 1938 (52 Stat. 412).

(16) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1940, and for other purposes", approved March 16, 1939 (53 Stat. 525).

(17) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes", approved April 18, 1940 (54 Stat. 113).

(18) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1942, and for other purposes", approved April 5, 1941 (55 Stat. 95).

(19) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1943, and for other purposes", approved June 27, 1942 (56 Stat. 395).

(20) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1944, and for other purposes", approved June 26, 2943 (57 Stat. 171).

(21) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes", approved June 27, 1944 (58 Stat. 363).

(22) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1946, and for other purposes", approved May 3, 1945 (59 Stat. 107).

(23) The first and second provisos to the

paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent exectuive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes", approved March 28, 1946 (60 Stat. 62).

(24) The first proviso to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENT COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1948, and for other purposes", approved July 30, 1947 (61 Stat. 588).

(25) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards commissions, and offices, for the fiscal year ending June 30, 1949, and for other purposes" approved April 20, 1948 (62 Stat. 179).

(26) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes", approved August 24, 1949 (63 Stat. 633).

(27) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in chapter VIII of title I of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 699).

(28) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies and offices, for the fiscal year ending June 30, 1952, and for other purposes", approved August 31, 1951 (65 Stat. 269).

(29) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1953, and for other purposes", approved July 5, 1952 (66 Stat. 395).

(30) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes", approved July 31, 1953 (67 Stat. 299).

(31) The first, second, and third provisos to the first paragraph and the first and second provisos to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1955, and for other purposes", approved June 24, 1954 (68 Stat. 275).

(32) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1956, and for other purposes", approved June 29, 1955 (69 Stat. 194).

(33) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1957, and for other purposes", approved June 13, 1956 (70 Stat. 279).

(34) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1958, and for other purposes", approved June 5, 1957 (71 Stat. 52).

(35) The Act entitled "An Act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba", approved August 13, 1957 (71 Stat. 344).

(36) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, and for other purposes", approved June 25, 1958 (72 Stat. 223).

(37) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes", approved July 8, 1959 (73 Stat. 164).

(38) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes", approved July 12, 1960 (74 Stat. 476).

(39) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title IV of the Act entitled "An Act making appropriations for the Executive Office of the President, the Department of Commerce, and sundry agencies for the fiscal year ending June 30, 1962, and for other purposes", approved August 3, 1961 (75 Stat. 279).

(40) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1963, and for other purposes", approved October 18, 1962 (76 Stat. 1100).

(41) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes", approved December 30, 1963 (77 Stat. 796).

(42) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes", approved August 31, 1964 (78 Stat. 731).

(43) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1966, and for other purposes", approved September 2, 1965 (79 Stat. 639).

(44) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes", approved November 8, 1966 (80 Stat. 1501).

(45) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1968, and for other purposes", approved November 8, 1967 (81 Stat. 429).

(46) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes", approved August 9, 1968 (82 Stat. 686).

(47) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes", approved December 24, 1969 (83 Stat. 421).

(48) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes", approved October 21, 1970 (84 Stat. 1058).

(49) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes", approved August 10, 1971 (85 Stat. 264).

(c) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 5(a) of this Act do not apply.

SEC. 7. Section 3505 (a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 8. Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services) the Administrator or officers and employees of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the government of the property under their charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section, as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate persons who shall have authority to make arrests for violation of the rules and regulations made and published under subsection (a)(1) of this section or for any crime or offense against the United States committed on such Veterans' Administration installations. The jurisdiction and policing powers of such designated persons shall not extend to the service of civil process, and arrests by such persons for violations of Veterans' Administration rules and regulations shall be made only on property over which the United States has acquired exclusive or concurrent jurisdiction. Any person so arrested shall be taken forthwith before the nearest United States magistrate within whose jurisdiction the property is located; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published under subsection (a)(1) of this section. Any such special investigator may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation promulgated pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) The table of sections at beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.",

and the table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospitals and domiciliary reservations.".

SEC. 9. (a) The Administrator, in cooperation with the Secretary of Defense, is authorized and directed to cause to be brought to the United States a body of an American, who was a member of the Armed Forces, who served in Southeast Asia and who lost his life during the Vietnam era and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as established by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) The first section and sections 2 and 7 of this Act shall take effect on the date of enactment of this Act.

(b) Sections 4, 5, and 6 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register; except that clauses (1) and (2) of section 4(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 12674, entitled the "National Cemeteries Act of 1972," has several objectives which I will briefly outline, but is primarily designed to establish a national cemetery system within the Veterans' Administration.

In my extension of remarks I will include for the RECORD a detailed section-by-section analysis of the bill, accompanied by a brief review of the background of this legislation and a résumé of the reasoning behind the various policy decisions made by the committee and reflected in the reported bill. In its present form the bill would—

Establish within the Veterans' Administration a national cemetery system which would consist of national cemeteries transferred to the Veterans' Administration from the Department of the Army, cemeteries presently under the jurisdiction of the VA, and all military post cemeteries, as well as other cemeteries, memorials, or monuments which may be later acquired or developed. The only cemeteries not so transferred are those located in national parks operated by the Department of the Interior, cemeteries at the three military academies located at Colorado Springs, Colo., Annapolis, Md., and West Point, N.Y., the U.S. Soldiers' Home at Washington, D.C., and the U.S. Naval Home located in Philadelphia, Pa.

Continue the American Battle Monuments Commission as an instrumentality of the United States within the Veterans' Administration, to administer and maintain, under the Administrator of Veterans' Affairs, the military cemeteries, monuments, and memorials on foreign soil. The Commission is to operate substantially as now authorized by law, but all statutory provisions are incorporated in title 38, United States Code. The responsibility of the Battle Monuments Commission, under the VA, would be extended by authorizing it to assume responsibility for maintenance of certain memorials on foreign soil over which they do not now have jurisdiction.

Direct the Administrator of Veterans' Affairs to conduct a comprehensive study and submit his recommendations to the 93d Congress within 30 days after the convening of such Congress, concerning: (a) the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries; (b) the relationship of the national cemetery system to other burial benefits provided by the Federal Government to servicemen and veterans; and (c) the steps to be taken to conform the existing system to the recommended criteria.

Provide that notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall not transfer—by sale, lease, or otherwise—any real property under the jurisdiction of the Veterans Administration, to any public or private agency or person, except pursuant to a Public Law.

Authorize a special plot allowance of $150 (in addition to the present allowance for burial and funeral expenses of $250) payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Provide authority in VA, now exercised by the Department of the Army, for furnishing a headstone or marker, upon request, for the unmarked graves of any individuals buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Provide broader authority in the Administrator of Veterans' Affairs to establish standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries and other VA reservations. This authority would supersede the more limited authority now vested in the Administrator under 38 U.S.C. 625 and, accordingly, the latter provision would be repealed.

Include provision for the burial of an unknown soldier of the war in Vietnam and Southeast Asia in Arlington National Cemetery at an appropriate time to be selected at a later date.

Throughout the hearings on this proposal it was practically the unanimous view of all interested parties that the various Federal Cemetery Systems in the United States are unduly and inefficiently fragmented. On this point, it would be well to quote the following excerpt from the Veterans Administration's report on H.R. 12674, which report was, of course, cleared by the Office of Management and Budget:

There is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration, in order to achieve administrative simplicity and maximum utilization. While experience over many years has shown that

the Department of the Army can administer a National Cemetery System in an efficient manner, the figures which have been made available to us reveal that more than 90 percent of interments in national cemeteries are of veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans' benefits than to the functions of a service department. Consequently, we believe that it would be logical for the national and Veterans' Adminstration cemeteries to be consolidated into one system to be administered by the Veterans' Administration. We would also agree that the responsibility for providing grave markers and headstones should likewise be transferred to the Veterans' Administration as a correlative function.

Our Committee believes it is entirely appropriate, in view of the objective of uniform consolidation, to include Arlington National Cemetery in the overall transfer. At the same time, we recognize that this particular installation adjacent to the Nation's Capitol has certain unique aspects. It is expected that the Administrator will avail himself to the fullest extent that he deems it desirable and feasible to utilize with the Department of the Army the broad "cross-servicing" authority which is available to him under 31 U.S.C. 686, as well as appropriate mutual agreements that may be entered into. The Army representative stated in testimony before the Committee on March 28, 1972, that many of the ceremonies of state that are conducted at Arlington are coordinated with the Military District of Washington. The Committee feels that the Veterans Administration can coordinate these functions with the Military District of Washington under the cited authority, as well as can the Department of the Army. Similarly, such cross-servicing may be appropriate in connection with the operation of certain post cemeteries where unusual circumstances are present.

We will await with interest receipt of the Administrator's in-depth report and recommendations at the beginning of the 93rd Congress. At the hearings the VA spokesman indicated that there has been an in-house study conducted by the VA on this subject for some time and that certain meaningful data has already been compiled.

While the Committee is realistic enough not to assume that the newly authorized plot allowance will serve as a total solution to the national cemetery problem, it will necessarily have a major effect in reducing the current demands for burials in existing national cemeteries. In this connection, experience has shown that the families of deceased veterans, in the vast majority of cases, have preferred and sought burial of the veterans within 50 miles of the family home. Although the plot allowance is relatively modest, its availability should serve to encourage more burials in local and surrounding cemeteries.

The provision for the burial of a Vietnam unknown soldier in Arlington National Cemetery follows the text of a separate bill (H.J. Res. 609) introduced by the Honorable Hamilton Fish, Jr. of New York.

Our Committee has learned and is pleased to invite attention to the historical fact that in 1920 a similar resolution resulting in the creation of the Tomb of the Unknown Soldier of World War I was sponsored by the father of Congressman Fish, the Honorable Hamilton Fish, Sr. The Defense Department advises that to date all deceased servicemen have been accounted for; however, this authorizing legislation is desirable since it will permit immediate implementation at such time as the hostilities have been finally terminated.

In recent years, the Committee on Veterans' Affairs has been disturbed at the increasing activity of certain segments in the executive branch which have, as a result of extensive surveys, attempted to effect the disposition of thousands of acres of Federal land. It would be presumptuous for me to allege a lack of justification across the board for any such disposition. On the other hand, our Committee has a deep interest and abiding concern that substantial blocks of acreage surrounding our veterans' hospitals throughout the land must not be indiscriminately whittled away without its oversight knowledge and congressional approval in advance. In the event of enactment of the provision of the bill prohibiting the transfer of any VA lands except by Public Law, the committee assures the executive branch that any proposals to transfer real property under the jurisdiction of the Veterans' Administration will receive an objective hearing and serious consideration of the justification submitted.

I think it appropriate to particularly point out that, contrary to certain proposals in the past, this legislation does not propose to abolish the American Battle Monuments Commission. Since, with minor exceptions, the bill places overall responsibility for the administration of all Federal cemetery activity in the Veterans' Administration, it would appear logical to place the Commission within the organizational framework of the VA. As will be noticed more particularly in the sectional analysis, the various responsibilities and duties of the Commission will continue substantially as now authorized by law, but the existing statutory provisions are more appropriately incorporated in title 38, United States Code. At the specific request of the Battle Monuments Commission, the committee has included in the bill a provision which extends greater authority in that body with respect to certain memorials, monuments, and so forth, on foreign soil, over which they do not now have jurisdiction.

A new section 8 has been added to H.R. 12674 which would give the Administrator authority to maintain the peace, dignity and decorum in the national cemeteries under his jurisdiction. This authority is substantially comparable to that provided under existing law for the General Services Administration under 40 U.S.C. 318–318d, and for the National Park Service of the Department of Interior under 16 U.S.C. 10–10a. For many years, the law (now 38 U.S.C. 625) has authorized the Administrator for the purpose of maintaining law and order and protecting persons and property at Veterans' Administration hospitals and domiciliaries, to designated persons at such hospitals and domiciliaries who shall have authority to make arrests for any crime or offense against the United States committed on the reservation of hospitals or domiciliaries.

The provisions added by Section 8 would authorize the Administrator to prescribe rules and regulations necessary to maintain law and order and protect persons and property in cemeteries and would establish reasonable penalties necessary to ensure their enforcement; and to designate persons having authority to investigate and make arrests for violations of such rules and regulations and for crimes against the United States. Since the Committee believes it is desirable for this authority to apply equally to other lands, buildings and facilities over which the Administrator has jurisdiction, the new section added by the bill would have that effect and, therefore, would repeal the current provisions of 38 U.S.C. 625.

COST

With respect to cost, the VA has advised as follows:

Except for certain costs incidental to the transfer of records and personnel, it is not anticipated that the first-year costs of the administration of the proposed national cemetery system within the Veterans' Administration would exceed that being incurred by the separate organization entities. However, we estimate that the enactment of section 4(a) of the bill would result in a first-year cost of $39.6 million, and a total first 5-year cost of $217.5 million. A detailed cost table covering each of the first 5 years is enclosed.

* * * * *

Based on a recent VA study, approximately 15 percent of the veterans dying were buried in a national cemetery. Assuming this proportion still prevails, and that each purchaser receives the maximum payment, estimated costs of H.R. 12674, if enacted would be as follows:

	Burial awards affected	Additional annual cost
Fiscal year:		
1973	264,000	$39,600,000
1974	281,000	42,150,000
1975	293,000	43,950,000
1976	302,000	45,300,000
1977	310,000	46,500,000

Note: The amended bill provides that if any part of the plot or interment expense has been paid by a State or its subdivision, or by an employer of the deceased veteran, a claim could only be allowed for the difference between the entire amount of the expenses and the amount paid. To this extent, which cannot be estimated, the costs set out above would be reduced.

Mr. Speaker, our committee has given extended and thoughtful consideration to the problem of national cemeteries and related matters. I believe H.R. 12674 represents a reasonable and forward looking approach to what we hope will be an ultimate satisfactory solution and I strongly recommend its approval by the House.

At this point, I include in my remarks a detailed section-by-section analysis of H.R. 12674, as amended, together with pertinent tables setting forth the locations, interments, and other relevant statistical data with regard to all of the ex-

isting national cemeteries, cemeteries under the Department of the Interior, and cemeteries under the jurisdiction of the Veterans' Administration:

SECTION-BY-SECTION ANALYSIS OF H.R. 12674, 92D CONGRESS, AS AMENDED

A bill to amend title 38 of the United States Code, in order to establish a National Cemetery System within the Veteran's Administration, and for other purposes.

SECTION 1

This section provides that this Act may be cited as the "National Cemeteries Act of 1972".

SECTION 2

Subsection (a) amends part II of title 38, United States Code, to add new chapters 24 and 25. The contents of the new chapter 24 are largely patterned after chapter 7 of title 24, United States Code, and chapter 8 of title 36, United States Code. The language of the new chapter 24 has been modernized and simplified to have it conform with the present language of title 38. A more detailed analysis of the new chapter 24 follows:

CHAPTER 24.—NATIONAL CEMETERIES AND MEMORIALS

Sec.
1000. Establishment of National Cemetery System; composition of such system; appointment of director.
1001. Persons eligible for interment in national cemeteries.
1002. Memorial areas.
1003. Administration.
1004. Disposition of inactive cemeteries.
1005. Acquisition of lands
1006 Authority to accept and maintain suitable memorials

Section 1000. Establishment of National Cemetery System; composition of such system; appointment of director

A National Cemetery System would be established within the Veterans Administration for interment of deceased servicemen and veterans. The new System would be headed by a Director who would be responsible to the Administrator for operation of those cemeteries encompassed within the new System as well as any other placed under the jurisdiction of the Veterans Administration. The new System would consist of national cemeteries transferred from the Department of the Army to the Veterans Administration; cemeteries under the jurisdiction of the Veterans Administration at the time this bill is enacted; and any other cemetery, memorial, or monument transferred by this bill or later acquired or developed.

Section 1001. Persons eligible for interment in national cemeteries

This section designates those persons who, subject to regulations the Administrator shall prescribe and the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in national cemeteries. These include certain servicemen, veterans, reservists, National Guardsmen, Reserve Officers Training Corps members, United States citizens who served honorably with armed forces allied with the United States in wars engaged in by this country, certain dependents of eligible persons in the aforegoing categories, and other persons or classes of persons as may be designated by the Administrator. The eligibility criteria for interment in national cemeteries would be required to be applied uniformly with respect to all cemeteries in the new System.

Section 1002. Memorial areas

The Administrator would be directed to set aside, when available, suitable areas in national cemeteries to honor the memory of those servicemen missing in action, or whose remains have not been identified, those buried at sea and those whose remains have been determined to be nonrecoverable. He would be authorized to prescribe regulations governing the erection of appropriate memorials or markers to honor such individuals or such groups of individuals.

Section 1003. Administration

The Administrator would be authorized to make all rules and regulations necessary to carry out the provisions of chapter 24 of title 38; to designate those cemeteries considered to be National Cemeteries; and to provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbariums. Graves in national cemeteries would be required to be marked by appropriate markers and with certain specified information placed thereon. Registers of burials would be kept in each cemetery and also at the main office of the Veterans Administration.

In carrying out his responsibilities under this new chapter of title 38, the Administrator would be authorized to contract, without regard to the laws concerning advertising for competitive bids, for the care and maintenance of these cemeteries.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title and interest of the United States to any Government-owned or Government-controlled approach road providing the State or political subdivision states in writing, prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance, the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision.

When the Administrator deemed it to be desirable, he could relinquish to a State in which any cemetery, monument or memorial under his jurisdiction is located, all or part of the jurisdiction the United States has over such lands, reserving such concurrent or partial jurisdiction as he deemed necessary. The relinquishment would be accomplished by filing with the Governor of the State involved a notice of such relinquishment of jurisdiction and would take effect upon acceptance by the State.

The Administrator would be directed to care for, maintain and operate any cemetery or burial plot transferred by the bill which would not be a part of the National Cemetery System and would be authorized to prescribe the conditions for interment therein.

Section 1004. Disposition of inactive cemeteries

The Administrator would be authorized to transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. He also would be permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agreed to maintain such cemetery in an appropriate manner. The transfer would be subject to an understanding that the Administrator might reacquire the property if he deemed such action to be appropriate.

Where a cemetery not within the National System has been or is to be discontinued, the Administrafor could provide for the removal of remains from that cemetery to any cemetery within the System and for the removal of any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

Section 1005. Acquisition of lands

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from States or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise, as he deemed in the best interest of the United States.

Section 1006. Authority to accept and maintain suitable memorials

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals, for the purpose of beautifying or benefiting national cemeteries. He also would be authorized to make land available for this purpose and to furnish such care and maintenance as he deemed necessary.

The contents of the new chapter 25 are largely patterned after chapter 8 of title 36, United States Code. The language of the new chapter 25 has been simplified and reformed to conform to the present language of title 38. In general it confines the authority of the American Battle Monuments Commission to the administration and care of cemeteries, monuments, and memorials located outside the United States, with one exception. That exception is a preservation of its authority to design and erect the General John J. Pershing memorial in Washington, D.C. (Public Law 89–786). A more detailed analysis of the new chapter 25 follows:

CHAPTER 25.—AMERICAN BATTLE MONUMENTS COMMISSION

Sec.
1100. The American Battle Monuments Commission; purpose; appointment; terms of office; vacancies; expenses; designation of secretary.
1101. Functions of Commission.
1102. Armed Forces officers assigned; other personnel.
1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; reentry.
1104. Powers and duties as to memorials.
1105. Approval of designs for memorials.
1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials.
1107. Arrangements with foreign countries.
1108. Funds received from States, municipalities, or private sources.
1109. Transfer of administrative functions, supplies, materials, and equipment to Commission; maintenance of cemeteries located in foreign countries.
1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; claims against Commission.
1111. Regulations; delegations.

Section 1100. The American Battle Monuments Commission; purpose; appointment; term of office; vacancies; expenses, designation of secretary

Subsection (a) provides that the American Battle Monuments Commission, is continued as an instrumentality of the United States within the Veterans Administration to administer and maintain, under the Administrator, the permanent military cemeteries, monuments, and memorials on foreign soil and perform such other functions as are set forth in section 1101 of this chapter.

Subsection (b) provides that (1) the Commission shall consist of not more than eleven members appointed by and serving at the pleasure of the President, with one such member designated by him as Chairman; the President is authorized to fill vacancies; (2) officers of the Armed Forces of the United States may be appointed as members of the Commission; and (3) members of the Commission shall serve without compensation, except they can receive actual expenses and travel expenses.

Subsection (c) provides that there shall be a secretary to the Commission who may

be a commissioned officer of the United States Armed Forces on active duty.

Section 1101. Functions of Commission

This section provides that the functions of the Commission shall be those necessary to—

(1) administer and maintain World War I American national cemeteries, memorials, and monuments in Europe.

(2) erect and maintain works of architecture at such American cemeteries located outside the United States as the Secretary of the Army declares to be permanent, and to administer and maintain such cemeteries after they have been transferred to the Commission;

(3) prepare plans and estimates for the erection of memorials to mark and commemorate the services of the American Armed Forces;

(4) erect and maintain memorials in the United States or outside where American Forces have served or shall hereafter serve as the Commission and the Administrator shall determine; and

(5) carry out any other function designated by the President or the Administrator.

Section 1102. Armed Forces officers assigned; other personnel

Subsection (a) provides that the Secretary of the Army, Navy, or Air Force, upon request of the Administrator, is authorized to make personnel and facilities available to the Commission on a reimbursable basis, as may be necessary to assist in carrying out the purposes of this chapter. The Administrator is authorized to employ such further personnel as may be necessary.

Subsection (b) provides that where station allowance has been authorized for Army officers at certain foreign stations, the same allowance is authorized for Armed Forces officers serving with the Commission at the same foreign stations.

Subsection (c) provides that Armed Forces officers serving as members or as secretary of the Commission would receive reimbursement for travel expenses as provided for civilian members of the Commission.

Section 1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burial and reburials; reentry

This section provides that when as a result of combat operations, the Armed Forces establishes military cemeteries in zones of operations outside the United States and its territories and possessions, the Commission and the Secretary of the Army immediately upon the cessation of hostilities, shall determine which of these cemeteries, if any, shall become permanent cemeteries or, if they deem desirable, select new sites at any other location for such cemeteries. The Commission shall be solely responsible for the design, construction, buildings, plantings, headstones and other permanent improvements of the permanent cemeteries and the permanent improvements incidental thereto with exception that—

(1) the Armed Forces shall be responsible for maintenance of the permanent cemeteries until the Commission expresses its readiness to assume the functions of administration authorized in this legislation;

(2) the construction undertaken by the Armed Forces in establishing and maintain in accordance with plans prepared by the Commission shall be of a nonpermanent nature;

(3) any burials or reburials by the Armed Forces in the cemetery shall be carried out in accordance wtih plans prepared by the Commission;

(4) the Armed Forces has the right to reenter any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

Section 1104. Powers and duties as to memorials.

Subsection (a) provides that the Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the service of the American Armed Forces, and shall erect and maintain memorials at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. This subsection also provides that the Commission shall erect and maintain works of architecture and art in American cemeteries located outside of the United States, its territories, and possessions, as have been or may be declared to be permanent cemeteries.

Subsection (b) provides that the Commission shall control the materials and design and provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries located outside the United States, its territories, and possessions, as have been or will be declared to be permanent cemeteries.

Subsection (c) provides that the Commission shall control the design and provide regulations for the erection of every memorial, monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

Subsection (d) contains the following provisions:

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection (d) outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the service of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission's assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. The Commission may assume responsibility for a memorial where a reasonable effort fails to locate its sponsors and such agreement is made with the appropriate foreign authorities. The decision of the Commission to assume responsibility for any war memorial under subsection (b) is final.

(2) Under this subsection, funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purposes of this subsection and shall be deposited in the manner provided for in section 1108 of this chapter.

Subsection (e) authorizes the Commission to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal Governmental agency, foreign agency or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

(1) the appropriate foreign authorities agree to such demolition; and

(2) the sponsors of the memorial consent to such demolition; or

(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

(B) to locate the sponsors.

Subsection (f) provides that the term "sponsors" includes the legal successors to the sponsor.

Section 1105. Approval of designs for memorials

This section provides that before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

Section 1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials

This section authorizes the Commission to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission. The section contains a proviso that no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless approval of the plan has been made in accordance with the provisions of this chapter.

Section 1107. Arrangements with foreign countries

This section requests the President to make arrangements with the proper authorities of the countries concerned to enable the Commission to carry out the purposes of Chapter 25.

Section 1108. Funds received from States, municipalities, or private sources

This section authorizes the Commission to receive funds from any State, municipal, or private source for the purposes of this chapter. The funds shall be deposited by the Commission with the Treasurer of the United States, be kept by him in separate accounts, and disbursed upon vouchers approved by the Commission.

Section 1109. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries

This section provides that the President may by Executive order transfer to the Commission, with respect to any permanent military cemeteries located outside of the United States, its territories, and possessions, the same functions of administration which were transferred to the Commission by Executive Order 6614, dated February 26, 1934, and Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, together with any supplies, materials, and equipment located therein or in military depots overseas which are excess to the needs of the Department of Defense and are requested by the Commission for the performance of such functions. This section further provides that the Commission shall be responsible for the maintenance of such cemeteries and for all improvement therein.

Section 1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; delegation of authority; claims against Commission

Subsection (a) authorizes the Commission within the limits of any appropriation or appropriations made pursuant to chapter 25—

(1) to acquire land or interest in land in foreign countries for carrying out the purposes of this chapter or of any Executive order conferring functions upon the Commission without submission to the Attorney General of the United States under the provisions of section 255 of title 40;

(2) to establish offices outside of the United States;

(3) to rent office and garage space in foreign countries which may be paid for in advance;

(4) to procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activi-

ties, battlefields, memorials, and cemeteries with respect to which it may exercise any functions.

Subsection (b) provides that not withstanding any requirements of existing laws and regulations, the Commission may contract for work, supplies, materials, and equipment outside, or for use outside, of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel under such terms and conditions as the Commission in its discretion deems necessary and proper.

Subsection (c) allows the Congress to dispose of any land or interest in land or foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work in such manner as it may deem proper.

Subsection (d) provides that claims of the type described in section 224d of title 31, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956, and caused by the negligent or wrongful act or omission of any member of the Commission, the secretary of the Commission, civilian employee of the Veterans Administration detailed or assigned to the Commission, while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in sections 224d–224i of title 31 for the settlement of Army claims, except that in such cases one or more officers of the Armed Forces or employees of the Veterans Administration who are detailed to or working with the Commission upon the recommendation of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions. This subsection further provides that all payments and settlement of such claims shall be made out of appropriations made for the purposes of this chapter.

Section 1111. Regulations; delegations

Subsection (a) provides that the Commission has the authority to make all rules and regulations which are necessary or appropriate to carry out the functions of new chapter 25 once the approval of the Administrator has been obtained.

Subsection (b) allows the Commission to delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions that may be prescribed under the necessary and proper authority.

SECTION 3

This section directs the Administrator to conduct a comprehensive study and submission of his recommendations to the 93d Congress within 30 days after such Congress convenes, concerning the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries; the relationship between that system to other Federal burial benefits provided servicemen and veterans; and the steps to be taken to conform the existing System to the recommended criteria. It would also prohibit the Administrator from transferring any real property under his jurisdiction to any public or private agency or person except pursuant to a Public Law.

SECTION 4

Subsection (a) would (1) amend section 903 of title 38 to provide that in addition to the amounts payable for the burial or funeral expenses of an eligible veteran under sections 902 or 903, if the veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150 as a plot or interment allowance to such person as he prescribes. If any part of the plot or interment expense has been paid or assumed by a State or its subdivision, or the employer of the deceased veteran, a claim for only the difference between the entire amount of the expenses and the amount paid could be allowed; (2) amend chapter 23 of title 38 to add a new section 906 on headstones and markers. This transfers the existing authority of the Secretary of the Army under chapter 7 of title 24, United States Code, to provide headstones and markers to the Administrator of Veterans Affairs. The language has been modernized and simplified to make it conform with the present language of title 38. The new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in a national cemetery or post cemetery; (2) any individual eligible for burial in a national cemetery, but not buried there (except for graves of the United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans, and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

Subsection (b) of this new section authorizes the Administrator to furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

Subsection (b) of section 4 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to the new section 906.

SECTION 5

Section 5(a) provides for the transfer from the Secretary of the Army to the Administrator of Veterans Affairs jurisdiction over and responsibility for all national cemeteries. Excepted from this transfer is the cemetery at the United States Soldiers' Home. This subsection also provides for the transfer from the Secretaries of the Army, Navy and Air Force to the Administrator of Veterans Affairs, jurisdiction over and responsibility for any cemetery, memorial or monument coming within their respective jurisdiction.

Excepted from this transfer are the cemeteries located at the United States Military Academy at West Point, the United States Naval Academy at Annapolis, the United States Naval Home at Philadelphia, and the United States Air Force Academy at Colorado Springs.

Subsection (b) directs the transfer of so much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds available to the Secretaries of the Army, Navy and Air Force, in connection with functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans Affairs.

Subsection (c) directs the transfer from the American Battle Monuments Commission to the VA of all cemeteries, memorials, and monuments under its jurisdiction.

Subsection (d) would transfer all personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to the American Battle Monuments Commission to VA.

Subsection (e) is a savings clause whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals had not been made.

Subsection (f) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy, Air Force, or the American Battle Monuments Commission will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

Subsection (g) is a further savings clause under which (1) no suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Departments of the Army, Navy, Air Force, or the American Battle Monuments Commission with respect to functions transferred by this bill shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officer of the Veterans Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of the enactment of this bill with respect to any function transferred shall be continued by the Administrator.

SECTION 6

Section 6(a) provides for the repeal of statutes giving the Secretary of the Army jurisdiction over and responsibility for national cemeteries. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

Subsection (b) provides for the repeal of statutes giving the American Battle Monuments Commission jurisdiction over and responsibility for national cemeteries, memorials, or monuments located outside the United States. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of the transfer of such cemeteries, memorials, or monuments are preserved under the language of this subsection.

Subsection (c) provides that nothing in the repeal section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of the Interior with respect to those cemetries, memorials, or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretaries of the Army, Navy, or Air Force with respect to those cemeteries, memorials, or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

SECTION 7

Section 7 amends section 3505(a) of title 38, United States Code, to provide that where an individual is convicted of certain crimes which are subversive in nature, he shall forfeit his right to burial in a national cemetery.

SECTION 8

This section would amend subchapter II of chapter 3 of title 38, by adding a new section 218. The new section would authorize the Administrator to prescribe rules and reg-

ulations necessary to maintain law and order and protect persons and property in cemeteries and on other VA lands and in buildings, and establish reasonable penalties necessary to insure their enforcement; and to designate persons having authority to make investigations and arrests for violations of such rules and regulations and for crimes against the United States committed in such cemeteries or on other VA installations. Since this provision would apply not only for offenses committed in the cemeteries of the national cemetery system, but also in VA hospitals, domiciliaries, or nursing homes and other VA facilities, subsection (b) of the bill would repeal current section 625 of title 38.

Subsection (c) would make technical changes in the table of sections at the beginning of chapter 3, by inserting the catchline for the new section 218.

SECTION 9

Subsection (a) of this section would authorize and direct the Administrator, in cooperation with the Secretary of Defense, to cause to be brought to the United States a body of an unidentified American who was a member of the Armed Forces who served in Southeast Asia and who lost his life during the Vietnam era, for burial in Arlington National Cemetery Memorial Amphitheater.

Subsection (b) provides that implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia.

Subsection (c) authorizes to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

SECTION 10

Section 10(a) provides that section 1, relating to the title of the Act; section 2, creating the new Cemetery System and providing for its administration; and section 7, relating to forfeiture of right to burial, are to take effect on the date of the bill's enactment.

Subsection (b) provides that section 4, concerning headstones and markers; section 5, transferring the various cemeteries to the new System; and section 6, repealing present authority of the Secretary of the Army over the transferred areas, are to take effect on July 1, 1973 or on such earlier date as the President may prescribe and publish in the Federal Register; except that clauses (1) and (2) of section (4)(a) shall take effect on the first day of the second calendar month following the date of enactment of the Act.

CLASSIFICATION OF INTERMENTS IN NATIONAL CEMETERIES—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	7,072	19.0
World War II veterans	12,227	32.8
Korea veterans	1,180	3.2
Peacetime veterans	1,259	3.4
Spanish American War veterans	64	.2
Vietnam veterans	433	1.1
Retired servicemen	2,823	7.6
Total veterans	25,058	67.3
Active duty servicemen	1,217	3.2
Total veterans and servicemen	26,275	70.5
Dependents	10,995	29.5
Grand total	37,270	100.0

CLASSIFICATION OF INTERMENTS IN ARLINGTON NATIONAL CEMETERY—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	96	3.6
World War II veterans	86	3.3
Korea veterans	22	.8
Peacetime veterans	6	.2
Spanish American War veterans	1	
Retired servicemen	1,004	38.0
Total veterans	1,215	45.9
Active duty servicemen	315	11.9
Total veterans and servicemen	1,530	57.8
Dependents	1,117	42.2
Grand total	2,647	100.0

CLASSIFICATION OF INTERMENTS IN SOLDIERS' HOME NATIONAL CEMETERY—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	23	19.8
World War II veterans	10	8.6
Korea veterans	3	2.6
Peacetime	8	7.0
Spanish American War veterans	2	1.7
Retired servicemen	63	54.3
Total veterans	109	94.0
Active duty servicemen	0	
Total veterans and servicemen	109	94.0
Dependents	7	6.0
Grand total	116	100.0

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF SUPPORT SERVICES, WASHINGTON, D.C

National cemeteries	Date established	Area in acres: Total	Area in acres: Developed	Interments: Known	Interments: Unknown	Interments: Total
Alexandria, Pineville, La	1867	8.230	8.230	4,602	2,380	6,982
Alexandria, Va	1862	5.500	5.500	3,935	125	4,060
Alton, Ill	1948	.480	.480	479	2	481
Annapolis, Md	1862	4.125	4.125	2,676	206	2,882
Arlington, Fort Myer, Va	1864	517.830	430.300	151,997	4,724	156,721
Balls Bluff, Leesburg, Va	1865	.057	.057	1	53	54
Road Right-of-way		4.573	4.573			
Baltimore, Md	1936	72.227	72.227	32,968	0	32,968
Barrancas, Pensacola, Fla	1868	29.910	16.690	7,037	971	8,008
Baton Rouge, La	1867	7.690	7.690	4,607	540	5,147
Beaufort, S.C	1863	28.920	28.920	6,631	4,018	10,649
Beverly, N.J	1864	64.550	64.550	35,875	14	35,889
Back Hills, Sturgis, S. Dak	1948	105.900	12.000	3,933	0	3,933
Camp Butler, Springfield, Ill	1862	39.250	16.450	6,285	166	6,451
Camp Nelson, Nicholasville, Ky	1866	9.750	9.750	4,046	1,245	5,291
Cave Hill, Louisville, Ky	1863	4.108	4.108	5,085	595	5,680
Chattanooga, Tenn	1867	120.800	77.000	16,341	5,059	21,400
City Point, Hopewell, Va	1866	6.660	6.660	5,080	1,422	6,502
Cold Harbor, Mechanicsville, Va	1866	1.430	1.430	742	1,313	2,055
Corinth, Miss	1866	20.000	20.000	2,107	3,996	6,103
Crown Hill, Indianapolis, Ind	1866	1.370	1.370	758	37	795
Culpeper, Va	1867	6.470	6.470	2,218	912	3,130
Cypress Hills, Brooklyn, N.Y	1862	18.197	18.197	19,894	444	20,338
Danville, Ky	1862	.310	.310	380	13	393
Danville, Va	1866	3.500	3.500	2,020	156	2,176
Fayetteville, Ark	1867	6.110	6.110	2,079	793	2,872
Finn's Point, Salem, N.J	1876	4.590	4.590	2,673	31	2,704
Florence, S.C	1865	5.870	5.870	1,135	2,802	3,937
Fort Bliss, Tex	1939	59.850	42.850	9,999	24	10,023
Fort Gibson, Okla	1868	32.210	13.510	3,807	2,208	6,015
Fort Harrison, near Richmond, Va	1866	1.550	1.550	748	583	1,331
Fort Leavenworth, Kans	1862	36.100	36.100	12,141	1,589	13,730
Fort Logan, Denver, Colo	1950	137.166	40.800	13,559	1	13,560
Fort McPherson, Maxwell, Nebr	1873	20.000	14.000	2,627	584	3,211
Fort Rosecrans, San Diego, Calif	1934	71.340	71.340	45,192	22	45,214
Fort Sam Houston, San Antonio, Tex	1937	60.110	60.110	26,473	89	26,562
Fort Scott, Kans	1862	10.510	10.510	2,484	126	2,610
Fort Smith, Ark	1867	14.590	14.950	3,406	1,464	4,870
Fort Snelling, St. Paul, Minn	1939	476.570	127.570	47,795	283	48,078
Glendale, near Richmond, Va	1866	2.080	2.080	910	960	1,870
Golden Gate, San Bruno, Calif	1939	161.500	161.500	97,930	39	97,969
Grafton, W. Va	1867	3.210	3.210	1,428	664	2,092
Hampton, Va	1866	26.530	26.530	20,564	638	21,202
Jefferson Barracks, St. Louis, Mo	1863	306.980	105.330	48,781	3,255	52,036
Jefferson City, Mo	1867	2.010	2.010	1,111	448	1,559
Keokuk, Iowa	1862	21.100	5.100	2,287	48	2,335
Knoxville, Tenn	1863	9.830	9.830	6,044	166	7,210
Lebanon, Ky	1867	2.830	2.830	1,325	277	1,602
Lexington, Ky	1863	.750	.750	1,278	106	1,384
Little Rock, Ark	1868	24.950	24.950	10,166	3,045	13,211
Long Island, Farmingdale, Long Island, N.Y	1936	364.000	364.000	186,984	105	187,089
Loudon Park, Baltimore, Md	1862	5.600	5.600	6,617	368	6,985
Marietta, Ga	1866	23.256	23.256	13,109	3,095	16,204
Memphis, Tenn	1867	44.150	44.150	15,698	8,866	24,564
Mill Springs, Nancy, Ky	1862	3.500	3.500	1,023	408	1,431
Mobile, Ala	1865	5.240	5.240	3,406	1,423	4,829
Mound City, Ill	1864	10.500	10.500	3,785	2,759	6,544
Nashville, Madison, Tenn	1866	65.000	65.000	18,133	4,140	22,273
Natchez, Miss	1866	10.720	10.720	1,897	2,786	4,683
National Memorial Cemetery of Pacific, Hawaii	1948	111.540	111.540	19,641	2,920	22,561
New Albany, Ind	1862	6.310	6.310	4,352	684	5,036
New Bern, N.C	1867	7.680	7.680	3,492	1,113	4,605
Perryville, Ky	1931	4.390	4.390			
Philadelphia, Pa	1862	13.320	13.320	11,656	40	11,696
Port Hudson, La	1866	8.040	8.040	2,038	3,240	5,278
Puerto Rico, Bayamon, P.R	1948	108.240	29.300	7,960	6	7,966
Quincy, Ill	1899	.450	.450	390	57	447
Raleigh, N.C	1865	6.950	6.950	2,115	548	2,663
Richmond, Va	1866	9.740	9.740	3,125	5,705	8,830
Rock Island, Ill	1863	31.500	19.700	8,250	47	8,297
St. Augustine, Fla	1881	1.360	1.360	1,070	1,554	2,624
Salisbury, N.C	1865	5.970	5.970	1,548	12,036	13,584
San Antonio, Tex	1867	3.660	3.660	2,817	319	3,136
San Francisco, Calif	1884	28.340	28.340	24,322	517	24,839
Santa Fe, N. Mex	1875	34.590	14.460	7,144	495	7,639
Seven Pines, Va	1866	1.900	1.900	446	1,237	1,683
Sitka, Alaska	1924	1.390	1.390	466	19	485
Soldier's Home, District of Columbia	1862	15.800	15.880	12,671	292	12,963
Springfield, Mo	1867	13.820	13.820	4,779	1,995	6,774
Staunton, Va	1866	1.150	1.150	411	529	940
Willamette, Oreg	1950	201.450	76.450	30,757	0	30,757
Wilmington, N.C	1867	5.065	5.065	2,225	1,613	3,838
Winchester, Va	1866	4.890	4.890	2,828	2,395	5,223
Woodlawn, Elmira, N.Y	1874	7.624	7.624	6,247	19	6,266
Zachary Taylor, Louisville, Ky	1928	16.430	16.430	8,866	1	8,867
Total cemeteries under the Department of the Army		3,763.738	2,561.902	1,105,907	110,967	1,216,874

CEMETERIES UNDER THE DEPARTMENT OF THE INTERIOR

National cemeteries	Area in acres		Interments		
	Total	Developed	Known	Unknown	Total
Andersonville, Ga.	117.060	27.150	14,045	1,041	15,086
Prison Park	84.200	60.000			
Andrew Johnson, Tenn.	14.250	14.250	569		569
Antietam, Md.	11.500	11.500	3,196	1,836	5,032
Battleground, District of Columbia	1.033	1.033	45		45
Chalmette, La.	17.330	17.330	8,506	6,773	15,279
Custer Battlefield, Mont.	8.080	8.080	3,642	277	3,919
Fort Donelson, Tenn.	15.000	5.000	540	512	1,052
Fredericksburg, Va.	12.005	12.005	2,587	12,746	15,333
Gettysburg, Pa.	20.550	20.550	4,787	1,665	6,452
Poplar Grove, Va.	8.650	8.650	2,206	4,110	6,316
Shiloh, Tenn.	10.250	10.250	1,379	2,370	3,749
Stones River, Tenn.	20.000	20.000	4,291	2,562	6,853
Vicksburg, Miss.	117.850	117.850	5,254	12,954	18,208
Yorktown, Va.	3.000	3.000	758	1,446	2,204
Total cemeteries under the Department of the Interior	460.758	336.643	51,805	48,292	100,097
Total of all cemeteries	4,224.496	2,898.545	1,157,712	159,259	1,316,971

Note: List of national cemeteries authorized by act of Congress of July 17, 1862, and subsequent acts, showing the area of and number of interments in each as of Dec. 31, 1971.

NATIONAL CEMETERIES OPERATED BY THE DEPARTMENT OF THE ARMY AS OF DEC. 31, 1971

No.—Cemetery and location (city and State)	Acreage		Gravesites		Fiscal year		Other personnel		
	Developed	Undeveloped	Developed	Undeveloped	Date closed	Expected closeout	Grade of superintendent	Graded	Wage board
1. Alexandria: Pineville, La.	8.230	0	6,444	0		1981	GS-7	None	2
2. Alexandria: Alexandria, Va.	5.500	0	4,060	0	1967		None	do	1
3. Alton: Alton, Ill.	.480	0	533	0	1961		do	do	(1)
4. Annapolis: Annapolis, Md.	4.125	0	2,912	0	1961		GS-7	do	1
5. Arlington: Arlington, Va.	430.300	87.530	168,598	14,727		[2] 1976	GS-15	1 GS-14, 2 GS-12's, 1 GS-10, 1 GS-9, 1 GS-8, 4 GS-7's, 2 GS-6's, 6 GS-5's, 21 GS-4's, and 12 GS-3's.	129
6. Balls Bluff: Leesburg, Va.	4.630	0	25	0	1865		None	None	(1)
7. Baltimore: Baltimore, Md.	72.227	0	36,395	0	1971		GS-10	1 GS-5	14
8. Barrancas: Pensacola, Fla.	16.690	13.220	8,819	7,424		1987	GS-9	1 GS-5	7
9. Baton Rouge: Baton Rouge, La.	7.690	0	5,068	0	1960		GS-8	None	1
10. Beaufort: Beaufort, S.C.	28.920	0	17,028	0		2000+	GS-8	do	4
11. Beverly: Beverly, N.J.	64.550	0	39,968	0	1966		GS-10	1 GS-4	13
12. Black Hills: Sturgis, S. Dak.	12.000	93.900	5,878	56,340		2000+	GS-9	None	4
13. Camp Butler: Springfield, Ill.	16.450	22.800	8,194	14,093		2000+	GS-9	1 GS-3	7
14. Camp Nelson: Nicholasville, Ky.	9.750	0	5,371	0	1967		GS-7	None	2
15. Cave Hill: Louisville, Ky.	4.108	0	5,625	0	1939		None	do	(1)
16. Chattanooga: Chattanooga, Tenn.	77.000	43.800	24,343	26,000		2000+	GS-10	2 GS-5	10
17. City Point: Hopewell, Va.	6.660	0	5,512	0	1972		GS-7	None	2
18. Cold Harbor: Mechanicsville, Va.	1.430	0	948	0	1970		None	do	1
19. Corinth: Corinth, Miss.	20.000	0	13,473	0		2000+	GS-7	do	1
20. Crown Hill: Indianapolis, Ind.	1.370	0	795	0	1867		None	do	(1)
21. Culpeper: Culpeper, Va.	6.470	0	3,683	0		1973	GS-8	1 GS-5, 1 GS-2	4
22. Cypress Hills: Brooklyn, N.Y.	18.197	0	18,687	0	1954		GS-8	None	4
23. Danville: Danville, Ky.	.310	0	396	0	1955		None	do	(1)
24. Danville: Danville, Va.	3.500	0	2,177	0	1971		GS-7	do	1
25. Fayetteville: Fayetteville, Ark.	6.110	0	3,577	0		1978	GS-7	do	2
26. Finn's Point: Salem, N.J.	4.590	0	2,705	0	1947		GS-7	do	1
27. Florence: Florence, S.C.	5.870	0	4,625	0		1981	GS-7	do	1
28. Fort Bliss: Fort Bliss, Tex.	42.850	17.000	25,263	10,200		2000+	GS-10	1 GS-6	11
29. Fort Gibson: Fort Gibson, Okla.	13.510	18.700	8,578	11,22p		2000+	GS-8	None	3
30. Fort Harrison: Richmond, Va.	1.550	0	1,048	0	1967		None	do	1
31. Fort Leavenworth: Fort Leavenworth, Kans.	36.100	0	19,520	0		1981	GS-10	1 GS-3	9
32. Fort Logan: Denver, Colo.	40.800	96.336	25,204	49,840		2000+	GS-11	1 GS-6, 1 GS.5, 1 GS-4.	16
33. Fort McPherson: Maxwell, Nebr.	14.000	6.000	5,648	3,956		2000+	GS-8	None	3
34. Fort Rosecrans: San Diego, Calif.	71.340	0	44,340	0	1967		GS-10	1 GS-5, GS-4	16
35. Fort Sam Houston: San Antonio, Tex.	60.110	0	37,677	0		1977	GS-11	2 GS-5	26
36. Fort Scott: Fort Scott, Kans.	10.510	0	5,959	0		2000+	GS-7	None	2
37. Fort Smith: Fort Smith, Ark.	14.590	0	8,832	0		1996	GS-8	1 GS-7	3
38. Fort Snelling: St Paul, Minn.	127.570	349.000	66,774	208,699		2000+	GS-13	1 GS-11, 1 GS-7, 1 GS-5, 1 GS-4, and 1 GS-3.	32
39. Glendale: Richmond, Va.	2.080	0	1,289	0	1970		GS-7	None	1
40. Golden Gate: San Bruno, Calif.	161.500	0	101,368	0	1967		GS-12	2 GS-6's, 1 GS-3	35
41. Grafton: Grafton, W. Va.	3.210	0	2,130	0	1961		GS-7	None	1
42. Hampton: Hampton, Va.	26.530	0	21,450	0	1970		GS-9	do	6
43. Jefferson Barracks: St. Louis, Mo.	105.330	201.650	67,506	118,976		2000+	GS-12	1 GS-10, 1 GS-7, 1 GS-5, and 1 GS-3.	28
44. Jefferson City: Jefferson City, Mo.	2.010	0	1,633	0	1969		GS-7	None	1
45. Keokuk: Keokuk, Iowa	5.100	[3] 16.000	2,537	0		1979	GS-7	do	2
46. Knoxville: Knoxville, Tenn.	9.830	0	7,500	0		1972	GS-8	do	2
47. Lebanon: Lebanon, Ky.	2.830	0	1,996	0		1976	GS-7	do	3
48. Lexington: Lexington, Ky.	.750	0	1,384	0	1939		None		(1)
49. Little Rock: Little Rock, Ark.	24.950	0	17,895	0		1985	GS-9	1 GS-5	5
50. Long Island: Farmingdale, N.Y.	364.000	0	255,693	0		1978	GS-14	1 GS-13, 1 GS-7, 7 GS-5's, 3 GS-4's, 5 GS-3's, and 1 GS-2.	100
51. Loudon Park: Baltimore, Md.	5.600	0	6,486	0	1971		None	None	1
52. Marietta: Marietta, Ga.	23.256	0	16,538	0	1970		GS-9	do	3
53. Memphis: Memphis, Tenn.	44.150	0	27,454	0		1976	GS-10	1 GS-6, 1 GS-5	11
54. Mill Springs: Nancy, Ky.	3.500	0	2,168	0		1983	GS-7	None	3
55. Mobile, Mobile, Ala.	5.240	0	3,872	0	1963		GS-7	do	1
56. Mound City: Mound City, Ill.	10.500	0	7,893	0		1991	GS-7	do	3
57. Nashville: Madison, Tenn.	65.000	0	31,112	0		1995	GS-10	1 GS-5	11
58. Natchez: Natchez, Miss.	10.720	0	4,961	0		1982	GS-7	None	3
59. New Albany: New Albany, Ind.	6.310	0	5,082	0	1960		GS-7	do	1
60. New Bern: New Bern, N.C.	7.680	0	5,607	0		1993	GS-7	do	1
61. Perryville: Perryville, Ky.	4.390	0	0	0		[4]	None		(1)
62. Philadelphia: Philadelphia, Pa.	13.320	0	10,327	.	1947		GS-8	None	2
63. Port Hudson: Zachary, La.	8.040	0	6,082	0		1977	None	do	2
64. Quincy: Quincy, Ill.	.450	0	581	0		1995	do		(1)
65. Raleigh: Raleigh, N.C.	6.950	0	4,998	0		1998	GS-7	None	1
66. Richmond: Richmond, Va.	9.470	0	7,456	0	1963		None	1 GS-5	2
67. Rock Island: Rock Island, Ill.	19.700	11.800	12,538	8,478		1986	GS-9	1 GS-4	6
68. St. Augustine: St. Augustine, Fla.	1.360	0	1,143	0	1949		GS-7	None	1
69. Salisbury: Salisbury, N.C.	5.970	0	14,300	0		1983	GS-7	do	1
70. San Antonio: San Antonio, Tex.	3.660	0	3,042	0	1961		GS-7	do	1
71. San Francisco: Presidio of San Francisco, Calif.	28.340	0	22,825	0	1962		GS-9	do	6

Footnotes at end of table.

NATIONAL CEMETERIES OPERATED BY THE DEPARTMENT OF THE army AS OF DEC. 31, 1971—Continued

No.—Cemetery and location (city and State)	Acreage		Gravesites		Fiscal year			Other personnel	
	Developed	Undeveloped	Developed	Undeveloped	Date closed	Expected closeout	Grade of superintendent	Graded	Wage board
72. Santa Fe: Santa Fe, N. Mex	14.460	20.130	9,563	12,000		1996	GS-9	1 GS-3	6
73. Seven Pines: Sandston, Va	1.900	0	1.126	0	1965		GS-8	None	1
74. Soldiers' Home: Washington, D.C	15.800	0	13,678	0		1977	GS-7	do	4
75. Springfield: Springfield, Mo	13.820	0	8,133	0		1979	GS-8	do	3
76. Staunton: Staunton, Va	1.150	0	844	0	1970		GS-7	do	1
77. Willamette: Portland, Oreg	76.450	125.000	47,623	75,000		2000+	GS-12	1 GS-11, 1 GS-7, 2 GS-5's, 2 GS-4's.	31
78. Wilmington: Wilmington, N.C	5.065	0	4,393	0		1976	GS-7	None	1
79. Winchester: Winchester, Va	4.890	0	5,051	0	1970		GS-7	do	1
80. Woodlawn: Elmira, N.Y	7.624	0	6,433	0	1969		GS-7	do	2
81. Zachary Taylor: Louisville, Ky	16.430	0	9,415	0	1959		GS-8	do	4
OVERSEAS NATIONAL CEMETERIES									
1. National Memorial Cemetery of the Pacific: Honolulu, Hawaii.	111.540	0	27,328	0		1980	GS-12	1 GS-10, 1 GS-5, 1 GS-4, GS-3.	28
2. Puerto Rico: Bayamon, Puerto Rico	29.300	78.940	11,676	30,179		2000,+	GS-11	1 GS-7	10
3. Sitka: Sitka, Alaska	1.390	0	669	0		1993	None	None	(1)

[1] Contract.
[2] This is the closeout date for the present developed area currently available for burial. The entire acreage to be used for Arlington National Cemetery will extend the life to beyond the year 1986.
[3] Not suitable for gravesites.
[4] No burials.

ANNUAL REPORT, VETERANS' ADMINISTRATION CEMETERIES—AS OF JUNE 30, 1971

Station	(1) Original cemetery data	(2) Date of operation	(3) Acreage Developed	(4) Acreage Undeveloped	(5) Graves Developed	(6) Graves Undeveloped	(7) Developed graves Used	(8) Developed graves Available	(9) Graves used—fiscal year 1971	(9) 1970	(9) 1969	(10) Burials—fiscal year 1971	(10) 1970	(10) 1969	Estimated closing date
VAC, Bath, N.Y	1879	1929	19.00	0	8,109	0	7,599	510	107	103	119	107	103	121	1976
VAC, Biloxi, Miss	1934	1934	25.00	0	11,336	0	1,296	10,040	50	47	45	50	50	45	2000
VAH, Danville, Ill	1898	1930	30.00	0	6,552	0	5,615	937	58	57	42	58	57	42	2000
VAC, Dayton, Ohio	1867	1930	55.00	0	22,507	0	22,016	671	185	210	226	186	211	226	1973
VAH, Fort Lyon, Colo	1914	1922	8.00	0	956	0	730	226	11	6	18	11	6	18	1985
VAH, Houston, Tex	1965	1965	45.00	374.0	20,250	187,000	3,198	17,052	704	710	592	725	722	601	2000
VAECH, Los Angeles, Calif	1889	1930	111.00	3.5	60,960	3,200	54,040	6,920	1,398	1,338	1,432	1,670	1,406	1,519	1973
VAH, Marion, Ind	1890	1930	14.00	0	4,613	0	4,084	529	31	30	28	31	30	28	1980
VAC, Mountain Home, Tenn	1903	1930	30.00	0	10,000	0	4,856	5,144	94	112	113	95	112	113	2000
VAC, Prescott, Ariz	1888	1921	6.00	0	2,556	0	2,401	155	127	121	115	135	125	116	1972
VAH, Roseburg, Oreg	1894	1932	3.00	0	2,130	0	1,422	708	44	49	43	46	49	43	1983
VAC, Leavenworth, Kans	1886	1930	30.00	0	14,550	0	12,435	2,115	57	90	92	61	95	95	1980
VAD, White City, Oreg	1951	1951	8.00	0	1,200	0	505	695	33	33	21	33	33	21	2000
VAC, Wood, Wis	1871	1930	27.00	0	22,800	0	15,663	7,137	260	281	294	265	286	297	1995
VAC, Bay Pines, Fla.[2]	1933	1933	9.00	0	4,199	0	4,199	0	0	0	0	1	4	5	1964
Ft. Bavard, N. Mex.[2]	1866	1922	16.00	0	2,600	0	1,560	1,040	10	1	6	11	2	7	1965
VAH, Fort Meade, S. Dak.[2]	1878	1944	2.00	0	133	0	188	0	0	0	0	0	0	0	1948
VAC, Hampton, Va.[2]	1898	1930	.03	0	22	0	22	0	0	0	0	0	0	0	1912
VAC, Hot Springs, S. Dak.[2]	1903	1930	12.00	0	1,482	0	1,481	1	0	0	0	0	0	0	1964
VAH, Kerrville, Tex.[2]	1923	1943	2.00	0	460	0	460	0	0	0	0	0	0	0	1957
VAC, Togus, Maine[2]	1867	1930	29.00	0	5,371	0	5,371	0	0	0	0	0	0	0	1961
Total			481.03	337.5	202,841	190,200	149,161	53,680	3,169	3,188	3,186	3,485	3,291	3,297	

Station	(1) Original cemetery data	(2) Date of operation	(11) Operating cost—fiscal year 1971	(11) 1970	(11) 1969	(12) cost—fiscal year 1971	(12) 1970	(12) 1969	(13) KNG. employees	(14) Expansion[1] Acres	(15) Graves	(16) Estimated closing date
VAC, Bath, N.Y	1897	1929	$13,874	$11,449	$15,467	$227	$28	(3)	1.5	(3)	(3)	1976
VAC, Biloxi, Miss	1934	1934	5,408	7,330	6,304	(3)	(3)	(3)	1.5	4	1,976	2000
VAH, Danville, Ill	1898	1930	9,588	10,003	9,698	(3)	(3)	(3)	1.3	10	5,216	2000
VAC, Dayton, Ohio	1867	1930	60,564	63,582	77,878	530	997	$446	5.0	(3)	(3)	1973
VAH, Fort Lyon, Colo	1914	1922	724	409	775	105	135	138	.1	180	23,040	1985
VAH, Houston, Tex	1965	1965	98,790	77,340	70,168	2,299	2,173	4,116	.2	(3)	(3)	2000
VAZCH, Los Angeles, Calif	1889	1930	256,118	261,866	223,371	34,821	32,561	37,371	26.0	(3)	(3)	1975
VAH, Marion, Ind	1890	1930	6,646	7,648	6,515	1,759	1,417	1,287	1.0	5	1,600	1980
VAC, Mountain Home, Tenn	1903	1930	20,646	19,396	15,845	(3)	(3)	101	2.0	30	10,000	2000
VAC, Prescott, Ariz	1888	1921	8,777	10,424	8,919	(3)	(3)	61	1.0	(3)	(3)	1972
VAH, Roseburg, Oreg	1894	1932	7,748	5,556	6,389	(3)	60	296	1.0	(3)	(3)	1982
VAC, Leavenworth, Kans	1896	1930	30,907	26,380	22,657	12,050	10,567	2,321	3.0	75	36,605	1980
VAD, White City, Oreg	1951	1951	9,592	9,745	8,154	1,543	2,288	1,434	1.0	14	4,000	2000
VAC, Wood, Wis	1871	1930	34,183	34,088	23,554	5,826	1,611	9,703	7.3	(3)	(3)	1995
VAC, Bay Pines, Fla.[2]	1933	1933	7,109	9,532	8,750	1,072	339	589	1.0	16	4,200	1964
Fort Bayard, N. Mex.[2]	1866	1922	5,992	7,175	5,700	(3)	(3)	(3)	(3)	(3)	(3)	1965
VAH, Fort Meade, S. Dak.[2]	1878	1944	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	1948
VAC, Hampton, Va.[2]	1898	1930	272	109	221	(3)	62	(3)	(3)	(3)	(3)	1912
VAC, Hot Springs, S. Dak	1903	1930	1,600	915	1,008	158	60	184	.2	(3)	(3)	1966
VAH, Kerrville, Tex.[2]	1923	1943	943	739	725	(3)	69	19	.14	(3)	(3)	1957
VAC, Togus, Maine[2]	1867	1930	1,846	4,720	3,905	268	166	675	.5	10	2,100	1961
Total			581,327	568,462	516,000	60,750	53,133	58,741	62.94	344	88,737	

[1] Not included in estimated closing date.
[2] Closed, grave sites not available.
[3] None.

Mr. Speaker, at the time of the hearings on this subject the Veterans' Administration representative referred to a VA task force that had developed some background material on the historical, factual, and statistical information relative to Federal burial and cemetery benefits for servicemen and veterans. At his request, there was inserted in the RECORD this material as exhibit B. For the information of the Members and for ready reference, the committee report incorporated this same material which is found on pages 46 through 60 of the report. Unfortunately, it is not clearly shown to be attributable to the Veterans' Administration, rather than to the committee. The executive director of the National Funeral Directors Association has recently informed me that it is their belief that some of the statistical data included in the VA exhibit may be misleading. Accordingly, I insert at this point a letter to me dated June 2, 1972, from Howard C. Raether, executive director, National Funeral Directors Association.

NATIONAL FUNERAL DIRECTORS ASSOCIATION OF THE UNITED STATES, INC.,

June 2, 1972.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN TEAGUE: In the Report No. 92-1069 of the Committee on Veterans' Affairs which deals with H.R. 12674 there is the following paragraph on page 60:

"These figures indicate that the veterans' funeral expenses were substantially in line with those incurred on behalf of other deceased citizens. The rise in the average costs incurred on behalf of deceased veterans is somewhat higher than that experienced nationwide. According to the Monthly Labor Review of May 1971, the 1970 index of adult funeral services was 112.9 (based on 1967=100). This had increased to 115.9 in March 1971. Our survey reports indicates an increase of 34 percent in the same period."

The officers of our association feel that the average reader of this paragraph may be misled by it because it is our belief that an erroneous deduction is made in it. Furthermore, the paragraph is unclear as to what the period of your "recent surveys" is.

Let me take up the matter of the question first. Some who have read the above quoted paragraph and the one before it believe that your survey reports are comparing 1967 with March, 1971 statistics and that a 34% increase in the cost of funerals is reflected-therein. Others who have read these paragraphs feel that what you are saying is that the 34% increase is between 1970 and March of 1971. We feel sure that this is not what is intended. On the other hand, this is what has been read into the statistic which could be quoted and provide inaccurate information in the process.

Beyond the error of interpretation which there could be based on the manner in which the dates are given, it must be pointed out that a meaningful comparison or contrast cannot be made between the U.S. Department of Labor Index statistic and the average cost of funerals selected.

The U.S. Department of Labor Index is a continuing comparison of the same or similar funeral with the same or similar merchandise and services. The data is based on specifications spelled out in the gathering of information for the Index as to adult services. It may be of interest to you to know that using the 1967 base as 100%, the U.S. Bureau of Labor Statistics shows that as of January, 1972 the index for the cost of living as 123.2; the index for the cost of services less rent, 134.1; and, the index for adult funeral services, 119.5.

On the other hand, apparently your figures are of the expenses of a variety of funerals as selected by veterans' families. The increase in them between 1967 and 1971, if these are the dates compared in the report, was an average of 34%. This is due to the fact that the families selected and got better services and merchandise. But, during the same period, had they continued to purchase the same quality of service and merchandise they did in 1967, the increase would undoubtedly have been in the area of 16%. Only if the service and merchandise selected by veterans' families in 1967 was the same or similar to that selected in March, 1971 could an accurate comparison be made between the Bureau of Labor percentage and that which is based on the "recent surveys" referred to in the report.

Inasmuch as this measure will soon be considered by the House, and perhaps later by the Senate, we thought you and Senator Vance Hartke and a member of each of your staffs should have the explanation contained herein.

Respectfully submitted,
HOWARD C. RAETHER,
Executive Director.

Mr. TEAGUE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. However, I will not take the time of the House to repeat the reason why, which were so ably explained by the chairman of the committee.

Mr. Speaker, this measure will consolidate the administration of the various Federal cemetery systems and require the Veterans' Administration to make a comprehensive study and report to Congress on the criteria which should govern the future of the national cemetery system. Under the terms of the bill, the Veterans' Administration report is due within 30 days of the convening of the next session of Congress.

The need for national guidelines to determine the location of cemeteries to be constructed is readily apparent. No new national cemeteries have been constructed since 1950. Those already in existence are gradually being closed to further interment because they have reached their capacity. In my own State of California all of the existing national cemeteries are closed to future burials. Accordingly, I have introduced a measure calling for the establishment of a national cemetery on the grounds of Vandenberg Air Force Base. This site is centrally located and easily accessible by any conventional form of transportation from the populous areas of the State. I am hopeful that the Veterans' Administration study will result in a recommendation for a cemetery at Vandenberg Air Force Base.

Additionally, Mr. Speaker, the bill authorizes an allowance of $150 for the purchase of a burial plot in a private cemetery on behalf of any veteran not buried in a national cemetery. Since it would be highly impractical to create national cemeteries in every city in the Nation, the plot allowance offers an equitable solution for those who must necessarily be buried in private cemeteries.

I support the bill and urge that it be passed.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I wish to commend the chairman of the Veterans' Affairs Committee for developing and reporting this legislation and I again indicate my enthusiastic support of this bill to establish a national cemetery system within the Veterans' Administration. I have in recent years been privileged to work for such legislation and have testified before the Veterans' Affairs Committee, which has reported this bill.

I could cite numerous facts and figures regarding our national cemetery policy, but no amount of statistical or rhetorical analysis of the system can detract from or add to the underlying attitude of the veterans, and the public generally, toward the privilege of burial in a national cemetery.

Every veteran should have the right to burial in a national cemetery reasonably close to his home, and the conditions under which the national cemetery policy is to be established are squarely up to Congress.

Opposition in the past to any expansion of the cemetery system has basically been on two points: first that in many areas it is not feasible or financially possible to acquire the necessary land, and second that it is discriminatory to place national cemeteries where large sections of the country do not have access to them.

Both points are well taken; however, my support of the legislation being considered today has been based in part on the firm belief that we have not done enough to explore all the possible means for expanding our national cemetery system. In my testimony before the Veterans' Affairs Committee, I have advocated one possible approach, heretofore unexplored, which could, I believe, provide an opportunity to expand our national cemetery program without lavish spending proposals.

I have recommended that a survey of available Federal land be undertaken to determine what land may be available for use as national cemeteries at little or no cost to the American taxpayer. In my own Third District of Michigan, the Department of Defense has declared as excess to its needs a portion of land within the present boundaries of the Fort Custer Military Reservation and adjacent to the existing post cemetery. Development of a national cemetery there would not affect planning for further Federal, State, or private use of other portions of the military reservation.

I would also point out that the area is ideally situated midway between Detroit and Chicago and is serviced by air as well as two four-lane approaches, and numerous smaller roads connecting it with Interstate Highway I-94. Such a cemetery site would serve the thousands of eligible veterans living in the upper Midwest.

I am sure that many such sites exist across our Nation which can serve as hallowed ground and the final resting

place of those who have given so much to our Nation.

The legislation being considered today will do much to provide a systematic consideration of this and other possibilities to guarantee to our veterans their right and privilege to burial in a national cemetery.

Finally, Mr. Speaker, I would be remiss if I were not at this time to bring to the attention of my colleagues in the House the untiring efforts and enthusiastic support of Mr. Ira Dodrill of Battle Creek, Mich., who is the national chairman of the Disabled American Veterans efforts to expand our national cemetery system and who has for the last five and a half years worked unceasingly to see a national cemetery become a reality at Fort Custer. Mr. Dodrill has made a special trip to Washington today to be present for, and observe, the passage of this vital legislation.

While I would say to Mr. Dodrill that passage of this bill does not insure the establishment of a national cemetery at Fort Custer, it is an essential first step, and I join with him and veterans all across our Nation in rejoicing at this most important and constructive step toward the establishment of a national cemetery system within the Veterans' Administration.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON.)

Mr. ANDERSON of Illinois. Mr. Speaker, I want to express my concern about the transfer of the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration, as provided in H.R. 12674.

I certainly favor those portions of the bill that would assist the Veterans' Administration in providing benefits for veterans and their dependents and survivors by transferring to it the national cemeteries that are open for burials. However, I do feel obligated to call to the attention of the House my extreme disappointment that when this bill was being marked up in executive session that apparently an amendment was added at that time that would put the American Battle Monuments Commission under the Veterans' Administration.

When H.R. 12674 was introduced and scheduled for hearings before the House Veterans' Affairs Committee, the transfer of the American Battle Monuments Commission from its current independent status to the jurisdiction of the Veterans' Administration was not included in the bill. Nevertheless, the committee did contact the Commission, asking if the Commission wished to testify on the matter. Because the Commission was not included in the provisions of the bill at that time, members of the Commission decided that their testimony was not necessary. Subsequently the committee decided in executive session that the Commission should be included in the formation of a new National Cemeteries System. In reading the hearing record, I have discovered that the matter of transferring the Commission was mentioned only twice, and one of these was when a representative of the Veterans' Administration reiterated the administration's opposition to the transfer.

Let me quote several pertinent excerpts from the testimony of Mr. Rufus H. Wilson, Associate Deputy Administrator of Veterans' Affairs:

> Let me briefly describe the current Federal cemetery function. Four cemetery systems are managed by Federal agencies: The Department of the Army operated the National Cemetery System; the American Battle Monuments Commission operates the overseas cemeteries; the Department of the Interior, through the National Park Service, operates cemeteries in conjunction with Military and Battlefield Parks; and the Veterans Administration. We operate 24 cemeteries and burial plots of which 14 are currently open for further burials. Eligibility for burial in these VA cemeteries is generally limited to veterans who die while receiving hospital, domiciliary, or nursing home care in a Veterans Administration facility or while receiving such care at Veterans Administration expense in a non-Veterans Administration facility, or where an eligible veteran dies in the immediate vicinity of a Veterans Administration field station having a cemetery, whose body is unclaimed and whose relatives cannot be located.
>
> * * * * *
>
> Consolidation of national cemeteries . . . with Veterans Administration cemeteries into a single system administered by the Veterans Administration would appear logical, and we would favor such transfer of jurisdiction . . . As noted above, there are two other Federal cemetery systems. The cemeteries operated by the Department of Interior are generally closed to future burials and are in the nature of military or battlefield parks such as Gettysburg. The Congress has recognized this distinction in maintaining jurisdiction over these cemeteries in the Committee on Interior and Insular Affairs in both the House and Senate, and we agree that they should be excluded from any new National Cemetery System.
>
> The remaining system is comprised of those cemeteries, memorials and monuments under the jurisdiction of the Amrican Battle Monuments Commission. These are in the nature of historical parks or shrines and, with limited excepton, are not open for burials. They are, therefore, comparable to those cemeteries operated by the Department of Interior. Hence, the arguments which favor consolidating the administration of Federal cemeteries in which veterans and servicemen may be buried do not have equal force when applied to the overseas cemeteries operated by the American Battle Monuments Commission.

The Administrator of Veterans' Affairs, Mr. Johnson, has not changed his assessment of the proposed transfer in this bill since the conclusion of the hearings. He still maintains, as he stated in a letter to the chairman of the Committee on Veterans' Affairs, Mr. TEAGUE of Texas, that—

> These cemeteries (i.e., those of the Department of Interior and the American Battle Monuments Commission) are generally closed to future burials and are in the nature of historical parks or shrines. We agree that they shoud not be included in the new proposed consolidated system.

I understand from this bill that even though the committee decided to transfer those cemeteries under the current care of the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration, it did not decide to transfer those under the Department of the Interior. Not only are these cemeteries analogous as pointed out in the testimony previously cited, but there is the added fact that inclusion of the American Battle Monuments Commission's cemeteries and memorials in a new Federal system will absolutely not address the critical problem of a shortage of available plots in these cemeteries.

The Commission's cemeteries are located on foreign soil. The only people now being buried there are those who are still being found on the battlefields of past wars. These cemeteries exist through the good graces of the governments of the countries in which they are located. Even if it were conceivable that these memorials have adequate space to accommodate veterans and their dependents to be buried in the future, it is not conceivable that any agreement to this end could be reached with the concerned foreign governments.

Additionally, I fail to see how any plan such as this will help to alleviate the problem of interring veterans at great distances from their families and friends. As has been stated, many veterans in California must now be buried in Washington State or even further away. A closed cemetery in Holland or France would certainly not solve this dilemma.

I certainly agree that action to combat this growing problem is needed in the Congress, but the act of transferring the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration will have no such effect. It will most likely only decrease the efficiency and increase the operating costs of the Commission by placing it in the hierarchy of an ever-growing bureaucracy which already has numerous and critical problems to face. I am not implying that the Veterans' Administration is not doing a good job for caring for the veterans in our Nation. Its record has been and continues to be admirable, but it does not need this added burden, which it has explicitly stated it does not want.

What I am asserting is that the record of the American Battle Monuments Commission, operating on approximately $3.2 million per year, has been commendable in every respect. I had the occasion recently to look at some of the colored pictures that have been taken of all these monuments and memorials, and we can indeed be proud as Americans of the job that this Commission is doing. At this point, I would like to read from several letters which have been written to the Commission by persons who have loved ones buried in the Commission's cemeteries:

> On a recent visit to Europe and the gravesite of our son who is buried at Henri Chapelle Military Cemetery, we had the pleasure of meeting the Superintendent of this Cemetery, Bert Dewey. He met us at the train and drove us to the Cemetery. The rain and wind being rather bad, he furnished Mrs. Gettinger and I with heavy raincoats and hats for the trip . . . Mr. Dewey was unusually kind and concerned and so solicitous in regard to Mrs. Gettinger . . . Certainly, any one who visits with Mr. Dewey would have a tremendous respect not only for the man, but for the country he represents." (George D. Gettinger, Terre Haute, Ind.)
>
> I have just returned from my fifth consecutive tour of the American Military Cemeteries in France, Luxembourg and the Netherlands . . . As each year in the past, I found each of these hallowed resting places to be a thing of beauty and in magnificent

condition . . . I wish to compliment the Battle Monuments Commission and the Superintendents . . . they may justly feel proud of their efforts." (Harold F. Mohn, Myerstown, Pa.)

I had occasion . . . to visit my brother's gravesite at Margraten Cemetery in the Netherlands . . . how pleased and happy I was to see this lovely memorial. It was kept so beautiful and it shows that no one has forgotten these cemeteries. The men we talked to were very helpful and kind and seem to care very deeply about the cemetery. They took a lovely picture of my brother's cross and presented it to us. I wish I could tell all relatives of the men buried at Margraten what I saw and felt while I visited there. (Mrs. Daniel Parielis)

The testimony of these letters and hundreds like them bespeak the effectiveness and tactfulness which the American Battle Monuments Commission has brought to its sensitive tasks far better than I can in these brief moments.

To summarize, I must take objection to transferring the American Battle Monuments Commission to the VA and including it in a new Federal Cemetery System which is so critically needed for the following reasons:

First. The cemeteries operated by the Commission are closed for all practical purposes. They would not in any way alleviate the prevalent shortage of cemetery space.

Second. The cemeteries operated by the National Park Service under the Department of the Interior are essentially the same as those operated by the Commission. It would be logical to follow the course recommended by the Administrator of Veterans' Affairs and transfer neither group of cemeteries to the new system.

Third. The proposed transfer of the Commission was not adequately discussed by the Committee in hearings on this legislation, and the evidence that was presented tends to support the opposite course.

Fourth. The proposed transfer, besides doing nothing to combat the central problem of shortage, would likely reduce the efficiency and increase the costs of operating the Commission. While I recognize and agree with the public and congressional sentiment in favor of establishing a National Cemeteries System, I discern no sentiment among the majority of my colleagues or the public to move the American Battle Monuments Commission to the jurisdiction of the VA.

Mr. Speaker, I have stated earlier that I favor those sections of this bill which relate to benefits for veterans and their dependents. I again commend the committee for its work in this area, and because of the urgency of the problem, I will vote in favor of this legislation today. I do hope that before the Congress takes final action on this matter that the transfer of the American Battle Monuments Commission will be reconsidered and that the Congress will decide to let this small, dedicated group of men and women continue with their excellent, efficient, and economic work.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 12674. This is a bill designed to create a national cemetery system. It would be administered by the Veterans' Administration. With very few exceptions all cemeteries created for members of the Armed Forces, veterans and their dependents would come under the system as would any that may be acquired or developed in the future. Currently, most military cemeteries are maintained and administered by the Department of the Army. Experience has shown, however, that 90 percent of the burials are of veterans and their dependents. It is more practical, therefore, to place the program under the Veterans' Administration.

For many years there has been almost no planning for future burials despite the basic entitlement to it of all honorably discharged veterans and their dependents. This bill directs the Veterans' Administration to conduct a study and submit recommendations to the next Congress. This is absolutely necessary because available burial sites are fast disappearing and a program will have to be worked out to meet the needs of the immediate future.

A plot allowance of $150 also is provided for those veterans who are buried in private cemeteries. This is an approach which should reduce the demand for burial sites in military cemeteries. Headstones or markers will continue to be available for gravesites with the responsibility of supplying them transferred to the Veterans' Administration. At present they may be obtained from the Department of the Army.

The American Battle Monuments Commission would come under the organizational framework of the Veterans' Administration. It would continue to function substantially as it has since it was created with the additional authority of maintaining certain memorials and monuments on foreign soil not now under its jurisdiction.

I consider this bill to be well conceived and very necessary if we are to fulfill our obligation to our veterans and their dependents.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, as a cosponsor I rise in support of H.R. 12674. This bill would establish a National Cemetery System within the Veterans' Administration. Much of the present system is administered by the Department of the Army. Of course, this came about because initially only soldiers who fell in battle or died of disease in the field and in hospitals were eligible for burial in a military cemetery. Over the years the eligibility was enlarged to include wartime veterans and their dependents with the result that at the present time fewer than 10 percent of the burials are active-duty decedents. The remaining more than 90 percent are veterans and their dependents. In view of this it is not only more appropriate, but also more expeditious to place the program under the Veterans' Administration and in so doing coordinate other smaller cemetery programs, including the one operated by the Veterans' Administration under one system.

The bill also provides for a plot allowance of $150 for those veterans who are buried in private cemeteries and the furnishing of a headstone or marker for the gravesites of all eligible veterans.

The American Battle Monument Commission would continue to administer and maintain military cemeteries, monuments, and memorials on foreign soil with the added responsibility for the maintenance of certain memorials on foreign soil not now under their jurisdiction. The Commission would operate, however, within the Veterans' Administration and under the Administrator of Veterans' Affairs.

The Veterans' Administration is directed also to conduct a study and submit recommendations to the next Congress regarding the overall program of veterans burial benefits.

I would hope this recommendation would include a provision for relief of the crowded condition at Arlington National Cemetery. One solution would be an auxiliary such as the measures I have sponsored for a cemetery at the Manassas National Battlefield Park or adjacent thereto. Our committee has had hearings on one of these bills but has taken no further action. This acute problem must be resolved.

I believe this bill represents a sound approach to a problem which is increasingly urgent and I intend to vote for it.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FISH).

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

Mr. FISH. I am glad to yield to the distinguished chairman of the committee.

Mr. TEAGUE of Texas. Mr. Speaker, I would like to tell the House that the father of the gentleman from New York introduced the first bill for the unknown soldier's interment in Arlington Cemetery, and the gentleman from New York (Mr. FISH) has introduced this bill this year for a spot for the unknown soldier.

Our report says that there is no unknown soldier at this time. But what we should have said was that they really will not know until the war is over and all the missing in action are counted.

We certainly think by that time that there will be an unknown soldier.

Mr. Speaker, I congratulate the gentleman from New York for recognizing the situation and doing something about it.

Mr. FISH. I thank you very much, Mr. Chairman.

Mr. Speaker, I rise in support of the National Cemeteries Act of 1972—H.R. 12674. This legislation would revise and streamline the administration of our national cemeteries by consolidating them under the jurisdiction of the Veterans' Administration. The bill also authorizes a comprehensive study by the VA on the future development and operation of the National Cemeteries System and provides for an additional plot allowances of $150 in cases where the veteran is not buried in a national or other Federal cemetery.

I am particularly proud that the Veterans Affairs Committee has incorporated into their omnibus measure, legislation which I originally introduced as House Joint Resolution 609. My bill, now section 9 of H.R. 12674, would authorize

the interment of an unknown soldier from the Vietnam war in the Arlington National Cemetery.

Over 51 years ago, on December 21, 1920, my father, Hamilton Fish, Sr., introduced a similar measure in the House of Representatives. The adoption of my father's resolutions resulted in the creation of the Tomb of the Unknown Soldier, a revered national shrine. Since that time, unknown casualties of both World War II and Korea have joined their comrade of World War I, and are similarly enshrined near the tomb of Arlington. I introduced my resolution at the urging and with the support of my father, who at the age of 83 continues to be very active on behalf of our Nation's 28 million veterans.

Mr. Speaker, I strongly believe that this is a most appropriate way to commemorate the sacrifices made by American servicemen in Vietnam. We all know that the Vietnam war is uniquely different from those which preceded it. It has, perhaps, mustered a lower level of public support than any other war in our country's history. But we cannot permit these political facts to obscure the equally real sacrifices made by the 2.5 million young men who have served in Southeast Asia.

This tragic war has resulted in over 50,000 dead and well over a quarter of a million wounded. Through the adoption of this legislation, Congress can demonstrate that, despite diverging opinions on the wisdom of this conflict, that the personal sacrifices of these boys and their families will not be forgotten.

Section 9 provides that the implementation of this provision will take place after the United States has concluded its participation in hostilities in Southeast Asia. The proposal has the expressed public support of the Department of Defense, specifically the Department of the Army, and the Office of Management and Budget. Numerous veterans organizations have also expressed their strong support, including: the American Legion, the Veterans of Foreign Wars, the Catholic War Veterans, the Blinded Veterans Association, the Military Order of the World Wars, the Military Order of the Purple Heart, the Fleet Reserve Association, the Marine Corps League, the Reserve Officers Association of the United States and the Congressional Medal of Honor Society.

In conclusion, I want to express my deep appreciation to chairman OLIN E. TEAGUE of the Veterans' Affairs Committee, for his courtesy and assistance regarding the Vietnam Unknown Soldier legislation. I also want to congratulate the chairman and the entire membership of the Veterans' Affairs Committee for their excellent work on the national cemeteries bill. It deserves the overwhelming support of the House of Representatives and I urge all my colleagues to vote accordingly.

Mr. TEAGUE of California. Mr. Speaker, I yield the balance of the time remaining to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, for too many years, this Nation has had little if any policy on the future of national cemeteries and burial benefits for the Nation's veterans. If any policy has emerged, it has been a dictum of sorts laid down years ago by the agency that preceded OMB, the Bureau of the Budget—"We are opposed to any expansion of the national cemetery system."

Under this mandate, and despite the fact that all of the Nation's 28 million veterans are entitled by law to burial in a national cemetery, the national cemetery system is rapidly phasing out. Of the 84 national cemeteries operated by the Department of the Army, 39 are closed to further burials. Only 13 of the remaining 42 active cemeteries will be open for interments in the year 2000. Many areas of the Nation have no national cemetery. In California, for example, all of the national cemeteries are closed and deceased veterans who had expressed a desire to be buried in a national cemetery must be interred in Willamette at Portland Oreg., or even further from the home of his survivors.

Mr. Speaker, the bill before this body today, H.R. 12674, represents the first step in creating a national policy on cemeteries and burial benefits for veterans. It will vest the Veterans' Administration with administrative responsibility for the operation of most of the cemeteries maintained by the Federal Government. The bill requires the Veterans' Administration to make an indepth study and report to Congress on the criteria which should govern the future of the national cemetery system. Finally, Mr. Speaker, the bill will provide a burial plot allowance of $150, to be paid on behalf of any veteran not interred in a national cemetery.

There are several agencies presently administering a Federal cemetery program. The Department of the Army administers the national cemetery system. The military services also administer the many military post cemeteries throughout the Nation. The Veterans' Administration operates several burial grounds adjacent to Veterans' Administration hospitals. The American Battle Monuments Commission maintains the overseas cemeteries on foreign soil, all of which are closed. The Interior Department operates a group of cemeteries located in national parks. All of these systems, under the terms of the bill, with the exception of cemeteries operated by the Interior Department, would be transferred to the Veterans' Administration. Since approximately 90 percent of the interments in national cemeteries are those of veterans, it seems logical that the Veterans' Administration should operate the new system. Because cemeteries of the Interior Department are located within the boundaries of national parks, it appears equally logical that national park personnel should continue to be responsible for maintaining these grounds.

Mr. Speaker, with approximately 1 million grave sites available for 28 million eligible veterans, it would be virtually impossible to provide sufficient national cemetery grave sites equitably dispersed geographically to care for this need. It is also true that all veterans do not wish to be interred in national cemeteries. The $150 burial plot allowance, which would be payable in additional to the existing statutory burial plot allowance, would permit the next of kin of those veterans not buried in national cemeteries to purchase burial space in private cemeteries near their homes.

Mr. Speaker, this is necessary legislation and I urge that it be passed.

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

Mr. SAYLOR. I am happy to yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I thank the gentleman for yielding and commend him on the fine statement he has made on this important bill.

Mr. Speaker, today I rise to support H.R. 12674, the National Cemeteries Act of 1972.

I had the honor of being a cosponsor of this measure and would certainly like to take this time to commend the chairman of our Veterans' Affairs Committee, the Honorable OLIN TEAGUE of Texas, for his handling of this matter.

This measure will put the National Cemetery System under the jurisdiction of the Veterans' Administration.

At the present time such cemeteries as Arlington National, are under the jurisdiction of the Department of the Army.

This measure will also give the VA the needed funds to operate and maintain this cemetery system.

The VA will provide grade markers and headstones for the graves.

This legislation also provides for the burial of a Vietnam unknown soldier in Arlington National Cemetery. Mr. Speaker, I have spoken of this many times in my congressional district, and find that there is great support among my constituents for this type of project.

During the past few years we have had many inquiries and proposals regarding the development of the National Cemetery system. This bill will direct the VA Administrator to conduct a comprehensive study and submit his recommendations to the 93d Congress concerning the criteria which should govern the development and operation of the National Cemetery System including the concept of regional cemeteries.

Mr. Speaker, I urge that this bill be passed by this 92d Congress.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague, the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I was remiss in commending only the gentleman from Texas, the chairman of the Veterans' Affairs Committee, for his fine work in developing this veterans' legislation. I should also in my earlier remarks have commended the gentleman in the well, the ranking minority member, the gentleman from Pennsylvania, for his work also. I know the gentleman was always present in the development of this legislation, and certainly my commendation and congratulations go to the gentleman from Pennsylvania also.

Mr. SAYLOR. I thank the gentleman from Michigan. I might say this work was begun when the gentleman from Texas, Mr. Rutherford was on the committee. We have attempted to continue his work.

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

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

Mr. GROSS. Mr. Speaker, is there anything in this proposed legislation that would limit the amount of space that any one individual may be allocated in Arlington Cemetery?

Mr. SAYLOR. No, there is nothing in this bill that would limit the amount of space, but in any case, Arlington is filling so rapidly those eligible now under the statute will be lucky to get one burial plot.

Mr. GROSS. In other words, the spouse and other dependent members of the ordinary family will, in the future, have to be buried in tiers rather than in separate spaces. Is that correct?

Mr. SAYLOR. That is correct.

Mr. GROSS. But there is still nothing to limit certain individuals from getting all the space in Arlington Cemetery that their families might desire. Is that correct?

Mr. SAYLOR. There is nothing at the present time. I am hoping when the Veterans' Administration gives their survey to the Congress that this matter will be covered.

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

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

Mr. HUNT. Mr. Speaker, I take this opportunity to commend the gentleman from Pennsylvania for his stand on this matter. As the gentleman knows, we are vitally interested in southern New Jersey in obtaining some additional land for the Beverly National Cemetery. For a number of years the Beverly Cemetery has been closed out except for the families now occupying some of the spaces. The Congressman from New Jersey (Mr. ROE) and I have a bill in that would have somebody find some additional land in the vicinity of Beverly for the purpose of enlarging our cemetery.

Mr. Speaker, I thank the gentleman for his assistance in that matter.

Mr. GROSS. Mr. Speaker, would the gentleman yield for one further question?

Mr. TEAGUE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is there any plan to claim any portion of the burial space in Arlington Cemetery that was wrongfully allocated because it is far beyond any conscionable need and will deprive veterans of final resting places there?

Mr. TEAGUE of Texas. So far as I know, there is none.

Mr. GROSS. I thank the gentleman.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I support H.R. 12674, the National Cemeteries Act of 1972, and urge its passage.

It is widely recognized that the various Federal cemetery systems are fragmented in site locations, administratively complex, inadequate to handle eligible interments, and inequitable in the treatment of the Nation's veterans. The fact that since 1967 Arlington National Cemetery has been closed for veteran burials, except for certain "VIP" classifications, has brought the whole problem to national attention.

Additionally, it has been obvious that the present meager $250 allowance for burial and funeral expenses, which has not been increased since 1958, is totally inadequate in reducing current demands for burials in national cemeteries and encouraging more local burials. I believe the committee has done a commendable job in setting forth a basic restructuring of the national cemeteries system and creating a more rational and equitable policy with respect to the rights of servicemen and veterans who have fought for and served this Nation.

H.R. 12674 provides for a consolidation of cemeteries into one system under the jurisdiction of the Veterans' Administration. In that 90 percent of the interments in national cemeteries are veterans and their dependents, the VA is the most logical and appropriate administering agency.

The bill also increases the burial allowance to $400 for veterans not buried in a national cemetery, and perhaps most important to a permanent resolution to the overall problem directs the VA to conduct a comprehensive survey and make recommendations early next year for the development and operation of a national cemetery system including the concept of regional cemeteries.

H.R. 12674 is landmark legislation and requires prompt consideration and approval by the Congress.

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

Mr. TEAGUE of Texas. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentleman, my colleague from Texas.

Mr. Speaker, I would like to ask the distinguished gentleman a question. As the gentleman knows, I represent an area that contains, not even with the exception of Arlington, no more historical or no more hallowed ground for veterans and soldiers than Fort Sam Houston National Burial Park in San Antonio. We have had a problem I have discussed with the gentleman. The question I have is, There is nothing in this proposed legislation that would preclude Fort Sam Houston National Cemetery from continuing as such?

Mr. TEAGUE of Texas. There is not.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I am concerned about the Fort Sam Houston National Cemetery because it represents a unique case. Expansion of this cemetery has been barred because of the existing freeze policy. Yet Government-owned land exists for this expansion, and in fact use of this land—some 15 or more acres—has long been intended for cemetery purposes. Ironically, it would cost the Government nothing to acquire land enough to keep this cemetery in operation for many more years, beyond the projected closing date of 1977. Therefore, I am heartened by the gentleman's assurance that this bill is designed to permit the continued operation of this cemetery.

I believe that the Fort Sam Houston National Cemetery should be expanded. Its expansion would provide burial space for veterans at a cost less than would be possible through any other means, since the planned expansion would involve the use of land already owned by the Government and designated for cemetery use. It is only an accident that the freeze policy, which was intended to remedy a problem wholly unrelated to the case at Fort Sam Houston, happened to affect it.

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

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, the American Battle Monuments Commission presently administers and maintains the American military cemeteries, monuments, and memorials on foreign soil.

The bill before us continues the American Battle Monuments Commission. However, the commission is transferred to the jurisdiction of the Veterans' Administration.

Some citizens, knowing the excellent work of the Commission, have expressed a very real concern that the proposed transfer will result in a deterioration of the American cemeteries on foreign soil.

For example, Mr. Speaker, let me read you a letter from a constituent of mine whose son is buried in Margraten, Holland. She writes:

> I have learned that the House Veterans Affairs Committee has placed a provision in the National Cemetery Bill (H.R. 12674) that would reassign the American Battle Monuments Commission to the control of the Veterans Administration in lieu of its present position of reporting directly to the President of the United States.
>
> I am unalterably opposed to the inclusion of the American Battle Monuments Commission in this bill and believe it is not in the best interests of our country. I ask that you vote against this provision.
>
> I have visited the American Military Cemetery in Margraten, Holland, where my son is buried. It is comforting to know what our government is doing in giving perpetual care, and the good job the American Battle Monument Commission is doing. To change anything that would place this program in jeopardy would be a grievous mistake. I therefore ask your support in maintaining the American Battle Monuments Commission under its present direction.
>
> Sincerely,
>
> J. HELENE MURPHY.

I certainly agree with Mrs. Murphy that we should not take any action which would jeopardize the American Battle Monuments Commission.

Can the gentleman give her any assurance that the excellent work of the Commission will be continued?

Mr. TEAGUE of Texas. This bill expands the authority of the Battle Monuments Commission. It takes nothing from it. The members will be appointed by the President, as they have been in the past.

This merely brings the whole cemetery system a little closer together. I cannot feature the Battle Monuments Commission being harmed in any way, shape, or form.

Mr. ANDERSON of California. So, in effect, there would be no change to the detriment of the system so ably admin-

istered by the Battle Monuments Commission?

Mr. TEAGUE of Texas. In my opinion there would be no change in that way.

Mr. ANDERSON of California. I thank the gentleman.

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

Mr. TEAGUE of Texas. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Speaker, I rise at this time to offer a word of support for the National Cemeteries Act of 1972.

As I have said on many occasions, in this Chamber and elsewhere, there is no group of citizens more worthy of our consideration and assistance than the veterans of our armed services, and I am happy to see that several excellent provisions have been included in this legislation which we are considering today.

One of the provisions I am particularly gratified to see is that section authorizing a special plot allowance of $150, in addition to the present allowance for burial and funeral expenses of $250, payable in cases in which veterans are not buried in a national or other Federal cemetery.

As all of my colleagues know, many of our national cemeteries are approaching capacity, and the families of veterans are having to turn increasingly to private facilities, causing substantial additional expense. This additional payment will greatly help these families.

The other provisions, which have been discussed in detail here today, are also generous measures designed to insure that the honor the American veteran earned in life is maintained after his passing.

More than a century has passed since President Lincoln first issued the great national commitment "to care for him who shall have borne the battle, and for his widow and his orphan." I am gratified to see that this Congress is still dedicated to that commitment, still trying to enlarge and strengthen it, as this legislation surely does.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act of 1972.

Across the country, veterans are being denied their right to burial in national cemeteries of their choosing.

In California, the problem is especially acute. There are over 3.1 million veterans in California and approximately 2 million in southern California.

But, what facilities do we have for those who wish to be buried in a national cemetery?

In the San Diego area, there is Fort Rosecrans, a national cemetery operated by the Department of the Army. This facility was closed to further development in 1967.

In northern California, there is the Golden Gate National Cemetery located in San Bruno, and the national cemetery at the Presidio of San Francisco. According to the Veterans' Administration, the cemetery at San Bruno was closed in 1967, and the cemetery at the Presidio was closed in 1962.

The only remaining cemetery is located in Los Angeles at the Wadsworth Veterans Center. This facility is expected to close for further development in 1975. But, presently, it does not meet the needs of the area. In fact, Mr. Rufus Wilson, Associate Deputy Administrator of Veterans Affairs, testified that "with some few exceptions, the only people buried in Sawtelle—Wadsworth—are those who died in the VA hospital there."

Mr. Speaker, this does not meet the needs of those veterans in the Los Angeles area who served honorably, and would like to be buried in a national cemetery within a reasonable distance of their families.

I am shocked by reports that California veterans, who wish to be interred in a national cemetery, are being buried as far away as Portland, Oreg., or Santa Fe, N. Mex.

In order to provide for the establishment of a national cemetery in Los Angeles County, I introduced H.R. 11465. After the tragic earthquake of February 1971, which demolished the Olive View Veterans Hospital in the San Fernando Valley, I had hoped that the VA would establish a cemetery at that 94-acre site. However, the land was transferred to the county of Los Angeles for the purpose of building a park.

The bill before us today, H.R. 12674, would undertake a revision in the cemetery program by consolidating all Department of the Army, military post, and Veterans' Administration cemeteries under a national cemetery system within the Veterans' Administration. This adjustment is necessary to eliminate the confusing and uncertain conditions presently associated with the national cemetery program.

In addition, this proposal directs the Administrator of Veterans' Affairs to conduct a comprehensive study and submit his recommendations to the 93d Congress within 30 days after convening. This study will focus upon, first, the criteria which should govern the development and operation of the national cemetery system. Second, it would study the relationship of the national cemetery system to other burial benefits provided by the Federal Government to servicemen and veterans. Third, this study will spell out the steps to be taken to carry out the recommendations.

An important provision of the bill would prevent the VA from transferring any real property to any other agency without the approval of the Congress.

In order to help the widow and the family of a veteran meet the expenses of a funeral and burial, a special plot allowance of $150—in addition to the present allowance of $250—is payable in any case in which the veteran is not buried in a national cemetery.

Mr. Speaker, I commend the chairman of the Veterans' Affairs Committee, Mr. TEAGUE, for his sincere concern for the problems in this area, and for his willingness to come to grips with the many deficiencies inherent in the system as it is presently constituted.

I feel that the proposal, H.R. 12674, is a major step toward shaping the framework of a Federal cemetery policy that will be in the best interests of the Nation's veterans and their families.

Finally, Mr. Speaker, I will continue to keep in close contact with the VA in order to develop a program which will alleviate the problems in the southern California area by establishing a national cemetery in Los Angeles County.

I urge my colleagues to join me in supporting the passage of H.R. 12674, the National Cemeteries Act of 1972.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act. I do so in spite of the fact that the Veterans' Administration recommended against favorable consideration of my two bills, H.R. 9984, which would establish a national cemetery in Broward or Dade County, Fla., and H.R. 10027, which would establish a national cemetery elsewhere in the State of Florida.

The Veterans' Administration objected to my bills on the basis that until the policy with respect to the future of the National Cemetery System has been resolved, it is premature to consider any measure proposing the expansion of that system.

In fairness, our national cemetery program was not originally planned. Federal agencies and officials did not originally grant the right of burial in a national cemetery to all who served honorably in the Armed Forces. There was no assessment of the total impact of isolated policy decisions to embrace the many categories of decedents among those now eligible for burial. In fact, no action was ever taken at the final decision level to provide, on a continuing basis, the resources needed even to implement the law.

At last some action is being taken to place the various Federal cemeteries such as post cemeteries of garrisons, Veterans' Administration cemeteries, and Army National Cemeteries, under the jurisdiction of one Federal agency; namely, the Veterans' Administration.

Originally the purpose of Federal cemeteries was simple. Post cemeteries were used to bury the dead at isolated military posts. Veterans cemeteries served the National Homes for Disabled Volunteer Soldiers that cared for the veterans disabled by the war, and national cemeteries were intended for soldiers of the United States who died in battle or of disease in the field of combat.

Many changes have occurred, however, since the 1800's when these cemeteries first were established. A study in the 87th Congress showed that fewer than 10 percent of the persons buried in national cemeteries were active-duty soldiers and their families. Instead more than 90 percent of the burials were veterans and their dependents. Further, about 83 percent of those interred lived within 50 miles of the cemeteries of their burial, indicating a close relationship between proximity and the use made of national cemeteries. Again, about 83 percent of all burials regularly occur in 11 national cemeteries near large cities.

This inequitable distribution of existing cemeteries, the wide variation in the size of installations, the heavy concentrations of workload in a comparatively small number of cemeteries, and the disparity between the number of persons now eligible for burial, and the availabil-

ity of gravesites is a grave injustice to most veterans and their families.

Florida, as you know, is an attractive place for our citizens to retire. Many retired military, as well as veterans of either World War I or World War II, have found their way to Florida to live out the remainder of their lives. The mild climate and the casual style of living eases the weight of time. For many, the most important thing they want to be remembered for is their service to their country in the military. The part of those that served in the military in securing liberty and a democratic way of life for themselves, and all other citizens of our country, is the memory they cherish most. I feel it is only fitting that national cemeteries be made available to them in recognition of the valor of their deeds. Further, I feel it is important that these cemeteries be located as close as possible to the residents of the family to honor them in death for their service to our country.

At the present time the only national cemetery in Florida is Barrancas National Cemetery in Warrington, Fla. This cemetery has only 777 available gravesites, while the projected deaths of veterans in Florida in fiscal year 1972 is 11,000. Further, the projected cumulative number of veteran deaths in Florida by the fiscal year 2000, according to the Veterans' Administration, is 743,000. Certainly, a meager 777 gravesites is woefully inadequate to meet present demands, and only a token for the future.

In addition, the present national cemetery is located in the Florida panhandle which is approximately 650 miles northwest of the area I represent. This puts it too far away for many of my constituents who would like to be interred in a national cemetery. Broward County, Fla., which I represent is one of the three fastest growing counties in the United States, according to the 1970 U.S. census. Much of the increase, as I indicated above, is due to the influx of retired persons, many of whom are veterans. There are more than 204,400 veterans in Dade County, and more than 84,800 in Broward County.

The legislation before us today, H.R. 12674, the National Cemeteries Act of 1972, will direct that the Administrator of the Veterans' Administration conduct a comprehensive study and submit his recommendations to the 93d Congress concerning the criteria which should govern the development and operation of the national cemetery system. Included in this study will be the concept of regional cemeteries, the relationship between that system and other burial benefits provided servicemen and veterans, and the steps to be taken to conform the existing system to the recommended criteria.

If all veterans are to have equal access to national cemeteries as they should have, then it is time we took cognizance of the fact that although initial legislation provided for the burial in national cemeteries of only those soldiers who died on active duty, eligibility has been extended since then to approximately 28 million veterans and some of their dependents. For this reason, these cemeteries should be consolidated under the Veterans' Administration since it is estimated that 90 percent of the total interments in national cemeteries are veterans and their dependents. The additional costs created by H.R. 12674, above the customary expenses of administering and maintaining the cemeteries, are those incidental to the transfer of records and personnel, and costs incurred by providing for burial plot allowances which would result in a first-year cost of $39.6 million, and a total first 5-year cost of $217.5 million.

I strongly favor this legislation because I feel that it moves us toward implementation of the Federal Government's obligations to provide national cemeteries for our veterans who wish to be buried in them.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope that this House will promptly and overwhelmingly approve this measure now before us, H.R. 12674, the National Cemeteries Act of 1972.

In substance this measure provides for the transfer, to the Veterans' Administration, of the responsibility for adminstration of practically all Federal cemetery activity; authorizes a plot allowance of $150, in addition to the present allowance for burial and funeral expenses in any case in which a veteran is not buried in a national or other Federal cemetery; and extends authority to the Veterans' Administration to provide, upon request, a headstone or marker for unmarked veterans' graves. The bill further directs the Veterans' Administration to conduct a study and submit recommendations to the Congress, very shortly after the opening of the 93d Congress, concerning methods to improve the operation of the national cemetery system, including the concept of regional cemeteries, the relationship of the new cemetery system to other veterans' and servicemen's burial benefits, and the steps necessary to expedite the conformity of the present system to the new system.

Mr. Speaker, the recommendations contained in this bill for increased assistance to families in the overall burial expenses of a veteran and the projection of the establishment of regional cemeteries, particularly in our New England area where we have long advocated such establishment, are timely and unquestionably in the national interest. In substance and in projection the wholesome improvements, affecting our veterans and servicemen, contained in this measure are long overdue and I believe they merit the resounding approval of the House.

Mr. CONTE. Mr. Speaker, having introduced similar legislation in both the 91st and 92d Congresses, I want to express my wholehearted support of H.R. 12674, which would establish a National Cemetery System under the administrative control of the Veterans' Administration.

As I pointed out in early 1969 when I first introduced legislation on this subject, since 1966, uncommitted gravesites at seven national cemeteries have been exhausted. I am sure that this situation has grown worse in the intervening 3 years. Moreover, the Department of the Army at one time estimated that an additional 21 national cemeteries will become inactive by 1975.

This increasing scarcity of gravesites amply demonstrates the need for the comprehensive program of administration and expansion that this bill would provide. Important in this regard is a provision of the bill directing the Administrator of Veterans' Affairs to submit recommendations to the 93d Congress regarding the development and further expansion of the cemetery system.

I also applaud the authorization of a special plot allowance of $150 for the burial of a veteran in a place not designated as a national or other Federal cemetery. Hopefully the enactment of this provision will help ease the currently unmanageable demand for burials in existing national cemeteries.

I have been attempting since 1965 to have a national cemetery established in New England. Passage of this legislation is a necessary first step for the reassessment of the need for additional cemeteries not only in New England but throughout the Nation as well. I urge its enactment.

Thank you, Mr. Speaker.

Mr. CLEVELAND. Mr. Speaker, today we are considering a bill which will, if passed, benefit thousands of young men and women who have sacrificed some of the best years of their lives, and some their lives, for their country. H.R. 12674, the National Cemeteries Act of 1972, not only brings the national cemetery system under the Veterans' Administation, but it requires the Director of Veterans' Affairs to conduct a comprehensive study of the system and submit a report to the 93d Congress.

This study will include the criteria which should govern the development and operation of the national cemetery system, including the concept of regional cemeteries; the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to veterans; and the steps to be taken to conform the existing system to the recommended criteria.

The study is important at this time because it is a possible first step in the revision and expansion of the system. We are all aware that our national cemetery system is woefully inadequate. Many of the cemeteries are filled to capacity, while many more are rapidly approaching that state. In addition, many areas of the country have no facilities at all convenient for veterans.

Mr. Speaker, this is especially true of New England. For many years I have sponsored legislation to establish a national cemetery in this area of our country. Arlington, Va. is still the closest place where there is any space available for those who has served their country from New England. Even there, however, the space is severely limited with the remaining gravesites reserved for long-term veterans or those who have died in Vietnam.

But even if there were more space available in Arlington, it would be a hardship on the friends and relatives of a deceased veteran to require them to travel hundreds of miles to visit the

gravesite and to pay their proper respects. This in effect is denying our veterans a right which has been granted them and leaves unfulfilled a promise that our Nation has made to those who have fought for her.

It is my hope that the study provided for in this bill today will recommend the establishment of more national cemeteries. Something should be done to provide our veterans with the burial so many desire and all deserve; in a place of honor, a national cemetery.

Another important part of this bill is the provision for a special $150 plot allowance for veterans who either cannot or do not wish to be buried in national cemeteries. The rising cost of burial expenses makes this addition to the $250 reimbursement allowance for burial and funeral expenses a necessary and humane step. This is especially true in light of the crisis in the national cemetery system.

It is for these reasons that I support the National Cemetery Act of 1972 and urge my colleagues to vote for it.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act.

In Maryland, there is no space available in national cemeteries. California and New England face the same problem. Within 10 years, there will be no more space available in 17 out of the 50 veterans' cemeteries now open in the United States. Veterans in these areas will have to be transported to other States in order to be buried in a national cemetery.

The Veterans' Administration pays $250 toward burial of a veteran in a private cemetery, but this amount rarely covers the cost of a private burial. Our veterans deserve a fairer deal.

This legislation will show America's appreciation to those deserving men who served in our Armed Forces. I urge my colleagues to support the bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 12674, the National Cemeteries Act of 1972. This bill is long overdue and I am confident it will receive our overwhelming endorsement.

I believe the Veterans' Affairs Committee has been able to develop a realistic, effective bill that permits us to rapidly resolve the problems facing our national cemetery system.

Many people are not aware that for each available burial plot in a national cemetery, there are more than 100 eligible veterans. This does not even include eligible dependents.

The value of the legislation we have before us is in its dual approach to this growing problem. First, it requires an in-depth, comprehensive analysis to be made of the cemetery system which will permit a complete evaluation of the criteria which should govern the development and operation of the national cemetery system.

In addition, the bill provides for a needed increase in the burial allowance. This $150 plot allowance—in addition to the present allowance for burial and funeral expenses of $250—is payable in any case in which the veteran is not buried in a Federal cemetery. This amount more fully reflects modern burial costs.

I am convinced that any study of the existing cemeteries will clearly show the need to expand the system. No additions have been made in over 20 years and over two-thirds of the existing facilities are products of the Civil War.

During the study authorized by the bill we are considering, I will, or get the VA to look into the feasibility of creating a new national cemetery in the Redwood empire of California. It would be particularly appropriate, in my judgment, that a sacred resting grounds for our veterans be located in or near the cathedral-like Redwood groves of the Redwood National Park.

I have discussed the question of a new national cemetery in northern California as well as the issue of modernization of the national cemetery system with many, many members of veterans groups in my congressional district. They have been unanimous in support of the concepts embodied in H.R. 12674.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill H.R. 12674.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 12674, as amended.

The question was taken.

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

The SPEAKER. 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 312, nays 4, not voting 116, as follows:

[Roll No. 186]

YEAS—312

Adams	Brown, Mich.	Davis, S.C.
Addabbo	Brown, Ohio	de la Garza
Anderson, Calif.	Broyhill, N.C.	Delaney
	Broyhill, Va.	Dellenback
Anderson, Ill.	Buchanan	Denholm
Andrews, Ala.	Burke, Fla.	Dennis
Annunzio	Burke, Mass.	Dent
Archer	Burleson, Tex.	Derwinski
Arends	Burlison, Mo.	Devine
Ashley	Byrne, Pa.	Dickinson
Aspin	Byrnes, Wis.	Dingell
Aspinall	Byron	Donohue
Badillo	Cabell	Dorn
Baker	Carey, N.Y.	Downing
Barrett	Carlson	Drinan
Begich	Carney	Duncan
Bennett	Carter	du Pont
Bergland	Casey, Tex.	Dwyer
Betts	Chamberlain	Eckhardt
Bevill	Clausen, Don H.	Edwards, Ala.
Biaggi		Edwards, Calif.
Biester	Cleveland	Eilberg
Blackburn	Collier	Erlenborn
Blatnik	Collins, Tex.	Esch
Boggs	Colmer	Evans, Colo.
Bolling	Conable	Fascell
Brademas	Conover	Findley
Brasco	Corman	Fish
Brinkley	Cotter	Fisher
Brooks	Coughlin	Flood
Broomfield	Culver	Flynt
Brotzman	Daniel, Va.	Foley
Ford, Gerald R.	Lent	Rooney, Pa.
Ford, William D.	Link	Rosenthal
	Long, Md.	Rostenkowski
Forsythe	McClure	Roush
Fountain	McCollister	Roy
Fraser	McCormack	Ruth
Frenzel	McDade	Ryan
Frey	McDonald, Mich.	Sandman
Fulton		Satterfield
Fuqua	McEwen	Saylor
Garmatz	McFall	Scherle
Gaydos	McKay	Schneebeli
Gettys	McKevitt	Schwengel
Giaimo	Mahon	Scott
Goldwater	Mailliard	Sebelius
Gonzalez	Mallary	Seiberling
Goodling	Mann	Shriver
Grasso	Martin	Sikes
Gray	Mathias, Calif.	Sisk
Green, Pa.	Mathis, Ga.	Skubitz
Griffiths	Matsunaga	Slack
Gross	Mayne	Smith, Calif.
Haley	Mazzoli	Smith, Iowa
Hall	Meeds	Snyder
Hamilton	Melcher	Spence
Hammer-schmidt	Metcalfe	Staggers
	Michel	Stanton, J. William
Hanley	Mikva	
Hansen, Idaho	Miller, Ohio	Stanton, James V.
Hansen, Wash.	Mills, Ark.	
Harrington	Mills, Md.	Steed
Harsha	Minish	Steele
Harvey	Mitchell	Steiger, Ariz.
Hastings	Mizell	Steiger, Wis.
Hathaway	Mollohan	Stephens
Hays	Monagan	Stratton
Hébert	Montgomery	Sullivan
Hechler, W. Va.	Morgan	Symington
Heckler, Mass.	Mosher	Talcott
Heinz	Murphy, Ill.	Taylor
Henderson	Myers	Teague, Calif.
Hicks, Mass.	Natcher	Teague, Tex.
Hicks, Wash.	Nedzi	Terry
Hillis	Nelsen	Thompson, Ga.
Hogan	Nichols	Thompson, N.J.
Horton	Obey	Thomson, Wis.
Hosmer	O'Hara	Thone
Howard	Patten	Udall
Hull	Pelly	Ullman
Hungate	Perkins	Vander Jagt
Hunt	Peyser	Vanik
Hutchinson	Pickle	Vigorito
Ichord	Pike	Waggonner
Jacobs	Pirnie	Wampler
Jarman	Poage	Ware
Johnson, Calif.	Poff	Whalen
Johnson, Pa.	Powell	White
Jones, Ala.	Preyer, N.C.	Whitehurst
Jones, N.C.	Price, Ill.	Williams
Jones, Tenn.	Price, Tex.	Winn
Karth	Pucinski	Wolff
Kastenmeier	Purcell	Wright
Kazen	Quie	Wyatt
Keating	Quillen	Wydler
Kee	Randall	Wylie
Keith	Rarick	Wyman
Kemp	Rees	Yates
King	Reid	Yatron
Kluczynski	Reuss	Young, Fla.
Koch	Riegle	Young, Tex.
Kuykendall	Roberts	Zablocki
Kyl	Robison, N.Y.	Zion
Landrum	Roe	Zwach
Latta	Rogers	
Lennon	Roncalio	

NAYS—4

Bray	Evins, Tenn.	Wiggins
Crane		

NOT VOTING—116

Abbitt	Chisholm	Gallagher
Abernethy	Clancy	Gibbons
Abourezk	Clark	Green, Oreg.
Abzug	Clawson, Del	Griffin
Alexander	Clay	Grover
Anderson, Tenn.	Collins, Ill.	Gubser
	Conte	Gude
Andrews, N. Dak.	Conyers	Hagan
	Curlin	Halpern
Ashbrook	Daniels, N.J.	Hanna
Baring	Danielson	Hawkins
Belcher	Davis, Ga.	Helstoski
Bell	Davis, Wis.	Holifield
Bingham	Dellums	Jonas
Blanton	Diggs	Kyros
Boland	Dow	Landgrebe
Bow	Dowdy	Leggett
Burton	Dulski	Lloyd
Caffery	Edmondson	Long, La.
Camp	Eshleman	Lujan
Cederberg	Flowers	McClory
Celler	Frelinghuysen	McCloskey
Chappell	Galifianakis	McCulloch

McKinney	Pettis	Shipley
McMillan	Podell	Shoup
Macdonald, Mass.	Pryor, Ark.	Smith, N.Y.
Madden	Railsback	Springer
Miller, Calif.	Rangel	Stokes
Mink	Rhodes	Stubblefield
Minshall	Robinson, Va.	Stuckey
Moorhead	Rodino	Tiernan
Moss	Rooney, N.Y.	Van Deerlin
Murphy, N.Y.	Rousselot	Veysey
Nix	Roybal	Waldie
O'Konski	Runnels	Whalley
O'Neill	Ruppe	Whitten
Passman	St Germain	Widnall
Patman	Sarbanes	Wilson, Bob
Pepper	Scheuer	Wilson, Charles H.
	Schmitz	

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

The Clerk announced the following pairs:

Mr. Shipley with Mr. Cederberg.
Mr. Tiernan with Mr. Andrews of North Dakota.
Mr. Boland with Mr. Conte.
Mr. Rooney of New York with Mr. Bow.
Mr. Daniels of New Jersey with Mr. Railsback.
Mr. Hanna with Mr. Ruppe.
Mr. Miller of California with Mr. Bell.
Mr. Celler with Mr. Halpern.
Mr. Murphy of New York with Mr. Grover.
Mr. Pepper with Mr. Clancy.
Mr. Gibbons with Mr. McKinney.
Mr. Rangel with Mr. Waldie.
Mrs. Abzug with Mr. Diggs.
Mr. Alexander with Mr. Lloyd.
Mr. Holifield with Mr. Pettis.
Mr. Conyers with Mr. Helstoski.
Mrs. Green of Oregon with Mr. Lujan.
Mr. St Germain with Mr. Davis of Wisconsin.
Mr. O'Neill with Mr. McCloskey.
Mr. Podell with Mr. Eshleman.
Mr. Dellums with Mr. Scheuer.
Mr. Dow with Mr. Stokes.
Mr. Dulski with Mr. Gerald R. Ford.
Mr. Galifianakis with Mr. Collins of Illinois.
Mrs. Chisholm with Mr. Rodino.
Mr. Gallagher with Mr. O'Konski.
Mr. Burton with Mr. Nix.
Mr. Clark with Mr. Whalley.
Mr. Edmondson with Mr. Belcher.
Mr. Moss with Mr. Shoup.
Mr. Moorhead with Mr. Smith of New York.
Mr. Macdonald of Massachusetts with Mr. Springer.
Mr. Kyros with Mr. Ashbrook.
Mr. Leggett with Mr. Gubser.
Mr. Minshall with Mr. Runnels.
Mr. Hagan with Mr. Robinson of Virginia.
Mr. Abbitt with Mr. Whitten.
Mr. Curlin with Mr. Baring.
Mr. Davis of Georgia with Mr. Pryor of Arkansas.
Mr. McMillan with Mr. Stubblefield.
Mr. Sarbanes with Mr. Hawkins.
Mr. Abourezk with Mr. Camp.
Mr. Roybal with Mr. Clay.
Mr. Van Deerlin with Mr. Madden.
Mr. Caffery with Mr. Anderson of Tennessee.
Mr. Abernethy with Mr. Long of Louisiana.
Mr. Bingham with Mr. Blanton.
Mr. Chappell with Mr. Danielson.
Mr. Griffin with Mr. Stuckey.
Mrs. Mink with Mr. Charles H. Wilson.
Mr. Rousselot with Mr. Passman.
Mr. Flowers with Mr. Del Clawson.
Mr. Patman with Mr. McCulloch.
Mr. Frelinghuysen with Mr. Schmitz.
Mr. Rhodes with Mr. Landgrebe.
Mr. Gude with Mr. Jonas.
Mr. Widnall with Mr. McClory.
Mr. Coughlin with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 7117, TO AMEND THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. GARMATZ, DINGELL, and PELLY.

NORTH PACIFIC FISHERIES ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9501) to amend the North Pacific Fisheries Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9501

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

TITLE I—AMENDMENT OF THE NORTH PACIFIC FISHERIES ACT OF 1954

SEC. 101. The North Pacific Fisheries Act of 1954 (hereinafter in this title referred to as the "Act") is amended by redesignating section 7 as section 8 and by inserting immediately after section 6 the following new section:

"SEC. 7. The Secretary of Commerce is authorized and directed to administer and enforce all the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. He shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes. No such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).".

SEC. 102. Section 8 of the Act as amended—

(1) by redesignating such section as section 9;

(2) by redesignating subsections (a), (b), (c), and (d), as subsections (b), (c), (d), and (e), respectively;

(3) by striking out "subsection (a)" each place it appears in subsections (c), (d), and (e), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each such place "subsection (b)"; and

(4) by inserting immediately after "SEC. 9.", as so redesignated by paragraph (1) of this section, the following new subsection:

"(a) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce and the Secretary of State, is authorized to adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to articles 9 and 10 of the Convention.".

SEC. 103. Section 9 of the Act is redesignated as subsection (f) of section 9, as so redesignated by paragraph (1) of section 102 of this title.

SEC. 104. Section 10 of the Act is amended—

(1) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (b), (c), (d), (e), and (f), respectively;

(2) by striking out "subsection (a)" each place it appears in subsection (c), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each place "subsection (b)";

(3) by inserting immediately after "SEC. 10." the following new subsection:

"(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 11 of this Act; to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulation or order; to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time."; and

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

"(g) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act.".

SEC. 105. Section 11 of the Act is amended—

(1) by striking out "subsection (a), (b), or (c)" in subsection (a) of such section and inserting in lieu thereof "subsection (b), (c), or (d)";

(2) by striking out "subsection (d)" in subsection (b) of such section and inserting in lieu thereof "subsection (e)";

(3) by striking out "subsection (e)" in subsection (c) of such section and inserting in lieu thereof "subsection (f)"; and

(4) by amending subsection (d) of such section to read as follows:

"(d) Any person violating any other provision of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.".

SEC. 106. Section 12 of the Act is amended to read as follows:

"SEC. 12. (a) Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this Act, or of the regulations issues pursuant thereto, and

to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto, shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this Act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

"(b) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any break of the conditions thereof as determined by the court.".

SEC. 107. (a) In subsection (b) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs" and insert in lieu thereof "Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce and the Secretary of the Treasury".

(b) In subsections (c) and (e) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Fish and Wildlife Service" and insert in lieu thereof "Department of Commerce".

(c) In subsection (f) of section 9 of the Act, as so redesignated by section 103 of this title, and in subsection (b) of section 13 of such Act, strike out "Secretary of the Interior" and insert in lieu thereof "Secretary of Commerce".

SEC. 108. (a) Section 3 of the Act is amended to read as follows:

"SEC. 3. (a) The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and to serve at his pleasure; except that after January 1, 1973, (1) each United States Commissioner shall be appointed for a term of office of not to exceed four years, but is eligible for reappointment; and (2) any United States Commissioner may be appointed for a lesser term if necessary to insure that the term of office of not more than one Commissioner will expire in any one year. Of such Commissioners, who shall receive no compensation for their services as Commissioners, one shall be an official of the United States Government, and each of the others shall be a person residing in a State, the residents of which maintain a substantial fishery in the Convention area.

"(b) The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Section or of the Advisory Committee established pursuant to section 4, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.".

(b) The second sentence of section 4(d) of the Act is amended by striking out "may" and inserting in lieu thereof "shall".

(c) Section 5 of the Act is repealed.

(d) Section 13(a)(1) of the Act is amended by inserting immediately after "Commissioners" the following: "or Alternate Commissioners".

TITLE II—ALTERNATE COMMISSIONERS

SEC. 201. In order to insure appropriate representation at meetings of international fisheries commissioners, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this title.

SEC. 202. Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5, United States Code, when engaged in the performance of their duties.

SEC. 203. (a) Section 5 of the Great Lakes Fisheries Act of 1956 (16 U.S.C. 934) is repealed.

(b) Section 5 of the Tuna Conventions Act of 1950 (16 U.S.C. 954) is repealed.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the International Convention for the High Seas Fisheries of the North Pacific Ocean was signed in Tokyo on May 9, 1952, by the countries of the United States, Canada, and Japan.

The Convention has as its purpose to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to insure the maximum sustained productivity of the North Pacific Ocean fisheries resources of joint interest to the signatory nations.

The Convention established the International Commission for the North Pacific Fisheries. The Commission is composed of three national sections, each of which consists of not more than four members appointed by the governments of the respective signatory nations.

In order to implement the U.S. role in the Convention, the Congress passed and the President signed the North Pacific Fisheries Act of 1954. In brief, the original act did four things: It provided for U.S. representation on the Commission—by not more than four; it established the U.S. Advisory Committee—to be composed of not less than five nor more than 20—and set forth its rights and functions; it vested in the Coast Guard, in cooperation with the Fish and Wildlife Service and the Bureau of the Customs, general enforcement authority; and it described offenses and set forth penalties for them.

Mr. Speaker, the North Pacific Fisheries Act now contains a provision—section 12 of the act—which incorporates by reference sections 7 (a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. These provisions provide the authority necessary to carry out the enforcement of the act.

The need for this legislation is occasioned in part by enactment of legislation handled by the Foreign Affairs Committee late last year which amended, among other sections, those sections of the Northwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act by reference. These changes have the inadvertent effect of modifying the provisions of the North Pacific Fisheries Act.

Mr. Speaker, the Department of State deemed it desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein by reference, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are now being amended in order that the North Pacific Fisheries Act in the future will stand alone.

Mr. Speaker, the Department of State forwarded to you Executive Communication No. 634 which in turn was forwarded to the Merchant Marine and Fisheries Committee for consideration. The distinguished chairman of the Committee on Merchant Marine and Fisheries, Mr. GARMATZ introduced legislation to carry out the purposes of the Executive Communication in the form of H.R. 9501.

Mr. Speaker, briefly explained, sections 101 through 107 of the bill would ac-

complish the purpose of including in the North Pacific Fisheries Act those provisions of the Northwest Atlantic Fisheries Act that have previously been incorporated in the act by reference. These sections do not in any way amend the substance of those provisions; they are all technical in nature.

Section 108 would make substantive changes in the act. Subsection (a) of this section would change the way in which U.S. Commissioners to the Commission have been appointed in the past. Heretofore, such appointments have been made by the President and the Commissioners serve at the pleasure of the President. Subsection (a) would provide, that after January 1, 1973, such appointments will be made on a staggering term basis and no Commissioner will be appointed for a period of more than 4 years. However they would be able to succeed themselves.

Also subsection (a) of this section would make a substantive change in the act in that it would authorize the Secretary of State, in consultation with the Secretary of Commerce, to designate Alternate Commissioners to the Commission so that in the event of the absence of a regularly appointed Commissioner, the United States would be assured of full representation at meetings of the Commission. These appointments would be made on a case by case basis and would be limited to the number of authorized U.S. Commissioners that would not be present at any scheduled meeting.

Subsection (b) of this section would make it mandatory that the Department of State pay the travel expenses and per diem of those members of the Advisory Committee—not to exceed three—that are designated by the committee to be in attendance at meetings of the Commission.

Subsection (d) of this service would have the effect of providing this same courtesy to Alternate Commissioners appointed to attend a meeting of the Commission.

Subsection (c) of this section would repeal section 5 of the act—at the recommendation of the Department of Justice—which would have the effect of making Commissioners and members of the Advisory Committee who are appointed "from private life," in general, exempt from the conflict of interest laws, as provided in 18 U.S.C. 202–209, which provides the extent to which the conflict of laws apply to any "special Government employee."

Title II of the bill would do the following things: Provide for the appointment of Alternate U.S. Commissioners to approximately 12 other Commissioners enumerated in the bill; the payment of travel expenses and per diem for their services; and it would repeal section 5 of the Great Lakes Fisheries Act of 1956 and section 5 of the Tuna Convention Acts of 1950, which would have the effect of making the conflict of interest laws provisions of 18 U.S.C. 202–209 applicable to Commissioners and Advisory Committee members appointed "from private life."

Mr. Speaker, H.R. 9501 received favorable departmental reports and was unanimously reported by the Committee on Merchant Marine and Fisheries and I urge its prompt passage.

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

Mr. Speaker, I rise in support of H.R. 9501, a bill to amend the North Pacific Fisheries Act of 1954. The purpose of this act is to carry out the obligations of the United States pursuant to the International Convention for the High Seas Fisheries for the North Pacific Ocean. That convention entered into force on June 12, 1953. The convention between the United States, Canada, and Japan was prompted by the continuing need to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean. The convention provided for the establishment of an International Commission composed of four representatives of each of the contracting parties. The central theme of the Commission is that the contracting parties will recognize the established conservation measures of the respective nations and abstain from taking those stocks of fish which are of particular significance to the respective parties in the designated areas of the North Pacific Ocean. The convention primarily covers halibut, herring, and, most importantly, salmon.

The International Commission was established to perform scientific studies of the stocks of fish in the North Pacific Ocean to determine which specifically qualify under the abstention principle. Based upon its studies, the Commission recommends to the contracting parties the conservation measures which should be taken to carry out the spirit of the convention.

Each of the contracting parties is required by the terms of the convention to enact domestic legislation providing for the enforcement of the convention with respect to its nationals. The North Pacific Fisheries Act of 1954 sets forth the necessary mechanisms for the appointment of the U.S. Commissioners, the Advisory Committee to the U.S. section, and contains necessary enforcement provisions to insure that American fishermen abide by the terms of the convention.

Since the North Pacific Fisheries Act and its implementing legislation followed by several years the adoption of the International Northwest Atlantic Fisheries Convention, it was considered expedient to incorporate by reference into the North Pacific Fisheries Act, much of the housekeeping and procedural language of the earlier Northwest Atlantic Fisheries Act.

This has, however, proved cumbersome, particularly in view of the fact that the two conventions are substantially different with respect to enforcement mechanisms. The principal purpose of H.R. 9501, therefore, is to incorporate into the North Pacific Fisheries Act appropriate housekeeping and enforcement provisions so that it will no longer be necessary to refer to the Northwest Atlantic Fisheries Act.

Mr. Speaker, your committee has amended this bill in several important respects which will insure that the U.S. section of the International Commission functions more smoothly and receives a periodic infusion of new ideas and viewpoints. To accomplish this, your committee has provided that the expenses of Advisors and Alternate Commissioners who are authorized to attend the meetings of the Commission shall be paid by the Federal Government. The permissive language of the existing law has acted as a restraint upon the Advisors who on many occasions have been reluctant to travel great distances, for example Japan, to attend meetings, when the issue of their travel expenses has been unresolved. If the U.S. section of the Commission is to have the benefit of the knowledge of these Advisors, they obviously must be present at the meetings of the Commission. They are selected for their expertise, without regard to their ability to finance such trips.

The Commission meets annually in a city of one of the three contracting parties. Only when the Commission meets in Japan will this involve anything more than nominal expenses. To insure a fresh viewpoint, your committee has amended the bill to provide for a 4-year term on the U.S. section. Heretofore, the members of the U.S. section have served at the pleasure of the President for indefinite periods of time. The committee amendment provides that a new Commissioner will be appointed each year.

Title II of H.R. 9501 provides for the appointment of alternate U.S. Commissioners to a variety of international fish commissions which do not now provide for the designation of alternates in the case of the absence of one or more of the regular Commissioners.

The enforcement provisions set forth in H.R. 9501 are similar to those already enacted for many fishery commissions. The Coast Guard and the Department of Commerce have the primary enforcement authority under this legislation.

Mr. Speaker, the International North Pacific Fisheries Commission is one of the most important multilateral efforts to conserve fishery resources that we have been engaged in. H.R. 9501 will insure that U.S. participation in the convention will continue at its traditionally high level and will enjoy an even greater degree of expertise so that the U.S. position on the important conservation issues before the International Convention will have even greater weight. I, therefore, urge all of my colleagues to support the passage of this bill.

Mr. Speaker, I have no requests for time.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 9501. This legislation, which was unanimously reported by the Committee on Merchant Marine and Fisheries, also has received favorable reports from the concerned Federal agencies.

The legislation is rather complex, and a full explanation of its many details was presented today by the Honorable

JOHN D. DINGELL, the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation.

Rather than confuse the issue by going into additional detail on this legislation, I prefer to make a general observation that the bill will help to clarify and to make more effective the role of the United States in international fishery agreements entered into by the United States with other fishing nations of the world.

I introduced this legislation in order to carry out the purposes and goals outlined in Executive Communication No. 634, which was submitted by the State Department. I hope my colleagues in the House will support and rapidly pass this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 9501, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

GENERAL LEAVE

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

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

There was no objection.

SEAL BEACH NATIONAL WILDLIFE REFUGE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10310) to establish the Seal Beach National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 10310

To establish the Seal Beach National Wildlife Refuge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to establish the Seal Beach National Wildlife Refuge (hereafter referred to in this Act as the "refuge") as part of the national wildlife refuge system.

SEC. 2. (a) The refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the refuge by publication of a description of such area in the Federal Register.

(c) That portion of the United States Naval Weapons Station, Seal Beach, California designated pursuant to this Act as a national wildlife refuge shall be transferred, without consideration, to the administrative jurisdiction of the Secretary of the Interior at such times as such portion is determined by the Department of Defense to be excess to its needs.

SEC. 3. The Secretary of the Interior shall administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee), and pursuant to plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Navy.

SEC. 4. There is authorized to be appropriated until the close of June 30, 1977, not to exceed $525,000 to carry out the purposes of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the purpose of H.R. 10310 is to protect and preserve a valuable salt water marsh and estuarine habitat for migratory waterfowl and other wildlife within the U.S. Naval Weapons Station at Seal Beach, Calif.

Mr. Speaker, the Seal Beach Naval Weapons Station is located just south of the city of Los Angeles. The station consists of approximately 5,400 acres, of which approximately 700 acres consists of tidal slough. This tidal slough is the last pristine salt water marsh on the southern California coast.

It is the natural spawning and nursing area for such game fish as the California halibut and diamond turbot. It is the feeding and resting area for migratory waterfowl and for such endangered species as the light-footed clapper rail, California least tern, and the brown pelican.

Mr. Speaker, because of the possible threat of the construction of a highway through this salt marsh area, my good friend and colleague from the State of California, CRAIG HOSMER, along with 16 other Members of the House from the State of California, all of whom I would like to highly commend at this time, took the initiative in introducing this legislation that is designed to give this area the protection to which it is entitled.

Briefly explained H.R. 10310 would authorize the Secretary of the Interior—with the advice and consent of the Secretary of the Navy—to designate certain lands within the Seal Beach Naval Weapons Station as a national wildlife refuge. The designated lands would be transferred, since they are already in Federal ownership, without consideration to the Secretary of the Interior and such lands would be administered by the Secretary as a part of the National Wildlife Refuge System. There would be authorized to be appropriated not to exceed $525,000 over a 5-year period to carry out the purposes of the act.

Mr. Speaker, the bill received favorable departmental reports and all witnesses testifying at the hearings were strongly in favor of the legislation. The Committee on Merchant Marine and Fisheries unanimously ordered the bill reported to the House and I urge its prompt passage.

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

Mr. DINGELL. I yield to my good friend, the gentleman from Iowa, for a question.

Mr. GROSS. I thank the gentleman from Michigan for yielding. What happens at the end of the 5-year period?

Mr. DINGELL. The rules of the House require that in reporting legislation to the House, we give the total cost anticipated for the 5-year period. The committee suggested that cost. Frankly, it is my judgment that the succeeding costs will be rather less than the $525,000 in that most of that sum is for construction work and work necessary to preserve and protect the marsh and it will not be repetitive probably.

Mr. GROSS. I am not so much referring to the total cost, but what happens at the end of the 5 years?

Mr. DINGELL. It will be a unit of the National Wildlife Refuge system and will continue to be administered by the Department of the Interior.

Mr. GROSS. Why is it not admitted at this time to that system?

Mr. DINGELL. The legislation does so provide that it will be admitted to the refuge system, but I simply gave you the estimated cost of $525,000.

Mr. GROSS. Then that represents an additional cost to the National Wildlife Refuge system for the administration.

Mr. DINGELL. That is the total cost of administering this particular area.

Mr. GROSS. This particular area over a 5-year period?

Mr. DINGELL. That is correct.

Mr. GROSS. And then it will be absorbed into the system?

Mr. DINGELL. That is correct. It is the total cost of services, administration, protection, development, and all of the things that are necessary to have it as a viable unit of the refuge system.

Mr. GROSS. I will say to the gentleman, I think it is much more worth while than the bill we had earlier this afternoon dealing with the so-called cultural center.

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

Mr. DINGELL. I thank my good friend from Iowa. He has always looked with kindness and sympathy at the conservation bills reported by our committee and I appreciate his kindness.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the distinguished sponsor of this legislation, the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I would like to thank the distinguished chairman of the Merchant Marine and Fisheries Committee for his prompt action on H.R. 10310, which will establish a national wildlife refuge within the naval weapons station at Seal Beach, Calif. I also want to thank my colleague from Michigan (Mr. DINGELL) for his considerate and interested attention to this legislation. Without his help and that of the gentleman from Washington (Mr. PELLY) who has been equally kind and helpful, we could not have progressed so swiftly.

This legislation directs the Secretaries of the Interior and the Navy to develop boundaries for a Seal Beach National Wildlife Refuge within the Federal property of the naval weapons station. Since this area is already owned by the Federal Government, no additional expenditure for land acquisition will be required,

and there will be no interference with the Navy's use of the property as an ammunition storage depot.

Since 1940, this area has been a wildlife refuge in practice, if not in law, due to Federal ownership and the Navy's conscientious program for preserving the natural environment and protecting the fish and wildlife resources.

While the Navy is to be commended for its diligent efforts to preserve this resource, the legislation before the House today would place the area under the care and protection of the Department of the Interior, assuring its character as a refuge for all time.

Mr. Speaker, through enactment of H.R. 10310, the Congress is afforded an opportunity for multiple use of land already in Federal ownership.

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

Mr. Speaker, I rise in strong support of H.R. 10310, a bill to establish the Seal Beach National Wildlife Refuge. This refuge will consist of approximately 700 acres of salt marsh, water, and uplands located within the boundaries of the Seal Beach Naval Weapons Station. This land situated just south of the city of Los Angeles is the largest single undisturbed tract of salt marsh between San Francisco and the Mexican border. The land is a nesting ground for the endangered California least tern and the light-footed clapper rail. Other threatened species such as brown pelican also frequent this area.

The Navy is to be commended for its farsighted preservation of this land. The personnel of the Naval Weapons Station have taken pride in this preservation effort. The Department of the Interior and the Navy contemplate that limited public access to the refuge will be provided at sites near the Pacific coast highway where an elevated wildlife trail will be constructed. The refuge, of course, is within easy reach of the Los Angeles metropolitan area and offers an excellent opportunity for the residents of this area to appreciate the diverse wildlife values found here. Since this already is Federal land, no acquisition costs are involved. However, it is contemplated that the development of limited public access to the area and management expenses will be in the neighborhood of $500,000 over the 5-year period authorized by the bill.

The Secretary of the Interior will administer the refuge in accordance with the National Wildlife System Administration Act of 1966 pursuant to plans which are mutually acceptable to the Secretary of the Interior and Secretary of Navy. The bill is strongly supported by the Interior Department and the Navy, and I think is an excellent example of our efforts to preserve areas of significant wildlife value in the vicinity of major metropolitan centers. Wetland areas such as Seal Beach are now as rare as many of the birds which inhabit them. This relationsip between the land and the wildlife is such that it is pointless to declare any animal or bird an endangered specie unless we are prepared to take the necessary steps to preserve its habitat.

I commend the sponsors of this legislation (Mr. HOSMER and Mr. MAILLIARD) and other Members of the California delegation who joined with them in introducing this bill, and I urge all of my colleagues to support its passage.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, the demands of our modern society are causing many problems, but one of the most serious is the constant and ever-growing absorption and destruction of irreplaceable natural resources—such as wetlands, wooded areas and wildlife refuge areas.

One of the primary responsibilities of the Congress is to assure the protection and conservation of some of these invaluable natural resources, so they may be enjoyed by future generations of Americans.

H.R. 10310 is a bill designed with that purpose in mind. Its purpose is to protect and preserve for posterity a salt water marsh and estuarine area located south of Los Angeles.

The area in question, which is located on the Seal Beach Naval Weapons Station, is a valuable habitat for migratory waterfowl and other wildlife, and a valuable spawning and nursing area for important California game fish—such as the halibut and diamond turbot.

Recently, there has been talk about the possible construction of a highway through this valuable marsh area. This kind of senseless destruction must be blocked, and that is precisely what H.R. 10310 would do, Mr. Speaker. Basically, this legislation would specifically set aside certain lands within the Seal Beach Naval Weapons Station—and they would be preserved as a wildlife refuge.

Mr. Speaker, the gentleman from California (Mr. HOSMER) and the gentleman from California (Mr. MAILLIARD) as cosponsors of this legislation have shown great interest in it. Of course, the gentleman from California (Mr. MAILLIARD) is a valued member of the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I vigorously support this legislation, and I urge its rapid approval by the House.

Mr. JOHNSON of California. Mr. Speaker, I rise today to urge favorable consideration of H.R. 10310, a bill to establish the Seal Beach National Wildlife Refuge.

I am one of the 16 Californians who have joined Congressman CRAIG HOSMER in coauthoring this legislation. I am familiar with the circumstances and the very great need for preservation of this area as part of the National Wildlife Refuge System.

California, fortunately is a way-station for migrating waterfowl and other migratory birds following the Pacific Flyway. The "gateway to California" on this flyway from the north is the Tulelake National Wildlife Refuge and the Modoc National Wildlife Refuge, both situated just south of the Oregon border and in the Second Congressional District, which I represent. Literally millions of waterfowl stop at these refuges during their twice a year migrations.

On down through the State in the Sacramento and San Joaquin Valleys, the Federal Government and the State government have established the system of waterfowl refuges which are critical to preservation of this flyway. Additional refuges are needed in the southern portions of the State. Since this land is already in Federal ownership and already is used by more than 100 species of migratory water, shore and marsh birds, including such endangered species as the least tern, the lightfooted clapper rail and the threatened brown pelican, we have an opportunity here today to establish a new national refuge without removing from the private tax rolls any more land and without a major acquisition cost.

The only expenses would be those involved in a minimal development program and an annual expenditure for operation and maintenance of approximately $40,000. For this small annual cost we will provide not only a resting and feeding place for the migrating birds but we anticipate that citizens of the metropolitan Los Angeles area will visit the refuge in order to see the wildlife at a rate of possibly 100,000 visits per year.

Mr. Speaker, we are getting a very fine program for our money and I hope that the Congress will support this legislation.

Thank you.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 10310, a bill which would establish the Seal Beach National Wildlife Refuge in my home State of California.

As a resident of Los Angeles County, and as a coauthor of this bill, I am well aware of the great need to protect and preserve the valuable salt water marshes and estuarine habitats along our coast.

In southern California, 75 percent of the wet lands which existed in 1900 have been paved-over, filled-in, dredged-out, or otherwise destroyed. The remnant of our tidal marshes are today threatened by the lemming-like rush to populate and develop our shoreline.

The salt marshes and mudflats of Anaheim Bay, located within the U.S. Naval Weapons Station at Seal Beach, are particularly valuable in that they provide the vegetation and the environment needed to sustain birds and fishes. Three endangered species of birds are found here. It is a nesting area for the endangered southern California clapper rail. The California least tern depends upon Anaheim Bay for nesting and for food.

The outer portions of the bay provide sanctuary for the California brown pelican. In total, some 107 bird species are documented as using the marsh, and additional species are still being sighted.

This valuable refuge also provides a spawning, nursing, and feeding area for over 50 different species of fish. It is the key nursery between Point Fermin and Oceanside for halibut and turbot, staples of local sport and commercial fishing.

The bill before us today would protect this pristine area by authorizing the Secretary of the Interior—with the advice and consent of the Secretary of the Navy—to designate certain lands within

the U.S. Naval Weapons Station at Seal Beach as a national wildlife refuge.

The Department of the Interior, which will administer the lands, anticipates that if the refuge is established, as proposed, there would be approximately 100,000 visits annually at selected sites. An elevated wildlife trail, an information and interpretive contact center, and a parking area are planned to be built in the refuge.

For these reasons, I urge my colleagues to join me in voting for the adoption of H.R. 10310.

Mr. CONTE. Mr. Speaker, as a member of the Migratory Bird Conservation Commission which oversees many of the Government's wildlife refuge programs, I want to congratulate the Merchant Marine and Fisheries Committee for reporting out this bill. H.R. 10310 would protect a salt water marsh and estuarine habitat valuable for migrating waterfowl and other wildlife in Seal Beach, Calif.

It is most important that the House take prompt action to preserve this natural resource, which is a valuable spawning and nursery area for game fish, as well as a feeding and resting place for migratory shore and water birds on the Pacific flyway. Unless this bill is passed, there is grave danger that heavy construction and other onslaughts of modern civilization will seriously impair this sanctuary for public fishing and nature study.

I heartily endorse its approval by this Chamber.

Thank you, Mr. Speaker.

Mr. DON H. CLAUSEN. Mr. Speaker, as one of the coauthors of H.R. 10310, the bill to establish a national wildlife refuge at Seal Beach in southern California, I would obviously ask the House to approve it overwhelmingly.

The members of the committee have explained the purposes of, and more than adequately expressed the need for, this legislation.

Mr. HOSMER, the lead author, is deserving of our highest commendation for his diligent and competent leadership in advancing this legislation.

In addition, I believe the RECORD should indicate the key role our ranking Californian on the Merchant Marine and Fisheries Committee, BILL MAILLIARD, actually played in getting the committee to move the bill to a position of higher priority for consideration and passage.

During two discussions I had with Chairman GARMATZ, regarding the progress of the legislation, he conveyed, very emphatically, to me, the impression and in words, that Mr. MAILLIARD's extremely cooperative and constructive attitude on the committee would guarantee favorable consideration and passage by the committee.

Once again Congressman MAILLIARD has proven his ability and effectiveness in moving conservation legislation through the committee and through the House that has such broad support in California.

I commend him and thank the committee for their responsiveness. I hope the Senate will act just as expeditiously.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10310, as amended.

The question was taken.

Mr. MIZELL. 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 314, nays 0, not voting 118, as follows:

[Roll No. 187]

YEAS—314

Adams	du Pont	King
Addabbo	Dwyer	Kluczynski
Anderson, Calif.	Eckhardt	Koch
Anderson, Ill.	Edwards, Ala.	Kuykendall
Andrews, Ala.	Edwards, Calif.	Kyl
Annunzio	Eilberg	Landrum
Archer	Erlenborn	Latta
Arends	Esch	Lennon
Ashley	Evans, Colo.	Lent
Aspin	Fascell	Link
Aspinall	Findley	Long, Md.
Badillo	Fish	McClure
Baker	Fisher	McCollister
Barrett	Flood	McCormack
Begich	Flowers	McCulloch
Bennett	Foley	McDade
Bergland	Ford, Gerald R.	McEwen
Betts	Ford, William D.	McFall
Bevill	Forsythe	McKay
Biaggi	Fountain	McKevitt
Biester	Fraser	Macdonald, Mass.
Blackburn	Frenzel	Mailliard
Blatnik	Frey	Mallary
Boggs	Fulton	Mann
Bolling	Fuqua	Martin
Brademas	Garmatz	Mathias, Calif.
Brasco	Gaydos	Mathis, Ga.
Bray	Gettys	Matsunaga
Brinkley	Giaimo	Mayne
Brooks	Goldwater	Mazzoli
Broomfield	Gonzalez	Meeds
Brotzman	Goodling	Melcher
Brown, Mich.	Grasso	Metcalfe
Brown, Ohio	Gray	Michel
Broyhill, N.C.	Green, Pa.	Mikva
Broyhill, Va.	Griffiths	Miller, Ohio
Buchanan	Gross	Mills, Ark.
Burke, Fla.	Haley	Mills, Md.
Burke, Mass.	Hall	Minish
Burleson, Tex.	Hamilton	Minshall
Burlison, Mo.	Hammer-schmidt	Mitchell
Byrne, Pa.	Hanley	Mizell
Byron	Hansen, Idaho	Mollohan
Cabell	Hansen, Wash.	Monagan
Carey, N.Y.	Harrington	Montgomery
Carlson	Harsha	Morgan
Carney	Harvey	Mosher
Carter	Hastings	Murphy, Ill.
Casey, Tex.	Hathaway	Myers
Chamberlain	Hays	Natcher
Clausen, Don H.	Hechler, W. Va.	Nedzi
Clay	Heckler, Mass.	Nelsen
Cleveland	Heinz	Nichols
Collier	Henderson	Obey
Collins, Tex.	Hicks, Mass.	O'Hara
Colmer	Hicks, Wash.	Patten
Conable	Hillis	Pelly
Conover	Hogan	Perkins
Corman	Horton	Peyser
Cotter	Hosmer	Pickle
Coughlin	Howard	Pike
Crane	Hull	Pirnie
Culver	Hungate	Poage
Daniel, Va.	Hunt	Podell
Davis, S.C.	Hutchinson	Poff
de la Garza	Ichord	Powell
Delaney	Jacobs	Preyer, N.C.
Dellenback	Jarman	Price, Ill.
Denholm	Johnson, Calif.	Price, Tex.
Dennis	Johnson, Pa.	Pucinski
Dent	Jonas	Purcell
Derwinski	Jones, Ala.	Quie
Devine	Jones, N.C.	Quillen
Dickinson	Jones, Tenn.	Randall
Dingell	Karth	Rarick
Donohue	Kastenmeier	Rees
Dorn	Kazen	Reid
Downing	Keating	Reuss
Drinan	Keith	Riegle
Duncan	Kemp	Roberts
Roe	Snyder	Robison, N.Y.
Rogers	Spence	Vander Jagt
Roncalio	Staggers	Vanik
Rooney, Pa.	Stanton, J. William	Vigorito
Rosenthal	Stanton, James V.	Waggonner
Rostenkowski	Steed	Wampler
Roush	Steele	Ware
Roy	Steiger, Ariz.	Whalen
Ruth	Steiger, Wis.	White
Ryan	Stephens	Whitehurst
Sandman	Stratton	Wiggins
Sarbanes	Sullivan	Williams
Satterfield	Symington	Winn
Saylor	Talcott	Wolff
Scherle	Taylor	Wright
Schneebeli	Teague, Calif.	Wyatt
Schwengel	Teague, Tex.	Wydler
Scott	Terry	Wylie
Sebelius	Thompson, Ga.	Wyman
Selberling	Thompson, N.J.	Yates
Shriver	Thomson, Wis.	Yatron
Sisk	Thone	Young, Fla.
Skubitz	Udall	Young, Tex.
Slack		Zablocki
Smith, Iowa		Zion
		Zwach

NAYS—0

NOT VOTING—118

Abbitt	Edmondson	O'Konski
Abernethy	Eshleman	O'Neill
Abourezk	Evins, Tenn.	Passman
Abzug	Flynt	Patman
Alexander	Frelinghuysen	Pepper
Anderson, Tenn.	Galifianakis	Pettis
Andrews, N. Dak.	Gallagher	Pryor, Ark.
Ashbrook	Gibbons	Railsback
Baring	Green, Oreg.	Rangel
Belcher	Griffin	Rhodes
Bell	Grover	Robinson, Va.
Bingham	Gubser	Rodino
Blanton	Gude	Rooney, N.Y.
Boland	Hagan	Rousselot
Bow	Halpern	Roybal
Burton	Hanna	Runnels
Byrnes, Wis.	Hawkins	Ruppe
Caffery	Hébert	St Germain
Camp	Helstoski	Scheuer
Cederberg	Holifield	Schmitz
Celler	Kee	Shipley
Chappell	Kyros	Shoup
Chisholm	Landgrebe	Sikes
Clancy	Leggett	Smith, Calif.
Clark	Lloyd	Smith, N.Y.
Clawson, Del	Long, La.	Springer
Collins, Ill.	Lujan	Stokes
Conte	McClory	Stubblefield
Conyers	McCloskey	Stuckey
Curlin	McDonald, Mich.	Tiernan
Daniels, N.J.	McKinney	Ullman
Danielson	McMillan	Van Deerlin
Davis, Ga.	Madden	Veysey
Davis, Wis.	Mahon	Waldie
Dellums	Miller, Calif.	Whalley
Diggs	Mink	Whitten
Dow	Moorhead	Widnall
Dowdy	Moss	Wilson, Bob
Dulski	Murphy, N.Y.	Wilson, Charles H.
	Nix	

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

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Mahon with Mr. Bow.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mr. Miller of California with Mr. Smith of California.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.
Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Flynt with Mr. Whalley.
Mr. Evins of Tennessee with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.

Mr. Chappell with Mr. Belcher.
Mr. Boland with Mr. Railsback.
Mr. Hébert with Mr. Rhodes.
Mr. Helstoski with Mrs. Abzug.
Mr. Abbitt with Mr. Ashbrook.
Mr. Burton with Mr. Collins of Illinois.
Mr. Nix with Mr. Dow.
Mr. Stokes with Mr. Waldie.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Clark with Mr. Smith of New York.
Mr. Anderson of California with Mr. Gubser.
Mr. Hanna with Mr. Rousselot.
Mr. Ullman with Mr. Shoup.
Mr. Patman with Mr. Widnall.
Mr. Abourezk with Mr. Andrews of North Dakota.
Mr. Edmondson with Mr. Camp.
Mr. Dulski with Mr. Grover.
Mr. St Germain with Mr. Gude
Mr. Runnels with Mr. Lujan.
Mr. Van Deerlin with Mr. Pettis.
Mr. Danielson with Mr. Schmitz.
Mr. Madden with Mr. McDonald of Michigan.
Mr. Kyros with Mr. McKinney.
Mr. Blanton with Mr. McClory.
Mr. Stuckey with Mr. Robinson of Virginia.
Mr. Whitten with Mr. Byrnes of Wisconsin.
Mr. Sikes with Mr. Clancy.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Baring with Mr. Stubblefield.
Mr. Caffery with Mr. Pepper.
Mr. Passman with Mr. Gibbons.
Mrs. Green of Oregon with Mr. Pryor of Arkansas.
Mr. Hagan with Mr. Griffin.
Mr. Abernethy with Mr. Murphy of New York.
Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. 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 Michigan?

There was no objection.

PERSONAL STATEMENT

Mr. SARBANES. Mr. Speaker, on rollcall No. 186, the passage of the National Cemeteries Act, I was necessarily absent tending to a constituency matter. Had I been present, I would have voted "yea."

SHOOTING ANIMALS FROM AIRCRAFT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14731) to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft, as amended.

The Clerk read as follows:

H.R. 14731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Fish and Wildlife Act of 1956 (85 Stat. 480–48; Public Law 92–159) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(e) All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States.

"(f) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, as I am sure many of the Members of this distinguished body will recall, in November of 1969, the NBC television network showed a documentary film entitled, "The Wolf Men." Several of the scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf, which now totals approximately 5,400 in number.

Subsequent to the showing of this film, my good friend and colleague from the State of Pennsylvania, JOHN SAYLOR, along with 21 other Members of the House introduced H.R. 5060. This legislation passed the House early last year and was enacted into law on November 18, 1971. It became Public Law 92–159.

Briefly explained, this law makes it unlawful for anyone while airborne to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animals, or to harass any bird, fish, or other animal, or to knowingly participate in using an aircraft for any of these purposes. Violators of the act are subject to a $5,000 penalty or 1-year imprisonment, or both.

Mr. Speaker, the need for the legislation under consideration today arises from the fact that Public Law 92–159 amended the Fish and Wildlife Act of 1956. This act is simply a declaration of national fish and wildlife policy and contains no provision which would authorize enforcement responsibility. Where no agency is given specific enforcement authority in an act, then enforcement of that act falls upon the FBI to carry out.

Mr. Speaker, the Committee on Merchant Marine and Fisheries unanimously felt that the enforcement of this act should be delegated specifically to the Department of the Interior since it is already responsible for the enforcement of other Federal laws protecting fish and wildlife. Also, they already have a trained professional staff of U.S. Game Management agents to carry out those responsibilities.

Mr. Speaker, H.R. 14731 would provide the Secretary of the Interior with the necessary enforcement authority needed to effectively enforce the provisions of this act.

Briefly explained, H.R. 14731 would authorize the Secretary of the Interior to promulgate such regulations as may be necessary to enforce the act. Any employee of the Department of the Interior designated by the Secretary could, without a warrant, arrest any person comitting in his presence or view a violation of the act and, with or without a warrant, as authorized by law, search any place.

All birds, fish, or other animals captured and all articles used contrary to the provisions of this act would be subject to forfeiture.

All provisions of laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws would, in general, be applicable to seizures and forfeitures incurred under this act.

Mr. Speaker, this legislation received favorable departmental reports and was unanimously reported by the Committee on Merchant Marine and Fisheries, and I urge its prompt passage.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I want to thank the eminent chairman of the subcommittee for yielding this time to me.

Mr. Speaker, I intend to oppose this legislation, and I would like to call the attention of my colleagues to the fact that this makes a bad law.

First, we are in the process now of passing a bill specifically delegating to the administrative appointees downtown the right to promulgate such rules and

regulations as they may desire. If we do this, I think we are giving away and delegating congressional authority, and by doing so, we make the Congress something smaller.

Still, Mr. Speaker, we sit back and acquiesce, as administrators do as they please. The occupational safety and health mess is the result of our having delegated to someone downtown the right to promulgate rules and regulations with reference to the enforcement of that act.

Second, this bill provides that the Secretary of the Department of the Interior may not make rules and regulations which will affect the livestock man's right to get a State permit to kill predators. I am worried that this may be a detriment to the livestock operators.

There is no one, Mr. Speaker, speaking for the cattlemen in the Western States. As you know, just about every State in that area has coyotes, and this legislation makes ever more difficult for the cattlemen to control the predator. We have had pointed out what damage can be done to the livestock industry through the lack of control of predators, nor do I think this legislation will help to protect the endangered species.

Under the provisions of this bill, Federal inspectors would have the right to go onto the premises of the cattlemen and ranchers and invade their rights. It's just that basic.

I am opposed to this legislation for these reasons. In my opinion we are overdoing it in the case of predators and, secondly, we are delegating to someone downtown the right to make these rules and regulations, someone who is not elected by the people and who has no responsibility to the people.

I think you will find that it will not have a beneficial effect.

Mr. PELLY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 14731, amending the Fish and Wildlife Act of 1956 in order to enforce the provisions of that act prohibiting the shooting of wildlife from aircraft.

Earlier in this Congress, Public Law 92–159 was enacted. That statute, of course, makes it unlawful for anyone, while airborne, to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish or other animal. Harassment of wildlife also is prohibited. A penalty of up to $5,000 and 1-year imprisonment is provided for. Public Law 92–159 was enacted as an amendment to the Fish and Wildlife Act of 1956, which is a declaration of national wildlife policy and contains no enforcement provisions. Where no department or agency is given specific authority to enforce an act, this authority rests with the Federal Bureau of Investigation.

It does appear more appropriate that enforcement authority of the shooting from aircraft statute be vested in the Department of the Interior, which has broad authorities with respect to the enforcement of many other Federal wildlife statutes. The bill, therefore, authorizes the Secretary of the Interior to enforce the provisions of Public Law 92–159, and sets forth the normal authorities which are incident to the enforcement of a Federal criminal statute.

I am sure that all my colleagues will agree that the indiscriminate shooting of wildlife from aircraft should be prohibited. Certainly this cannot be considered a sport in any sense. Public Law 92–159 contains appropriate language exempting bona fide State wildlife management programs. However, there are undoubtedly those who will be tempted to engage in unauthorized shooting from aircraft. This bill will give the Secretary of the Interior the needed authority to arrest such persons and provides for the disposition of illegally taken wildlife and guns, aircraft or other equipment used in such taking. I, therefore, urge my colleagues to support the passage of this bill.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. GARMATZ), the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, a law to prohibit the shooting of birds, fish, and other wildlife from aircraft was enacted on November 18, 1971. That legislation, which is now Public Law 92–159, was the subject of intensive hearings by our committee, and it was approved by the committee and the Congress because it was widely recognized as being essential to the cause of conservation.

But in order to make Public Law 92–159 truly effective, my committee today is asking the House to approve another piece of legislation—H.R. 14731.

Mr. Speaker, the purpose of H.R. 14731 is to give the Secretary of the Interior the authority to enforce Public Law 92–159. As that law is now written, it does not give enforcement authority to any specific agency, and in such situations the FBI is required to perform the enforcement function.

The Interior Department is the logical agency to have this authority, because it has the expertise in the area of wildlife conservation and management, and because it already has the responsibility for enforcing other Federal laws which protect fish and wildlife.

Mr. Speaker, I urge my colleagues to approve this needed legislation.

Mr. OBEY. Mr. Speaker, I rise in support of H.R. 14731, a bill I coauthored, which would provide for effective enforcement of a law passed earlier in this Congress to prohibit the shooting of birds, fish and other animals from aircraft.

Last year, this Congress wisely decided to halt the unsportsmanlike and unnecessary practice of shooting wildlife from aircraft. It was the Congress' intent at that time to stop essentially all aerial hunting, and to give only State or Federal game control agents the right to shoot from aircraft, and then only for purposes of protection and administration of wildlife, livestock, and other resources. It was certainly not the intention of the Congress to allow the States to grant permits indiscriminately for the aerial hunting of wolves, coyotes, or other wildlife.

Unfortunately, a great deal of controversy surrounds the intent of Congress. I have received numerous letters asking for interpretations of that law. The Interior Department has been contacted several times by States and national conservation organizations to look into alleged violations of the law, but they have been powerless to act under the provisions of the law which we passed last year.

As one of the coauthors of the original bill, I am very aware of the airborne hunting situation as it exists in some States. I have been receiving about one letter a week from concerned individuals from all over the country, pointing out the violations of the law and asking what can be done to protect the animals who are victimized by these violations. This bill will answer those people, providing for enforcement by the Department of the Interior.

I strongly urge my colleagues to support this bill. Our Nation now realizes the value of its natural resources, and we cannot afford the indiscriminate slaughter of our wildlife from aircraft, whether the animal is predator or prey. I applaud this committee's fast action on this bill, and hope that with its passage we will see the purpose of the original prohibition against aerial shooting finally realized.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 14731.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 14731 as amended.

The question was taken.

Mr. PELLY. 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 312, nays 5, not voting 115, as follows:

[Roll No. 188]

YEAS—312

Adams	Bray	Collier
Anderson, Calif.	Brinkley	Collins, Tex.
	Brooks	Colmer
Anderson, Ill.	Broomfield	Conable
Andrews, Ala.	Brotzman	Conover
Annunzio	Brown, Mich.	Corman
Archer	Brown, Ohio	Cotter
Arends	Broyhill, N.C.	Coughlin
Ashley	Broyhill, Va.	Crane
Aspin	Buchanan	Culver
Aspinall	Burke, Fla.	Daniel, Va.
Badillo	Burke, Mass.	Davis, S.C.
Baker	Burleson, Tex.	de la Garza
Barrett	Burlison, Mo.	Delaney
Begich	Byrne, Pa.	Dellenback
Bennett	Byron	Dennis
Bergland	Cabell	Dent
Betts	Carlson	Derwinski
Bevill	Carey, N.Y.	Devine
Biaggi	Carney	Dickinson
Biester	Carter	Dingell
Blackburn	Casey, Tex.	Donohue
Blatnik	Chamberlain	Dorn
Boggs	Clausen, Don H.	Downing
Bolling		Drinan
Brademas	Clay	Duncan
Brasco	Cleveland	du Pont

Dwyer	Keith	Roberts
Eckhardt	Kemp	Robison, N.Y.
Edwards, Ala.	King	Roe
Edwards, Calif.	Kluczynski	Rogers
Eilberg	Koch	Rooney, Pa.
Erlenborn	Kyl	Rosenthal
Esch	Landrum	Rostenkowski
Evans, Colo.	Latta	Roush
Evins, Tenn.	Lennon	Roy
Fascell	Lent	Ruth
Findley	Link	Ryan
Fish	Long, Md.	Sandman
Fisher	McCollister	Sarbanes
Flood	McCormack	Satterfield
Flowers	McCulloch	Saylor
Foley	McDade	Scherle
Ford, Gerald R.	McEwen	Schneebeli
Ford, William D.	McFall	Schwengel
	McKay	Scott
Forsythe	McKevitt	Sebelius
Fountain	Macdonald, Mass.	Seiberling
Fraser		Shriver
Frenzel	Mahon	Sikes
Frey	Mailliard	Sisk
Fulton	Mallary	Skubitz
Fuqua	Mann	Slack
Garmatz	Martin	Smith, Calif.
Gaydos	Mathias, Calif.	Smith, Iowa
Gettys	Mathis, Ga.	Snyder
Giaimo	Matsunaga	Spence
Goldwater	Mayne	Staggers
Gonzalez	Mazzoli	Stanton, J. William
Goodling	Meeds	
Grasso	Melcher	Stanton, James V.
Gray	Metcalfe	
Green, Pa.	Michel	Steed
Griffiths	Mikva	Steele
Gross	Miller, Ohio	Steiger, Wis.
Haley	Mills, Ark.	Stephens
Hall	Mills, Md.	Stratton
Hamilton	Minish	Sullivan
Hammer-schmidt	Minshall	Symington
	Mitchell	Talcott
Hanley	Mizell	Taylor
Hansen, Idaho	Mollohan	Teague, Calif.
Hansen, Wash.	Monagan	Teague, Tex.
Harrington	Montgomery	Terry
Harsha	Morgan	Thompson, Ga.
Harvey	Mosher	Thompson, N.J.
Hastings	Murphy, Ill.	Thomson, Wis.
Hathaway	Myers	Thone
Hays	Natcher	Udall
Hechler, W. Va.	Nedzi	Ullman
Heckler, Mass.	Nelsen	Vander Jagt
Heinz	Nichols	Vanik
Henderson	Obey	Vigorito
Hicks, Mass.	O'Hara	Waggonner
Hicks, Wash.	Patten	Wampler
Hillis	Pelly	Ware
Hogan	Perkins	Whalen
Horton	Peyser	White
Hosmer	Pickle	Whitehurst
Howard	Pike	Wiggins
Hull	Pirnie	Williams
Hungate	Poage	Winn
Hunt	Podell	Wolff
Hutchinson	Poff	Wright
Ichord	Powell	Wyatt
Jacobs	Preyer, N.C.	Wydler
Jarman	Price, Ill.	Wylie
Johnson, Calif.	Pucinski	Wyman
Johnson, Pa.	Purcell	Yates
Jones, Ala.	Quie	Yatron
Jones, N.C.	Quillen	Young, Fla.
Jones, Tenn.	Randall	Young, Tex.
Karth	Rarick	Zablocki
Kastenmeier	Rees	Zion
Kazen	Reid	Zwach
Keating	Reuss	
Kee	Riegle	

NAYS—5

Denholm	Price, Tex.	Steiger, Ariz.
McClure	Roncalio	

NOT VOTING—115

Abbitt	Byrnes, Wis.	Diggs
Abernethy	Caffery	Dow
Abourezk	Camp	Dowdy
Abzug	Cederberg	Dulski
Addabbo	Celler	Edmondson
Alexander	Chappell	Eshleman
Anderson, Tenn.	Chisholm	Flynt
	Clancy	Frelinghuysen
Andrews, N. Dak.	Clark	Galifianakis
	Clawson, Del	Gallagher
Ashbrook	Collins, Ill.	Gibbons
Baring	Conte	Green, Oreg.
Belcher	Conyers	Griffin
Bell	Curlin	Grover
Bingham	Daniels, N.J.	Gubser
Blanton	Danielson	Gude
Boland	Davis, Ga.	Hagan
Bow	Davis, Wis.	Halpern
Burton	Dellums	Hanna
Hawkins	Moorhead	St Germain
Hébert	Moss	Scheuer
Helstoski	Murphy, N.Y.	Schmitz
Holifield	Nix	Shipley
Jonas	O'Konski	Shoup
Kuykendall	O'Neill	Smith, N.Y.
Kyros	Passman	Springer
Landgrebe	Patman	Stokes
Leggett	Pepper	Stubblefield
Lloyd	Pettis	Stuckey
Long, La.	Pryor, Ark.	Tiernan
Lujan	Railsback	Van Deerlin
McClory	Rangel	Veysey
McCloskey	Rhodes	Waldie
McDonald, Mich.	Robinson, Va.	Whalley
	Rodino	Whitten
McKinney	Rooney, N.Y.	Widnall
McMillan	Rousselot	Wilson, Bob
Madden	Roybal	Wilson, Charles H.
Miller, Calif.	Runnels	
Mink	Ruppe	

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

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.
Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Flynt with Mr. Whalley.
Mr. Addabbo with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.
Mr. Chappell with Mr. Belcher.
Mr. Boland with Mr. Railsback.
Mr. Hébert with Mr. Rhodes.
Mr. Helstoski with Mrs. Abzug.
Mr. Abbitt with Mr. Ashbrook.
Mr. Burton with Mr. Collins of Illinois.
Mr. Nix with Mr. Dow.
Mr. Stokes with Mr. Waldie.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Clark with Mr. Smith of New York.
Mr. Anderson of Tennessee with Mr. Gubser.
Mr. Hanna with Mr. Rousselot.
Mr. Kuykendall with Mr. Shoup.
Mr. Patman with Mr. Widnall.
Mr. Abourezk with Mr. Andrews of North Dakota.
Mr. Edmondson with Mr. Camp.
Mr. Dulski with Mr. Grover.
Mr. St Germain with Mr. Gude.
Mr. Runnels with Mr. Lujan.
Mr. Van Deerlin with Mr. Pettis.
Mr. Danielson with Mr. Schmitz.
Mr. Madden with Mr. McDonald of Michigan.
Mr. Kyros with Mr. McKinney.
Mr. Blanton with Mr. McClory.
Mr. Stuckey with Mr. Robinson of Virginia.
Mr. Whitten with Mr. Byrnes of Wisconsin.
Mr. Jonas with Mr. Clancy.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Baring with Mr. Stubblefield.
Mr. Caffery with Mr. Pepper.
Mr. Passman with Mr. Gibbons.
Mrs. Green of Oregon with Mr. Pryor of Arkansas.
Mr. Hagan with Mr. Griffin.
Mr. Abernethy with Mr. Murphy of New York.
Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE WATER RESOURCES PLANNING ACT

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14106) to amend the Water Resources Planning Act to authorize increased appropriations, as amended.

The Clerk read as follows:

H.R. 14106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (79 Stat. 244), as amended (42 U.S.C. 1962(d)), is amended by striking out subsection (b) and inserting a new subsection (b) as follows:

"(b) not to exceed $2,500,000 annually for the expenses of the Water Resources Council in administering this Act, excluding the preparation of assessments, and not to exceed $2,500,000 annually for the expenses of the Water Resources Council in the preparation of assessments: Provided, That the Council may transfer to river basin commissions and to Federal and State agencies, upon such terms and conditions as it may prescribe, such portion of the sums appropriated as it deems desirable, and such commissions and Federal agencies are hereby authorized to receive and expend such funds for the purpose for which they were appropriated."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL), chairman of the full committee.

Mr. ASPINALL. Mr. Speaker, 7 years ago the Water Resources Planning Act was enacted to encourage and make possible the prudent development of the Nation's water and related land resources through sound comprehensive and coordinated planning.

To accomplish this purpose that act established a Cabinet Level Water Resources Council in the executive branch. It also authorized the establishment of River Basin Planning Commissions and provided for financial assistance to the States for water resources planning.

The legislation we have under consideration today involves only the Water Resources Council and the funding needed to carry out its duties and responsibilities. Among other things, the Council was given responsibility for assessing national and regional water supplies and needs and coordinating river basin plans. H.R. 14106 authorizes additional appropriations to meet these two responsibilities of the Council.

In line with our longstanding policy, the Water Resources Planning Act includes a ceiling on the amounts authorized to be appropriated for the Council's operations. At the present time only $1.5 million annually is authorized to be appropriated for the expenses of the Water Resources Council in administering the act. The Council has found from experi-

ence over the last several years that this amount is not sufficient to adequately meet its responsibilities, particularly its responsibilities for assessing the Nation's water supplies and needs for coordinating river basin plans.

During the last several years the Council has had to call upon the various Federal agencies in the water resources planning field for funds to assist it in carrying out the directions given it by the Congress. These funding arrangements have not proved satisfactory, and both the Council and the agencies have agreed that funding through the Council's budget will improve the objectivity of the assessment and coordinating work and should result in a reduction in the overall cost. It seems clear to me that if the Council has the responsibility for directing the assessment work and coordinating the river basin plans, then it should control the purse strings.

H.R. 14106 provides an increase of $3.5 million in the amount authorized to be appropriated to the Water Resources Council to carry out the program to assess water resources and needs and to direct and coordinate river basin plans. For the most part, this increase will be offset by a reduction in the amounts that would otherwise have to be appropriated to the various Federal agencies in the water field.

Mr. Speaker, I urge the approval of this legislation.

Mr. HOSMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 14106 as reported unanimously by the Committee on Interior and Insular Affairs.

This bill amends the Water Resources Planning Act to authorize increased appropriations to the Water Resources Council in order that it may more effectively perform its assessment activities and exercise leadership and coordination of planning as set forth in Public Law 89–90.

Briefly, that act sets forth four requirements of the Council. Categorization and augmentation of funding for the implementation of two of those requirements is a principal purpose of this bill. The two requirements are, and I quote from Public Law 89–90—

(a) maintain a continuing study and prepare an assessment biennially, or at such less frequent intervals as the Council may determine, of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and the national interest therein; and

(b) maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs.

The increase is $3,500,000. Of that amount, $2,500,000 are categorized for the program to assess water resources and needs. One national assessment has been made and the Council intends that the second assessment shall be made during fiscal years 1974 and 1975. The Council estimates that about two-thirds of these funds will be transferred to cooperating agencies for this assessment work.

The other $1,000,000 are to be used by the Council to direct and coordinate river basin plans. It will be utilized for new study starts by agencies. During the past 2 years, Congress has been appropriating funds for such work to single agencies with the directive that the study be performed with Council guidance. Under the provisions of this bill, the appropriation will be made to the Council which will fund the studies through its own budget.

Although this may seem like a large increase in funding for the Council, in reality it is not. As is pointed out in the committee report accompanying this bill, the net cost will be much less because the appropriation to the Council will be offset by a decrease in the amount that would otherwise be appropriated to the various participating Federal agencies.

This funding authority should provide the Council with an efficient coordinating and control tool and should produce assessments and plans that take into consideration the demands of our increasingly urbanized society and our growing concern for environmental quality.

I want to point out that the fiscal year 1973 budget request includes amounts of $100,000 to initiate preliminary national assessment work and $531,000 for the Council's direction and coordination of river basin plans. This bill is necessary to support those requests.

I urge your favorable vote on this legislation.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the full committee has explained the background of this legislation.

H.R. 14106, which is recommended by the administration, amends the Water Resources Planning Act by increasing the authorization for the appropriation of funds to administer the act from $1.5 million per year to $5 million per year. This increase is necessary to permit the Water Resources Council to adequately carry out its responsibilities under the act.

Congress made the Council responsible for coordinating river basin plans and maintaining a continuing study of water supply requirements and management—and it is in this area that the Council finds that it cannot adequately meet its responsibilities under the fund ceiling presently in the act. The Council's job has become more difficult in the last few years because of the growing urbanization of our society, the problems of pollution, the increased concern for the environment, and the desire for sound regional development. The Council has the responsibility for developing a planning system to cope with these concerns of our society.

If the Council is to direct the studies and coordinate river basin plans, the funds needed for accomplishing this should properly be appropriated to the Council.

H.R. 14106 authorizes a $2.5 million annual appropriation to assess this Nation's water resources and our future water needs. These funds are earmarked for assessment work only and cannot be expended for any other purpose. The Council has made one national assessment and proposes to make a second during fiscal years 1974 and 1975.

The remaining $1 million increase in the annual appropriation authorization will permit the Council to adequately carry out congressionally assigned functions of directing and coordinating river basin plans.

Early enactment of this legislation is needed because the fiscal year 1973 budget includes a request for funds in excess of the amounts presently authorized to be appropriated. The budget includes $100,000 for preliminary work in connection with the national assessments and $531,000 for study direction and coordination of four comprehensive regional and river basin planning studies.

Although the bill involves an apparent cost of $3,500,000 annually, the net cost will be much less because the appropriation to the Council will be offset by a decrease in the amounts that would otherwise be appropriated to the various Federal agencies. The national assessment of water supplies and needs will be undertaken in cooperation with the participating Federal agencies, and approximately two-thirds of the funds for making the assessment will be transferred to the cooperating agencies. If the Council were not given the funding authority, it would be necessary to increase the budgets of the cooperating agencies by a corresponding amount. The same thing is true with respect to directing and coordinating the regional or river basin plans. If the Council were not given the funding authority, it would be necessary to designate one or more of the Federal agencies as the lead agency and increase its budget by a corresponding amount. By authorizing the appropriation of the funds to the Council, better controls over the programs can be exercised.

This legislation was reported unanimously after a full and complete hearing before my subcommittee. So far as I am aware, there is no opposition.

I urge the legislation be approved.

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

Mr. Speaker, I rise in support of H.R. 14106, a bill amending the Water Resources Planning Act to authorize increased appropriations.

The purpose of H.R. 14106 as reported by the Committee on Interior and Insular Affairs is to increase the appropriation authorization for the administrative expenses of the U.S. Water Resources Council.

This legislation was introduced as a result of an executive communication from the Chairman of the Water Resources Council which is printed in the report accompanying the bill.

The Water Resources Council has been

working along for quite a while. It has 4 more budgetary years to go. One of the things that the Council does is coordinate all river basin plans, and it has been allowed the sum of $1.5 million for this year for that purpose.

It has become apparent that to maintain this activity, it is going to take more money. In this legislation, we have provided for $1 million more for that purpose.

Less than $600,000 of that amount is planned to be spent this year, but before the program ends, it all will be consumed.

The other part of water resources planning involves assessment of national and regional water supplies and needs. In the past, we have been doing that on an interdepartmental and interagency basis. We have had to put together a deal to assess some particular region or river system, and then get some agency like the Corps of Engineers or the Department of the Interior to request the money for the project through its own budget. That has turned out to be very inefficient. Experience with the studies has resulted in the Council's recommendation to us that it be the conduit for future funding and direction of studies remaining to be done.

In this bill $2.5 million is provided for that purpose.

This is not really a new and additional governmental expenditure, or a new way of budgeting. It is merely implementation of good budgeting principles. But make no doubt about it, the money always comes out of the taxpayer's pocket and that is not going to change in any way. Here, we are merely authorizing the Council to do the same job, but in a better way.

By authorizing appropriation of these funds directly to the Council, in accordance with its request, it is hoped that better coordination and control can be exercised.

The Committee on Interior and Insular Affairs carefully reviewed this legislation and believes its enactment will improve the operations of the Water Resources Council.

Mr. Speaker, I urge passage of this amendment.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may require to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Speaker, I highly commend our distinguished colleague, the gentleman from California (Mr. JOHNSON) and I highly commend our illustrious chairman, the gentleman from Colorado (Mr. ASPINALL) and highly commend the gentleman from Pennsylvania (Mr. SAYLOR) for the tremendous amount of work that has gone into this well thought-out bill.

Mr. Speaker, I would respectfully call the attention of the Members of the House to the language of the committee report on page 2 which reads as follows under "Committee Recommendation":

The Committee on Interior and Insular Affairs believes that this legislation is needed and, by a unanimous voice vote, recommends that the bill, as amended, be enacted.

Mr. Speaker, it is my hope that this bill will pass unanimously without one single solitary vote against it.

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

Mr. JOHNSON of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 14106, as amended.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 318, nays 0, not voting 114, as follows:

[Roll No. 189]

YEAS—318

Adams	Dennis	Hillis
Addabbo	Dent	Hogan
Anderson, Calif.	Derwinski	Horton
	Devine	Hosmer
Anderson, Ill.	Dickinson	Howard
Andrews, Ala.	Dingell	Hull
Annunzio	Donohue	Hungate
Archer	Dorn	Hunt
Arends	Downing	Hutchinson
Ashley	Drinan	Ichord
Aspin	Duncan	Jacobs
Aspinall	du Pont	Jarman
Badillo	Dwyer	Johnson, Calif.
Baker	Eckhardt	Johnson, Pa.
Barrett	Edwards, Ala.	Jonas
Begich	Edwards, Calif.	Jones, Ala.
Bennett	Eilberg	Jones, N.C.
Bergland	Erlenborn	Jones, Tenn.
Betts	Esch	Karth
Bevill	Evans, Colo.	Kastenmeier
Biaggi	Evins, Tenn.	Kazen
Biester	Fascell	Keating
Blackburn	Findley	Kee
Blatnik	Fish	Keith
Boggs	Fisher	Kemp
Bolling	Flood	King
Brademas	Flowers	Kluczynski
Brasco	Flynt	Koch
Bray	Foley	Kuykendall
Brinkley	Ford, Gerald R.	Kyl
Brooks	Ford, William D.	Landrum
Broomfield		Latta
Brotzman	Forsythe	Lennon
Brown, Mich.	Fountain	Lent
Brown, Ohio	Fraser	Link
Broyhill, N.C.	Frenzel	Long, Md.
Broyhill, Va.	Frey	McClure
Buchanan	Fulton	McCollister
Burke, Fla.	Fuqua	McCormack
Burke, Mass.	Garmatz	McCulloch
Burleson, Tex.	Gaydos	McDade
Burlison, Mo.	Gettys	McEwen
Byrne, Pa.	Giaimo	McFall
Byrnes, Wis.	Goldwater	McKay
Byron	Gonzalez	McKevitt
Cabell	Goodling	Macdonald, Mass.
Carey, N.Y.	Grasso	
Carlson	Gray	Mahon
Carney	Green, Pa.	Mailliard
Carter	Griffiths	Mallary
Casey, Tex.	Gross	Mann
Chamberlain	Haley	Martin
Clausen, Don H.	Hall	Mathias, Calif.
	Hamilton	Mathis, Ga.
Cleveland	Hammer-schmidt	Matsunaga
Collier		Mayne
Collins, Tex.	Hanley	Mazzoli
Colmer	Hansen, Idaho	Meeds
Conable	Hansen, Wash.	Metcalfe
Conover	Harrington	Michel
Corman	Harsha	Mikva
Cotter	Harvey	Miller, Ohio
Coughlin	Hastings	Mills, Ark.
Crane	Hathaway	Mills, Md.
Culver	Hays	Minish
Daniel, Va.	Hechler, W. Va.	Minshall
Davis, S.C.	Heckler, Mass.	Mitchell
de la Garza	Heinz	Mizell
Delaney	Henderson	Mollohan
Dellenback	Hicks, Mass.	Monagan
Denholm	Hicks, Wash.	Montgomery
Morgan	Roncalio	Talcott
Mosher	Rooney, Pa.	Taylor
Murphy, Ill.	Rosenthal	Teague, Calif.
Myers	Rostenkowski	Teague, Tex.
Natcher	Roush	Terry
Nedzi	Roy	Thompson, Ga.
Nelsen	Ruth	Thompson, N.J.
Nichols	Ryan	Thomson, Wis.
Obey	Sandman	Thone
O'Hara	Sarbanes	Udall
Patten	Satterfield	Ullman
Pelly	Saylor	Vander Jagt
Perkins	Scherle	Vanik
Peyser	Schneebeli	Vigorito
Pickle	Schwengel	Waggonner
Pike	Scott	Wampler
Pirnie	Sebelius	Ware
Poage	Seiberling	Whalen
Podell	Shriver	White
Poff	Sikes	Whitehurst
Powell	Skubitz	Wiggins
Preyer, N.C.	Slack	Williams
Price, Ill.	Smith, Calif.	Winn
Price, Tex.	Smith, Iowa	Wolff
Pucinski	Snyder	Wright
Purcell	Staggers	Wyatt
Quie	Stanton, J. William	Wydler
Quillen		Wylie
Randall	Stanton, James V.	Wyman
Rarick		Yates
Rees	Steed	Yatron
Reid	Steele	Young, Fla.
Reuss	Steiger, Ariz.	Young, Tex.
Riegle	Steiger, Wis.	Zablocki
Roberts	Stephens	Zion
Robison, N.Y.	Stratton	Zwach
Roe	Sullivan	
Rogers	Symington	

NAYS—0

NOT VOTING—114

Abbitt	Dulski	O'Neill
Abernethy	Edmondson	Passman
Abourezk	Eshleman	Patman
Abzug	Frelinghuysen	Pepper
Alexander	Galifianakis	Pettis
Anderson, Tenn.	Gallagher	Pryor, Ark.
	Gibbons	Railsback
Andrews, N. Dak.	Green, Oreg.	Rangel
	Griffin	Rhodes
Ashbrook	Grover	Robinson, Va.
Baring	Gubser	Rodino
Belcher	Gude	Rooney, N.Y.
Bell	Hagan	Rousselot
Bingham	Halpern	Roybal
Blanton	Hanna	Runnels
Boland	Hawkins	Ruppe
Bow	Hébert	St Germain
Burton	Helstoski	Scheuer
Caffery	Holifield	Schmitz
Camp	Kyros	Shipley
Cederberg	Landgrebe	Shoup
Celler	Leggett	Sisk
Chappell	Lloyd	Smith, N.Y.
Chisholm	Long, La.	Spence
Clancy	Lujan	Springer
Clark	McClory	Stokes
Clawson, Del	McCloskey	Stubblefield
Clay	McDonald, Mich.	Stuckey
Collins, Ill.		Tiernan
Conte	McKinney	Van Deerlin
Conyers	McMillan	Veysey
Curlin	Madden	Waldie
Daniels, N.J.	Melcher	Whalley
Danielson	Miller, Calif.	Whitten
Davis, Ga.	Mink	Widnall
Davis, Wis.	Moorhead	Wilson, Bob
Dellums	Moss	Wilson, Charles H.
Diggs	Murphy, N.Y.	
Dow	Nix	
Dowdy	O'Konski	

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

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Burke of Massachusetts with Mr. Bow.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mr. Miller of California with Mr. Clay.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.

Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Spence with Mr. Whalley.
Mr. Melcher with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.
Mr. Chappell with Mr. Belcher.
Mr. Boland with Mr. Railsback.
Mr. Hébert with Mr. Rhodes.
Mr. Helstoski with Mrs. Abzug.
Mr. Abbitt with Mr. Ashbrook.
Mr. Burton with Mr. Collins of Illinois.
Mr. Nix with Mr. Dow.
Mr. Stokes with Mr. Waldie.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Clark with Mr. Smith of New York.
Mr. Anderson of Tennessee with Mr. Gubser.
Mr. Hanna with Mr. Rousselot.
Mr. Sisk with Mr. Shoup.
Mr. Patman with Mr. Widnall.
Mr. Abourezk with Mr. Andrews of North Dakota.
Mr. Edmondson with Mr. Camp.
Mr. Dulski with Mr. Grover.
Mr. St Germain with Mr. Gude.
Mr. Runnels with Mr. Lujan.
Mr. Van Deerlin with Mr. Pettis.
Mr. Danielson with Mr. Schmitz.
Mr. Madden with Mr. McDonald of Michigan.
Mr. Kyros with Mr. McKinney.
Mr. Blanton with Mr. McClory.
Mr. Stuckey with Mr. Robinson of Virginia.
Mr. Whitten with Mr. Clancy.
Mr. Alexander with Mr. Long of Lousiania.
Mr. Baring with Mr. Stubblefield.
Mr. Caffery with Mr. Pepper.
Mr. Passman with Mr. Gibbons.
Mrs. Green of Oregon with Mr. Pryor of Arkansas.
Mr. Hagan with Mr. Griffin.
Mr. Abernethy with Mr. Murphy of New York.
Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENCLOSE IN OPAQUE INNER AND OUTER COVERS BEFORE TRANSMITTING

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

Mr. OBEY. Mr. Speaker, Government documents needlessly stamped secret or confidential will keep piling up by the millions as long as the security classification system operates under executive order instead of statutory law.

Hearings by the Foreign Operations and Government Information Subcommittee have disclosed that under the present system, some documents are kept secret for 75 years, the big four classifying agencies spend twice as much to withhold information from the public as they do to make it available, and whole volumes can be classified though they contain nothing but unclassified information.

I am pleased, therefore, to join the subcommittee chairman, Mr. MOORHEAD, in sponsoring the Freedom of Information Act Amendments of 1972 (H.R. 15172) to put the system under statutory control and help resolve disputes between Congress and the executive branch over access to information.

On March 8, when he issued an executive order providing for the classification and declassification of national security information and material, President Nixon acknowledged that the present system "has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time." However, I accept Mr. MOORHEAD's judgment that the new Executive order "does not correct the major security classification problems about which we are all gravely concerned. Indeed, it is a document written by classifiers for classifiers."

Perhaps what is wrong with the present system can be summed up in a word borrowed from the National Security Council directive implementing the President's new Executive order. The directive, signed by Henry A. Kissinger and published May 19, instructs that "classified information and material shall be enclosed in opaque inner and outer covers before transmitting." That is fair enough, but I think our problem is that the purposes of the security classification system have become opaque to those who operate it.

The independent Classification Review Commission that would be created by the Freedom of Information Act amendments is a promising approach provided that it truly builds an access bridge between Congress and the executive branch, not a new barrier.

THE SHATTERING TRADE DEFICIT

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

Mr. GAYDOS. Mr. Speaker, last year's shattering trade deficit of $2.05 billion—the first in nearly 100 years—already has been eclipsed in 1972. In just 4 months the high water mark of red ink has reached $2.2 billion.

Unquestionably, this situation is critical and experts on all sides are offering solutions to turn the tide. Some of these experts base their hopes on the new understanding between management and labor with relation to increased productivity and a halt to unrealistic pay boosts.

Mr. O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy, discussed this proposed solution to the trade dilemma in a report to the Joint Economic Committee. I am inserting a copy of the report into the RECORD, and I am certain my colleagues will find Mr. Strackbein's analysis both interesting and informative.

PRODUCTIVITY AND FULL EMPLOYMENT

(By O. R. Strackbein)

Increasing the productivity of labor is seemingly one of the present-day imperatives if we are to douse the fires of inflation and meet foreign competition. Greater output per man-hour at a given level of wages will, of course, reduce the cost of production. The forces of competition, to the extent that they operate, will then also reduce the cost to the consumer. If wages rise less than productivity the consumer will enjoy lower prices. If the wage level rises in equal proportion to productivity prices will stand still, other things being equal. Of course, if wages rise faster than productivity prices would be expected under normal conditions of supply, to rise. At least, so goes the catechism of economies.

The imperative of increasing productivity has been raised almost to the majesty of the absolute.

It is desirable therefore to examine some of the credentials of this towering imperative. While its very simplicity makes it attractive, the side effects it may produce may detract from any inclination to extend blank endorsement to the mandate.

CREDENTIALS OF HIGHER PRODUCTIVITY

In the first place, productivity can be increased in any meaningful sense only by displacement of labor. This follows from the fact that some 80% of the corporate production costs consists of employee compensation. It was not the faster shoveling of coal by the coal miners that so greatly increased the output per man-hour in the coal industry. It was the introduction of mammoth machines and strip-mining that accomplished the decimation of the miners' ranks. The result was a great gain in competitive standing, not only in opening foreign markets but in avoiding eviction of coal from our domestic market by petroleum and natural gas.

The output of coal per man-year increased from 1,239 tons in 1950 to 4,261 tons in 1968. The number of coal miners on the other hand, as might be expected, declined from 415,000 in 1950 to 127,000 in 1968. (Statistical Abstract of the United States, 1971, Table 1049, p. 642). In other words as productivity rose 3.4-fold between 1950 and 1968, the number of miners declined in almost equal proportion, or by 70%, or to a level of 30% of the 415,000 employed in 1950.

One of the results was, of course, the great distress of the coal-mining region, usually referred to euphemistically as "Appalachia", which has cost the Treasury hundreds of millions of dollars without curing the blight. Meantime our exports rose to 50 million tons, or 10% of our domestic output. Obviously our amazing productivity achievement that brought us gratifying exports and competitive prowess did little to help the displaced mine workers—some 300,000 of them or 70% of the work force! Since the number of bituminous coal miners (responsible for over 98% of our coal production) had fallen to 127,000 by 1968, the 10% exports saved the jobs of some 12,000 miners. Such a meager result should give pause to those who would raise increasing productivity to the level of a virtual categorical imperative, to be loved, honored and obeyed.

In the field of economics hard facts armed with a warhead of real meaning are not often encountered. When we do encounter them we should be grateful and learn something from their significance, rather than dismissing them because they raise disconcerting questions.

For example, higher productivity in other fields need not be looked to much more hopefully as a source of higher employment than coal *under the present status of world trade and our position in it.*

The further notion that we can pull ourselves out of our present unenviable economic position either at home or abroad by increasing our exports, an endeavor that is seen to rest on rising productivity, is almost totally false. This is especially true of increasing exports of agricultural products made possible by rising output per man-hour. In the 1930's nearly half of our total exports were agricultural products. After the permanent displacement of some two-thirds of agricultural workers by greater productivity our exports of farm products were only some 16% of total exports.

It goes without saying that for the coal mining industry the productivity leap was

unquestionably an imperative, indeed the only means of survival; but its cost in employment prevents its conversion into a justification for a similar course to be adopted by other industries.

THE HISTORIC ROLE OF INCREASING PRODUCTIVITY

It is true, on the other hand, that rising productivity has been both the source of greater employment and higher wages in this country. In fact what was our unique economic system until a few years ago owed its genesis in great measure to the rising productivity that flows from invention and proliferating technology.

The fruits of technology, to be sure, were not enough of themselves to build our system, but they represented one of the cornerstones. Without them we would not have cut our anchorage that held us to the more pedestrian European system some seventy years ago. Technology by itself was not enough because the mass-production of which it was the efficient cause did not and cannot stand on its own feet. It needs the complement of mass-consumption; and this fact, a strictly American perception, though in no sense abstruse, long evaded comprehension by our European forebears. Their skepticism, as reflected by the British was no doubt sustained many years by the negative attitude of their leading economists, such as Ricardo, toward wages and their economic function. The British economists were in a sense apologists for the factory system that revulsed Dickens and Burke before him, and others, who were appalled at the employment of children and the inhuman working conditions imposed on factory workers and miners in general.

ORIGIN OF FREE TRADE

English leadership in the world rested on her commerce, protected by her navy. Since she was short on natural resources she depended on imports of raw products to feed her factories. These in turn not only supplied the home market but also produced surplus output for export. The latter brought her the exchange necessary to sustain her necessary imports.

The English situation indeed gave rise to the elaboration of the blessings and benefits of free trade—a system that was well suited to England's interest in holding her colonies as sources of raw materials (i.e., as agrarian and raw material economies) and as markets for her factory output. Our own academic economists drank deeply of the Adam Smith vintage of free trade and, failing to note the great difference between our economic situation and that of the British, undertook to apply to us what was good for England but not necessarily for us. They took the words of the British economic apologists as the gospel and using our chairs of university economics preached the gospel of free trade to generation after generation of students. The result was an intellectual and emotional conditioning of our economists that has not yet achieved the ability to break through to reality. What was good for colonial England in the 18th and 19th centuries was fastened on us as if it were also a superb prescription for our economic health. Actually we flouted the theory in great part in practice and erected a protective tariff, beginning in 1816. This action made possible our economic independence of England, as we had earlier gained our political independence.

However, it was not until after the Civil War that we began to lay the basis for a new system (still capitalistic, to be sure) that greatly modified our economic heritage. The point of departure was not immediately visible but in time produced a divergence of great proportions.

Once the post-Civil War heavy concentrations of capital built trusts and virtual monopolies we began to see the need for anti-trust legislation if the lowered costs of production that were made possible by our mechanical developments were to be passed on to the public, i.e., the consumers. 1890 marked the passage of the Sherman Anti-Trust Act. This was followed in some 25 years later by the Clayton Act, the Federal Trade Commission and Federal Reserve Acts. After another 20 years we put the Robinson-Patman Act on our statute books: another anti-monopoly measure.

After the turn of the century we turned more and more to the mass production made possible by our inventiveness and industrial talent. Then came the redeeming recognition of the link between mass-production and mass-consumption. By itself mass production would only accumulate indigestible surpluses of goods. It was necessary to place higher purchasing power into the hands of the consumers.

Very well, who were the principal consumers? Potentially they were those who in the aggregate have the most money to spend, rather than the few who receive the highest incomes.

In 1969 the number of males employed in this country was 48.8 million while the number of employed females was 29.0 million. The average pay of the males was $7,659 and of females $3,958. Here then was a potential consumer market of $370 billion among the employed males and $114 billion among the employed females, for a total potential market of $488 billion. Had the per capita income been only $1000 per year instead of the higher figure, the potential market, assuming the same price level, would have been very much smaller, or about $79 billion instead of $488 billion. Yet such a low level of income would still have exceeded by far the average per capita income of the Chinese (mainland) population of some 750 million and that of the Indian population of some 550 million, not to mention the great majority of the 265 million (plus) of Latin American population.

U.S. DEVELOPMENT

This country was not noted as being in the forefront of wage levels until the twentieth century; nor was it noted as an industrial nation, except perhaps as being on the threshold of new departures.

Given our mechanical, technological and managerial talent it nevertheless did not follow that we would know what to do with it. We had no greater endowment in those fields than the Europeans from whom we sprang. We did have greater distances staring us in the face; and it may be guessed that, much as the automobile is being castigated today as the mother of many of our ills, the need for farther and more agile locomotion, to tame our distances, may have motivated and sparked the mass-production outbreak to which we gave ourselves in the early years of this century when we tinkered with the automobile. In any event there can be little question that the connection between mass-production and mass-consumption was grasped by the great entrepreneur of that industry who put it into actual effect before it was recognized and implemented elsewhere.

It needed vision, obvious as the equation is today, to perceive the great market possibilities that would open if the cost of a highly useful and enjoyable product could be brought to a level low enough to come within the pocketbook reach of the mass of the people. It needed not quite so much sharpness perhaps to see further that achievement of the objective could be helped if the income of these masses could rise and thus meet the lowering cost half way.

Monopoly power would perhaps have led the automobile makers to concentrate on the upper levels of income. If we would gain an idea of the difference between the two approaches, i.e., a limited high-income market and a mass market, we must move to recent dates because of the state of availability of statistical data.

In *1962* the number of "Top Wealthholders" in this country, i.e. those with gross assets of $60,000 or more, was 4.13 million of a population of over 180 million. Of these 4.13 million over half had gross assets under $100,000. Those with gross assets of $200,000 or more numbered 670,000 and those with assets of $1 million or more numbered 59 thousand. This was one person out of 3,000 of the 1962 population. (Ibid., 1971, Table 523, p. 327).

If we turn to actual income as distinguished from gross assets we come to a different but nonetheless very useful measure so far as market potentials go.

In *1969* the median income of males aged 14 and over was $6,429. For females the median was $2,132. Of the men 92.5% had an income; and 65.8% of the females.

The males with an income of $10,000 and over were 24.1% of the total; females 2.4%. Males with an income of $7–9,999 were 21.6% of the total; females 5.9%. The next lower bracket of $6–6,999 showed 7.6% of the males and 4.8% of the females. From $5–5,999, the percentages were 7.0% for males and 6.9% for females. (Ibid., Table 509, p. 320.)

A yacht manufacturer might aim at the market represented by the 670,000 who had gross assets of $200,000 or more.

The earlier automobile manufacturers no doubt also aimed at the higher but sparsely populated high income levels, because of the high units cost of their product. Monopoly power might have elected to stay at that level, preferring a small volume with a high profit per unit.

That was not, however, what happened. Henry Ford is usually credited with the breakthrough. He had no Census Bureau statistics to show him the various layers of income of the people, but he could guess that he would have a much larger market if he could bring down his costs to a level that would tap the mass market. This he did, thanks to his vision, his courage and productive genius. He also recognized the market-boosting effect of adequate wages.

He did have some conditions weighted in his favor, such as a toil-willing population, free enterprise, a national patent system, free trade among the States, low tax levels, no import competition distorting his timing options, and skilled labor. There was adequate competition, but, in view of his glimpse of the potentials of a mass market it is doubtful that he would have traded his vision for a more limited but high-price market.

The advent of the automobile, of course, boded ill for the wagon and carriage industry, not to mention horse breeding and growing of feed grain.

There was a fruitful lesson still to be learned. This lurked in the meaning of an *elastic* demand. Not all products enjoy the species of growing demand that greeted the cost reductions accomplished by the automobile industry. Had Henry Ford been a wheat or corn farmer he would have faced a wholly different market prospect. The reason is simple and obvious. Every person has only one stomach. Therefore biology sets a limit to consumption. This is true also of domesticated animals that may consume grains.

Had Mr. Ford come into possession of millions of acres of crop land so that he could have devoted his mechanical talents to mass production and sharp reduction in the price of wheat or corn per bushel, he would not have been greeted by a happily expansive market. The demand for food products is quite *inelastic*. While everyone has a stomach not everyone had an automobile. While everyone needed a stomach in order to live he did not need an automobile but could perhaps use one if he could afford the cost and expense of having one. He could even own more than one machine, if it came to that. A second or even an auxiliary stomach

is perhaps not yet even on the drawing boards, much as gourmets might like an extra one.

Mr. Ford might have succeeded in reducing the number of manhours to produce wheat but this achievement would not have increased the number of stomachs that might be fed. The planters and harvesters whom he would have displaced would not have been rehired because of a ballooning of demand such as greeted his automobile. In the latter instance the increased demand led to the hiring of more and more workers. The distressed carriage and wagon makers and horse and feed grain producers would become absorbed in the work force, albeit not directly or overnight. If there were other products to follow the example of the automobile, the labor market would take up the slack instead of settling into stagnation.

Mr. Ford's wheat would have accumulated huge surpluses in search of storage space. Presumably he might have sought export markets and might indeed have found some. Even so he would not have encountered an indefinitely expansible demand beyond the head-count of the population here or abroad.

The national experience with agricultural labor in this country under the farm program completely supports these observations. The six or seven millions of farm workers who have been displaced by modern agriculture in this country and the phenomenal increase in productivity of our farming operations, have not found resettlement and reemployment on the land. Inelasticity of demand for food products, which account for more than three quarters of our farm acreage, is the bar absolute against achievement of the employment expansion characteristic of new or radically modified nonessential products produced by industry.

Rising productivity in the production of *essential* goods, be they agricultural or mineral, represents a countervailing force working against full employment. When we released agricultural workers from the land because of rising productivity they could no longer remain on the land. They poured into the cities. The higher productivity of farmers did not lead to significantly higher consumption of farm products. Therefore the displaced workers remained displaced. They could hope to find reemployment only in the industries or services that catered to an *elastic* demand. While the number of products for which the demand is elastic is very large absorption of displaced workers is a slow process. Witness Appalachia. With respect to nonessential goods the only limit to demand is income, assuming wage increases in keeping with the higher productivity. (Today, to be sure, other limitations are raising rather ugly heads in the form of resource exhaustion, pollution, etc.)

We have obviously not lacked rising employee compensation in recent years. We have, however, encountered a different obstacle to absorption of the work force. Time was, until recently, when we could depend on new products or revolutionized methods of producing established products, to lead to additional sales as costs were brought down, as witness radio, television (for a time), household appliances of a great variety, synthetic textiles, etc. This meant new job openings sufficient to absorb the net additions to our work force which are now well in excess of a million per year.

Now, however, even though costs can still be reduced by mechanical and other innovations, the incentive is no longer what it was. We can no longer rely on our domestic market to supply the customers for made-in-U.S.A. products as we could in the past.

Our high productivity has been exported, so to speak. Foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patents.

A budding young Henry Ford today, looking about himself, would see a vastly changed world-setting from the one of Henry Ford two generations ago. The latter had all the time he needed to develop and improve his product. Every substantial improvement in production meant more sales as he cut his costs. If anyone contested his market, his competitor, whoever he might be, operated under the same wage levels as himself, or not so far below that Mr. Ford could not cope with the difference within the amount of time he had available.

He (the elder Ford) was not likely to awaken one day as does his young successor in some other industry, to be confronted by a chilling challenge from abroad where some entrepreneur, either American or foreign, offers for the American market an acceptable competitive product, as good as his own, or better, at a cost so much lower than he could match that he must look beyond this country for additional sales territory. Unlike his young successor the elder Ford had no import competition, and needed none to stir him into a maximum effort.

His young counterpart would now be in much the same straits with his marketing as the elder Ford would have been with his wheat surplus had he gone into vast wheat acreage as previously pictured. While the young Ford's sales of nonfood products would not be limited by the one-stomach per person as it would be with wheat, it would be limited nevertheless by the import intrusion that would despoil his market, upset his planning and his timing no less than darken his prospects for serving an expanding market. The imports would do what the inelastic demand does for wheat.

He would now look abroad for an increasing part of his expansion. The higher employment that would have happened here under the old condition would now be shared with his foreign plants and with other foreign producers.

The cry for greater efficiency is now an ironic mockery as it reverberates through the manufacturing community, be it automobile, steel or textiles, electronics, office machines or a hundred varieties of other consumer goods. Others can now manufacture the same thing the American industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy, or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

The competitive margin needed for holding our home market or expanding it for our own products, has been greatly narrowed and in a number of instances has disappeared. The market for the nonessential product, which is the mainstay of our employment, has been converted increasingly into the relatively static characteristic of the essential product so far as job-generation is concerned—for the reason already given.

When rising imports strike the market for an essential product like wheat, meat or other food product, they may take away a certain share of the market and thus deprive the growers of that much acreage output. They must then curtail their acrease or run the risk of creating a price-depressing surplus.

Yet the effect is not as serious as the invasion of our market for nonessentials of the kind that enjoy an expanding market as the costs are reduced, the product improved, made more useful, pleasurable and more attractive. *When the imports cut off the potential expansion or cut the expansion down to merely supplying the increase in population, our coefficient or ratio of expansion is destroyed or severely crippled and the nonessential product is converted into the same pedestrian pace as the nonessential one in point of job creation.*

Capital will not come forth readily or eagerly to be poured into research and development, consumer research, market cultivation, plant expansion and similar activities. Rather a cautious atmosphere will prevail. Venture capital aimed at production of nonessentials is notoriously timid for the simple reason that the consumer can for a variety of reasons curtail his spending, postpone his buying or reduce his consumption. If possible the venture capital will hedge by going overseas to participate in the low labor-cost advantage that confers the competitive margin on foreign producers by dint of which they have penetrated our market.

Established industries will undertake foreign manufacture to supply foreign markets from within. They will in many cases equip their foreign plants with American machinery and equipment and thus boost exports of these products. In 1971 our exports of machinery continued to run a strong surplus while nearly all other manufactured goods sustained heavy trade deficits. The indication is that foreign productivity will continue to rise as our export of machinery continues at a high level.

However, this may be a short road, since our imports of machinery have grown much more rapidly in the past ten years than our exports. The recipient countries of our exports are fast learning how to build their own machinery and to gain world markets for their exports.

If we insist on confronting our problem with a hypnotic chant citing our superior "know-how", hand in hand with a worshipful attitude toward increasing productivity, and a nostalgic attachment to free trade while refusing to accept the meaning of cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.

It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

OPPOSED TO INTERSTATE OIL COMPACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, as one who has testified in opposition to Senate Joint Resolution 72, to renew the Interstate Oil Compact, which was passed earlier today on the Consent Calendar, I want to explain why I do not object to the bill in its present form, and to commend the committee for its recognition of the impropriety of past practices of the Compact Commission and for moving to correct these abuses.

The sole purpose of the compact is set out in article II as follows:

> To conserve oil and gas by the prevention of physical waste thereof from any cause.

As I testified, however, and as the committee report states, under the guise of its concern for conservation, the Compact Commission has engaged over the years in a series of "extracurricular activities" which "appear to fall outside, or at best, have a very tenuous connection with, the limited purposes of the compact."

These extracurricular activities have,

in my view, been nothing more than federally sanctioned lobbying activities in favor of preserving every aspect of the whole range of special privileges extended to the oil industry at the consumer's expense. Among other things the Compact Commission has opposed any cut in the depletion allowance, fought to preserve oil import quotas which cost U.S. consumers over $5 billion annually, and opposed any change in the State production control, or prorationing, system under which the oil producing States of Texas and Louisiana have been able to artificially hold down production, and thereby maintain demand and higher prices.

I want to commend particularly my distinguished Massachusetts colleagues, TORBERT MACDONALD, chairman of the Subcommittee on Communications and Power, and HASTINGS KEITH, its ranking minority member, and their subcommittee colleague, the gentleman from Rhode Island (Mr. TIERNAN), for taking forthright action to end these abuses. As the report explains, the resolution has been amended to require the Attorney General to report specifically on whether the operations of the Compact Commission "have been limited to activities related directly to the immediate purpose of such compact." No less important is the stern warning in the report that such extracurricular lobbying activities "under the aegis of the compact" must be stopped.

I should mention at this point, Mr. Speaker, that I continue to have doubts about the need for this compact legislation, but I am pleased that the Commission will no longer be able to serve as a mouthpiece for the oil lobby. All of us know that lobby's voice is already heard loud and clear in too many circles in this Government.

In closing, Mr. Speaker, I would urge that the Subcommittee on Communications and Power which has performed this service today, now move to build on this initial effort by considering my bill, H.R. 3548—and identical companion bills H.R. 4930, 4931, 4932, 5187 and 6750—to repeal the so-called Connally "Hot Oil" Act which permits the prorationing I spoke of earlier. Ninety of my House colleagues, including Chairman MACDONALD, Mr. KEITH, and Mr. TIERNAN, are cosponsors of this bill. I am convinced that hearings on this legislation would demonstrate that this more substantive consumer abuse simply must be ended.

STRONG CANADIAN PROTEST OVER THE ALASKA PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today a letter from the Canadian Minister for Energy, Mines, and Resources, Donald S. MacDonald, to Interior Secretary Rogers C. B. Morton. Mr. MacDonald's letter charges that the Interior Department failed to adequately consider Canada's views on the proposed trans-Alaska pipeline and hints that U.S. approval of the controversial pipeline could affect future United States-Canada relations.

I believe Mr. MacDonald's letter is strong evidence that the Interior Department failed to make a good faith effort to objectively compare the relative merits of a Canadian oil pipeline as an alternative to the Alaska pipeline. The letter tends to confirm my previous assertion that the administration's approval of the Alaska route was not based on environmental and economic criteria. Mr. MacDonald's letter is unusually frank and reveals how the Interior Department has apparently gone out of its way to avoid getting the latest data on the Canadian pipeline.

The letter from Mr. MacDonald to Secretary Morton follows:

MAY 4, 1972.

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

DEAR SECRETARY MORTON: I found most useful my meeting with you in your office in Washington March 30 last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay. I undertook to write this letter to you to expand on our current position regarding a possible Canadian project and, in particular, to comment on matters related to the environment, financing and timing.

There would be many advantages arising from the use of a Canadian pipeline route. We believe it would enhance the energy security of your country by providing an overland route for your Alaska oil production, thereby servicing the oil deficit areas of the mid-continent and also the Pacific North West. Although cost comparisons of the Trans-Canada and Trans-Alaska routes are interesting, they will, of course, not in the strictest sense be subject to direct comparison since the Canadian costs provide for placing Alaska North Slope oil directly into the mid-continent and Puget Sound markets. Canada has an interest in the energy security of your country, and this land route for Alaska crude oil would enhance that security of supply to deficit areas in the United States. Furthermore, this security of supply could be further enhanced during the interim period of Northern pipeline construction by extra Canadian crude, as I indicated in my remarks in the House of Commons April 19.

The MacKenzie route would, of course, be advantageous to Canada in that it would give access to our potential oil resources in the Northern Yukon and MacKenzie River areas. Within Canada, also, there would be benefits to the economy of these Northern regions from this new activity and opportunities for the employment and training of our native peoples.

In reciting some of the advantages to the United States and Canada of a cooperative relationship between us in the construction of an oil pipeline across Canada, I am mindful, too, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influence in Canada-United States relations.

In considering the environmental impact of oil pipelining in Northern Canada, it should not be overlooked that there are current proposals being studied by gas transmission and distribution companies for a gas pipepline from Alaska through Canada to the continental United States. If these proposals are successful, there will be environmental disturbance in any events.

The major environmental impact study which was released by your department to the public March 20 has been under review here since its receipt. The report is an historic document in evaluation of the impact of pipelining on the social and biological environment. Your department deserves congratulations for the breadth of the study.

As you are well aware, the comments made in the report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from departments of the Government of Canada in connection with the environmental aspects of this study. I brought to your attention during our meeting, and by way of a letter March 28, the substantial program of work in the environmental field which my government has been undertaking with the commencement of the 1970 field season. In addition, we have recently made public and have provided to your State Department a list of the thirty environmental and social studies under way at this time and scheduled for completion later this year. Of course, our general work program was known to officials of your department and has been a matter of considerable public information in Canada.

We are of the view that your consideration of the Canadian alternative could benefit substantially from a knowledge of the work which has been done by both industry and government and which is to be completed this year. A result of detailed consideration would lead, in our view, to an improved appreciation of the advantages in an environmental sense of the Canadian alternative. We would be prepared to hold meetings between officials of our two governments at your early convenience.

The Prime Minister of Canada, in a statement on April 28, indicated the decision of the government to begin construction of an all-weather highway to link the communities of Fort Simpson and Inuvik in the Northwest Territories. When completed, this will provide a road from the Northern boundary of the Province of Alberta to the Arctic Ocean on a route selected to be of use for oil or gas pipelines built along the MacKenzie Valley. Such a road will, in our judgment, substantially ease the construction of a pipeline. This decision is, I think, a significant new factor which affects the balance of advantage between alternative routes. I am sure it will be taken into account by any private entities that may be interested in building an oil or a gas pipeline, and I think it ought to be a factor in governmental assessment as well.

As to the timing for construction and completion of an oil pipeline, this is dependent on the assembly by the applicants of the technical information required, on the financial arrangements which are made and on other normal criteria for pipeline construction in Canada: These matters are subject to regulatory supervision under laws in Canada with which your officials have had a familiarity in connection with pipeline systems which now carry the bulk of Canada-United States oil and gas trade. I would confirm to you my comments in Washington on March 30 last that, in the opinion of our technical advisers, there should be no reason why regulatory and governmental consideration could not be given in an expeditious manner commencing with an application filed by the end of this year.

I would be grateful for your reaction to the suggestions put forward in this letter.

Yours sincerely,

DONALD S. MACDONALD.

END THE NATIONAL STATE OF EMERGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I am today submitting a resolution which would establish a House Special Committee on the Termination of the National Emergency. Similar to Senate Resolution 304, introduced by Senator MATHIAS and 14 other Members of the other body, it would direct the special committee to study the effects of terminating the state of national emergency declared by President Harry Truman in 1950 and still in effect today.

It may surprise some to learn that we are still in a state of national emergency proclaimed in the depth of the Korean war. And that while the Korean war has passed into history, the emergency proclaimed to deal with that war remains in force.

Based on authority granted by the Emergency Banking Act of 1933, a President can, by the simple expedient of declaring a national emergency, assume a vast web of powers rendering the Congress expendable. This is not simply an interesting anachronism without practical force. The powers available to the President under this state of emergency are not trivial—fully some 200 special powers accrue to the President from it. In January 1968, for example, President Johnson used it to control American investments abroad in an effort to ease that year's balance-of-payments crisis. In February 1971, President Nixon invoked the same authority to suspend the provisions of the Davis-Bacon Act.

In this past year, we have witnessed a striking application of Presidential emergency powers. With a single speech on August 15, President Nixon did more than months of Senate hearings to dramatize the enormous arsenal of powers within the grasp of the Executive. Wielding authority granted him by law, the President drastically changed the economic course of the Nation and the world. By the time Congress returned 3 weeks later, it was required to legislate in a radically altered political and economic context.

The powers the President was able to invoke with regard to economic stabilization emphasize once again the incredibly broad scope of authority which Congress has relinquished—or permitted to be arrogated—to the President and his White House subordinates. In thus adding power over the dollar to his command of American military forces and his influence over mass media, the President has lent support to the conclusion of Prof. Duane Lockard, chairman of the department of politics at Princeton, that—

> In essence the Presidency has become an elective kingship with decisive power in a broad range of matters . . . He can start a war or end one; he can breathe life into a domestic project or smother it.

This situation is not without legislative precedent. Alas, Congress has frequently been accomplice in its own decline, conceding initiatives to the executive and tolerating procedural abuses when their ends were agreeable. One need only name the Formosa resolution of 1955, the Middle East resolution of 1957, the Cuba resolution of 1962, and the Gulf of Tonkin resolution of 1964 to illustrate how readily Congress delivered up to the President large elements of its constitutional jurisdiction.

The resolution I am introducing today seeks to restore the constitutional balance between the President and the Congress. It establishes a bipartisan House committee to study the problems which may arise as the result of terminating our protracted state of national emergency and to consider the necessary or desirable legislative actions toward this end. It is expected that the committee's recommendations would, among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with the war powers bill which was passed by the Senate in April, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies.

In the effort to restore the constitutional balance between the executive and legislative branches of our Government, the war powers bill and now the emergency powers resolution, represent a good start. We must press forward to see them passed this year. And we must repel any effort to bring them into the arena of partisan politics in this election year. Restoring to Congress its constitutional responsibility is an effort which must be joined by Republicans and Democrats, liberals and conservatives.

Mr. Speaker, I include in the RECORD at the conclusion of my remarks the text of the resolution and the text of a speech made by Senator MATHIAS when he introduced Senate Concurrent Resolution 27, the predecessor of Senate Resolution 304 and my resolution:

H. RES. 109

Resolution establishing the Special Committee on the Termination of the National Emergency and authorizing expenditures thereby

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the House of Representatives to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eighteen Members of the House equally divided between the majority and minority parties to be appointed by the Speaker, no more than 8 of whom shall be members of the Committee on Foreign Affairs.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

SEC. 2. (a) It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

SEC. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the House, (2) to employ personnel, (3) to hold such hearings, (4) to sit and act at such times and places during the sessions, recesses, and adjourned periods of the House, (5) to require, by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, (6) to take such testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on House Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 4. The expenses of the special committee under this resolution shall not exceed $100,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the House at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the House upon vouchers approved by the chairman of the special committee.

REMARKS OF MR. MATHIAS

Mr. MATHIAS. Mr. President, last year, Congress revoked the Gulf of Tonkin Resolution of 1964. It was a first step in the long-overdue effort to restore to Congress its responsibilities under the Constitution for questions of war and peace.

In February of this year, Senator Javits introduced S. 731, A Bill to Regulate Undeclared War. Also in February, Senator Church introduced Senate Joint Resolution 48 to repeal the Formosa Resolution of 1955. I was pleased to co-sponsor both. In the next weeks I shall introduce legislation to repeal the Middle East Resolution of 1957 and the Cuba resolution of 1962.

Today, I rise to present a Senate Concurrent Resolution aimed at terminating the state of national emergency proclaimed by President Truman in December, 1950 in the depths of the Korean War. It is a sad paradox that this country has remained officially in a state of emergency since that time. Indeed, it may be useful at this point briefly to

review how Congress—with barely a whimper—relinquished important parts of its constitutional authority to the office of the President.

On May 9, 1933, at a moment of dire Depression emergency, Franklin D. Roosevelt convened the Congress and demanded, in effect, that it revamp the Constitution before midnight. The purpose of the reform was to make Congress—and the Constitution—optional at the discretion of the President, as the national interest required.

The demand came as part of the Emergency Banking Act, an omnibus bill reorganizing the nation's then collapsing banking system and retroactively legitimizing the President's Bank Holiday proclamation of three days before. Referred to the Banking and Currency Committee—with instructions that it be reported out in an hour the bill was not printed and was not available for Senators to read. Senator Long complained that he did not know what was in it until it was read by the clerk. Most Senators indicated that they had grave reservations about what they understood to be the bill's provisions and Senator Long protested the extraordinary powers it granted to the President. But in the extremity of the crisis at hand, Congress felt it had to act immediately as the President demanded. The bill was passed by both houses before midnight and the American constitutional Republic has been in its Damoclean shadow ever since.

The key provision, not much remarked by the Congress at the time, came in an amendment to Section 5b of the Trading with the Enemy Act of 1917. As enacted in 1917, Section 5b shifted from Congress to the President the power to regulate trade and financial transactions between Americans and foreigners *in wartime*. The 1933 amendment to 5b authorized the President—by the simple expedient of declaring a national emergency— to assume in peacetime these extensive wartime emergency powers.

By declaring in the 1933 amendment that the President could assume emergency powers by declaration in peace time, Congress established a principle with reverberations going far beyond the legislation at hand. For the courts have interpreted the principle as creating a virtually unlimited executive prerogative that now applies to some 200 laws granting special powers to the President during national emergencies. But neither Congress nor the courts have set criteria to define the kind of crisis which would justify innovation of these multivarious powers. Since 1933 they have been available essentially as the President wishes.

In accord with President Roosevelt's approach, the President is left to determine by himself when a national emergency exists and when it ends—when the executive should have access to the near dictatorial authority conveyed in emergency legislation. The President decides when he should share power with Congress as the Constitution prescribes, and when Congress can be made optional by proclamation.

This assignment of emergency powers has worked very smoothly over the years. Since that dire extremity of 1933, there have been six Presidents—four Democrats and two Republicans. They have disagreed on many issues. But they have been unanimous on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: always. In the last 37 years, the country has passed through many vicissitudes of war and peace. But Presidential powers have been continuously "at war." Not once during that period has a President allowed his special powers to lapse. The result, described by Jeffrey G. Miller and John R. Garson in an excellent article in the February 1970 issue of the Boston College Industrial and Commercial Law Review, is that "some 60 percent of the nation's population have lived their entire lives under a continuous unbroken chain of national emergencies."

A court did judicially acknowledge—in 1962—that the Depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950 and still in effect today. Since the President declared with reference to Korea that "world conquest by communist imperialism is the goal of the forces of aggression," the State Department has interpreted the emergency as meaning the Cold War.

This interpretation, however, has not limited the emergency powers to military matters affecting the protracted conflict with the Communists. The Korean authority, in fact, was most recently invoked in 1968 in relation to our economic competition with our European allies. President Johnson felt he would have difficulty securing from Congress the broad powers he needed to deal with the deficit which had been emerging for several years in the nation's balance of payments. Yet the Constitution clearly reserves to the Legislative branch all powers for regulating Foreign Commerce. So the President invoked the emergency powers granted in 1950 in relation to the Korean war and signed Executive Order 11387, "Governing Certain Transfers Abroad." The Department of Commerce immediately issued the Foreign Direct Investment Regulations (FDIR). The Executive Order and the FDIR restrict the amounts of capital that American investors may transfer to or accumulate in foreign affiliates and compel repatriation of short term liquid balances such as foreign bank deposits.

Without citation of the Korean war powers, these measures clearly represent an unconstitutional encroachment on legislative authority. The courts have upheld them. however, and they remain the law of the land. It is currently the law of the land, therefore; that the state of national emergency proclaimed by President Truman in 1050 in relation to the Korean conflict can be invoked in relation to a balance of payments deficit 18 years later. Similarly, regulations against gold hoarding, activated by the Depression emergency, are continued under the 1950 proclamation. Other measures invoked under 5b pursuant to the Korean proclamation include the Foreign Assets Control Regulations, the Egyptian Assets Control Regulations, and the Cuban Assets Control Regulations. The Cuban trade embargo of 1962 was also based in part on the 1950 emergency.

Among the nearly 200 other Emergency laws are measures permitting the President to sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to broadcasting stations, detain enlisted troops beyond the term of their enlistments, detail military men to the governments of other countries, and exercise control over consumer credit. Among hundreds of local properties available to the Executive, the President may take over parts of Howard University, and in my own state of Maryland, he may close Fort McHenry—the birthplace of the "Star Spangled Banner"—and "use it for such period thereafter as the public needs may require."

These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process. But perhaps most important, these measures threaten the Constitutional balance of powers between the executive and legislative branches. Because a state of official emergency has obtained continuously since 1933—and has been upheld by the courts to validate actions unrelated to the original crisis—the national emergency powers have accumulated and become institutionalized in the executive. The Presidency, already enhanced by modern trends, has been further aggrandized by the paradox of the continuous emergency.

Unless we accept the principle of an optional Constitution and an optional Congress, we must reject the concept of national emergencies declarable by the President at his discretion in peace time without termination dates. Since this concept has been upheld in essence by the Courts, it is up to the Congress to recover by legislation the constitutional role that it has allowed the executive to usurp. We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

This is easier said than done. We discover that the continuous and cumulative and institutionalized emergency is also almost irrevocable. So many executive agencies and procedures are rooted in emergency powers that it is extremely difficult to rescind them without major administrative disruptions. With this in mind, the distinguished Majority Leader, Mr. Mansfield, joined with me during the last session in S.J. Res. 166, a resolution which, among other things, proposed the creation of a special committee to explore with the executive the consequences of terminating the Korean Emergency. In the aftermath of the Cambodia incursion, however, our proposals were not acted upon. And so I am now re-introducing the resolution as a Senate Concurrent Resolution. It calls for the establishment of a commission to study and make recommendations terminating the state of national emergency.

It is to be expected that the commission's recommendations would among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with S–731, An Act to Regulate Undeclared War, which was introduced in February by the distinguished Senator from New York, Mr. Javits, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies. The Constitution did not envision a state of national emergency to be the normal state of affairs.

Under the best of circumstances, the Congress will not find it easy to maintain its historic constitutional role in the modern age. Modern communications, national interpendence, and international involvement coverage to enhance the Presidency; real emergencies continually arise requiring the kind of decisive response the executive is best equipped to give. But if the Congress allows these national executive advantages to be expanded by special emergency powers responding to unspecified emergencies without determination or limit, the balance of powers between the branches of our government may be irreparably broken.

I believe that we do face today a national emergency—even a paradoxically continuous one. It emerged during the depression and has been with us for several decades. It is a crisis that throws our whole system of Constitutional government into jeopardy. This is the atrophy of Congress. It is not an emergency which calls for the decisive exercise of executive powers. It calls for the decisive recovery of legislative powers.

Only Congress can redeem itself; but in serving itself, it can also save the Constitution. And I believe that to save the Constitution is to save the most precious heritage of our country.

CHILDREN'S ALLOWANCE PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, since 1967 I have proposed and advocated the enactment of a Children's Allowance Act. According to the Library of Congress Research Service, I was the first to introduce such legislation. I still believe that this approach is far better than the present welfare system, and even the administration's proposed family allowance plan. The Canadian program is a living example of the success which is possible.

I bring to your attention, for your deliberations on this matter, an excellent article written by Leif Haanes-Olsen in the Social Security Bulletin, May 1972, entitled "Children's Allowances: Their Size and Structure in Five Countries."

In subsequent discussions I will present the remaining parts of this excellent study.

The article follows:

CHILDREN'S ALLOWANCES: THEIR SIZE AND STRUCTURE IN FIVE COUNTRIES

(By Leif Haanes-Olsen*)

Children's allowances—primarily cash benefits to families with children—are found in about half the countries of the world, including all the industrial nations except Japan and the United States.[1] All of the programs in the Western World are, in effect, universal in coverage for families with specified numbers of children. In some countries, however, a degree of selectivity appears to arise from the fact that employers (and the self-employed) are the only contributors to children's allowances. Thus, in theory, the right to an allowance is tied to the occupational activity of the family breadwinner. But even in these countries, when the covered person stops working because of disability, unemployment, or death, payments under the children's allowances program continue.

Unlike the old-age, invalidity, and survivor insurance programs, children's allowances programs generally lack any mechanism for regular adjustment of benefits to cost-of-living or wage increases. The allowances are usually modest in amount since there are often long delays in making ad hoc adjustments—delay sometimes attributed to the political climate. Nevertheless, concern with the need to update allowance rates more frequently seems to be growing in some countries, perhaps because of renewed interest in the problems of poverty.

This article discusses children's allowances programs in five countries—Canada, France, Sweden, the United Kingdom, and the Federal Republic of Germany. The countries selected represent different approaches to such programs in the following areas: (1) Reasons for introducing the programs, (2) benefit patterns, (3) actual and relative size of payments, (4) financing, and (5) solution of problems encountered in striving toward original program goals.

BACKGROUND

Early developments

Historically, the rationale for children's allowances has gone full circle, in a sense returning to its point of origin after almost a century—the idea of helping the poor. Assistance based on family burden began first in France on a small scale about 1870 and next in Germany at the end of World War I, when employers decided to assist workers with children in meeting their family responsibilities. Within individual countries, however, evolution has sometimes taken a different path. France's initial humanitarian approach, for example, has since been replaced by one stressing population policy, and Sweden's early population approach (1920's–1930's) has evolved into a humanitarian or social rights program.

Developments after World War I

Conditions arising from World War I had a strong effect on children's allowances in both France and Germany. Allowances in France received a boost from such war-related conditions as severe manpower losses and rapid increases in the cost of living. Because inflation and labor shortages exerted pressure for ever-higher wages, more and more employers turned to children's allowances—a fringe benefit for workers with families—as an alternative to more expensive wage increases for all. Until the end of the war, employers themselves had paid allowances directly to their employees. In a move to streamline the administration of these fringe benefits and distribute the cost burden, the first local "equalization funds" were esablished and financed by employer groups in 1918, disbursing allowances to eligible employees.

In Germany, on the other hand, economic conditions immediately following World War I steadily deteriorated, and virtually all benefit funds were wiped out during the inflationary period of the 1920's. There, too, the tendency at first was to regard children's allowances as an alternative to higher wages though not for the same reason as in France. The program called for depositing the contributions from employers and the self-employed in funds established within each occupational group. It attempted to minimize the economic advantages enjoyed by single persons or married persons without children in disposing of their income.[2]

The birth rate problem.—During the 1920's and 1930's, French lawmakers, concerned about lagging birthrates, believed that a system of children's allowances would serve as a convenient vehicle to reverse this situation. It has been argued in France that the children's allowances system for wage earners in industry, made compulsory by 1932 legislation, was based on a need to achieve equality among wage earners.[3] Even then, however, the French Government remained disturbed about both the wartime losses and the continually declining birth rate. This situation led to the general application of children's allowances as a demographic tool through the Family Code in 1939.

In the United Kingdom and Sweden, similar concern over lagging or falling birth rates has been reflected in debates extending back to the mid-1920's and the 1930's. Among the British, proposals for a children's allowances program to remedy their population problem were well supported, but the economic and political climate preceding World War II prevented specific action. In Sweden, prolonged debates extending into the period of World War II likewise prevented early acceptance.

The change toward a population policy approach was also briefly evident in Germany where the National Socialist regime launched a children's allowances program in 1935 with the specific goal of increasing the birth rate.

The humanitarian approach.—During the late 1930's and early war years, demographic considerations in the United Kingdom and Sweden were noticeably pushed aside in favor of a greater concern for the welfare of children and their families. In Sweden this concern, due in no small part to the participation of such social scientists as the Myrdals in public debates, was to produce after the war an allowances program that looked primarily to the welfare of families.

In the United Kingdom, a similar trend was revealed in three important documents that appeared during World War II: A 1942 memorandum by the Chancellor of the Exchequer summarizing the main points brought out by the supporters of children's allowances; the Beveridge Report, published in November 1942; and a white paper issued in September 1944.

One point in the memorandum dealt with child malnutrition and what a children's allowances program might do to lessen this risk. Another point focused on compensation to large families to combat increases in living costs. A variation of the negative income tax was also advanced. To help poor families, it was suggested that parents with incomes too low to be taxable should receive benefits similar to the tax allowances extended to the well-to-do. Two obstacles blocked the way for this proposal: (1) The government did not favor a means test and (2) a program based on income tax assessment was considered too difficult to administer. Finally, the argument was made that children's allowances might also encourage parenthood and counteract the declining birth rate.

Children's allowances, preferably financed through general revenues, were regarded by Sir William Beveridge as a necessary part of a comprehensive social security system. He felt that without these benefits no adequate protection could be provided to large families when earnings were interrupted. He believed, on the other hand, that in general wages were sufficient to provide for a one-child family and thus recommended against children's allowances for the first child. He wanted to abolish the means test for economic as well as humanitarian reasons: In a means-tested program, administrative costs would be large enough to make overall savings negligible, and eliminating income as a basis for eligibility would remove the stigma of a means test.

The White Paper of September 1944 explicitly stated that the children's allowances program was intended t· contribute to the needs of families with children, not to provide full maintenance for each child. Thus, the recommended level of allowances was considerably lower than that estimated by Beveridge as necessary for meeting subsistence needs. As in the Beveridge proposals, the first child in a family was to be exempt, but the allowances were to be supplemented by free meals and milk for all school children.

The Family Allowances Act, adopted in June 1945, incorporated proposals from all three sources—including ineligibility of the first child, universality, and general revenue financing. The program of free school meals never became operative.

Developments After World War II

Canada.—The publication of the Beveridge Report in 1942 evoked much interest in Canada and resulted in the appearance of a Canadian version (the Marsh Report) the following year. A family allowance law became effective July 1, 1945. The original broad objective of the Canadian program was to help correct the imbalance between family income and family need and to make an investment in the nation's children. The program aimed at a redistribution of income in favor of low-income families and regions.

Yet views on what children's allowances might accomplish differed widely. The Canadian National Labor Board, for example, was

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*Office of Research and Statistics, International Staff.

[1] Sixty-two nations now have children's allowances programs: All European countries except Malta; 20 African countries (South Africa and the 19 French-Speaking countries); five countries in Oceania and Southeast Asia (Australia, New Zealand, Nauru, Cambodia, and South Vietnam); Lebanon, Iran and Israel in the Middle East; six countries in South America; and Canada in North America.

[2] *Ubersicht uber die soziale Sicherung in der Bundesrepublik Deutschland*, der Bundesminister fur Arbeit und Sozialordnung, January 1967, pages 113–114.

[3] Nicole Questiaux, "Family Allowances in France," *Children's Allowances and the Economic Welfare of Children*, Citizen's Committee for Children of New York, Inc., 1968.

impressed with the program as an alternative to raising the general level of wages (reminiscent of the early French and German programs) and gave its support on that basis. To counter the severe economic conditions foreseen for the postwar years, children's allowances were expected to make two related contributions: to increase aggregate demand and help in maintaining high employment and income levels. Under this interpretation, the program would channel significant amounts into the spending stream by increasing the purchasing power of the needy. It would, in addition, tend to stabilize purchasing power since payments would be continuous and nonseasonal. And children's allowances paid during periods of unemployment and illness would help to ensure a steady income for social insurance and assistance recipients with large families. Finally, the allowances would aid employment by contributing to a higher level of aggregate demand.

Meanwhile, social objectives of the program were discussed in terms similar to the Swedish concept of social rights: The burden of raising the next generation ought to be shared by the population in general instead of being borne by a small segment of the working population.[4]

France.—Children's allowances were included in a comprehensive social security plan in 1946. Interest in these allowances as a demographic tool has been maintained, however, throughout the post-World War II era, and efforts of the French Government to influence the birth rate through children's allowances have continued to the present. According to the Minister of Social Affairs, for example, the express aim of the 1969 increases in children's allowances was to halt the declining birth rate. That increase was regarded as a first step in a program to encourage population growth, as the birth rate had dropped from 18.1 per 1,000 in 1964 to 16.8 per 1,000 in 1967 and was expected to range around 16.6–16.8 per 1,000 in 1968.

Germany, Federal Republic.—In its method of financing and its humanitarian approach, the children's allowances program introduced in the Federal Republic (West Germany) in 1954 resembled the original German program set up after World War I. It was to be funded by private means and—since it was aimed at the largest (and presumably the most needy) families of those who worked in private industry—it was basically humanitarian in concept. The benefits, together with tax exemptions, were intended to cover only part of the cost of child support. According to this reasoning, German tax exemptions would go far in covering the cost of rearing the first two children in the family and benefits would be provided only from the third child on.[5] Children's allowances were thus looked upon as earnings supplements for families with heavy financial burdens. The extension of benefits in 1961 to the second child in low-income families with three or more children was consistent with this policy. Ten years after its introduction, however, the program had evolved toward a view similar to the British and Swedish, emphasizing social rights, when the Federal Government in 1964 took over the burden of financing the entire program.

United Kingdom.—Unlike Sweden, Britain still has a dual system of children's allowances and tax deductions for children. Tax deductions become more significant as income rises, and for many families in the middle and upper income brackets the deductions are much more substantial than children's allowances.

Less attention seems to have been paid to these allowances in the United Kindom than in the other four countries studied. In the past, benefit rates were constant over long periods of time, and it is only rather recently that they have risen to a substantial degree, mainly perhaps in response to agitation by civic organizations such as the Child Poverty Action Group.

Sweden.—A system of tax deductions for children was abolished with the introduction of noncontributory children's allowances on January 1, 1948. When the program became effective, the improvement in the standard of living for families with children was stressed. There was thus a national acknowledgement that the economic burden of raising children belonged to some extent to society in general, not wholly to the individual household. No basic change has been made in the program since its introduction. The benefit rates have been adjusted upward, however, and are now at a considerably higher level in terms of purchasing power than they were when the program began.

[4] During the debate in the House of Commons preceding the adoption of the children's allowances program, it was pointed out that 84 percent of all Canadian children under age 16 were dependent on only 19 percent of the gainfully employed. See Joseph Willard, "Family Allowances in Canada," in *Children's Allowances and the Economic Welfare of Children*, Citizen's Committee for Children of New York, Inc., 1968.

[5] Klaus Steinwender, "Das Kindergeld," in the series, *Sozialpolitik in Deutschland* (No. 30), 1963.

HOWELL LANCASTER—A GREAT MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA), is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker. The work of Howell E. Lancaster lives on, although he is absent from our midst.

As long as men admire courage, integrity, ability and dedication in their elected officials, Howell Lancaster will never die.

My friend passed away earlier this year. At the time he was ranked third in seniority in the Florida House, having been elected to serve 11 terms.

Howell was without question the most respected voice in our State in agricultural matters. His was a powerful voice.

But, it was not because he served a long time or because he was so knowledgeable in agriculture that he earned the place in history we give to him.

I served with him in the Florida House of Representatives and I know.

Howell never backed off from a fight. He was a reasonable man and he would listen to any view. But once he made up his mind, he was in the thick of the fight. It was a measure of the man that those who disagreed with him, liked and respected Howell.

I remember when I was a freshman legislator that he took the time to help new members such as myself. If he liked you, he was your friend for life—as long as you kept your word and had the sincerity of your convictions. He could disagree without being disagreeable.

In April, the State of Florida did something that I think Howell would have appreciated more than anything else. The Florida Youth Development Center, which he fought so hard to establish, was renamed the Howell E. Lancaster Youth Development Center.

Howell was an active man and he would have appreciated having his name attached to something that would serve others—particularly young people who needed a helping hand. He was that kind of man.

Gov. Reubin Askew, in dedicating the center, said that—

> Howell will live on in the hearts and lives of people who could not shake his hand.

The center would not have been established without the work of Howell. The institution has now functioned for a little over a year and already is amassing a record of successful rehabilitation of young people.

Mrs. Virginia Lancaster, widow of my friend who passed away January 9, 1972, and other members of the Lancaster family joined State and local officials for the dedication ceremonies in April.

A plaque was presented to Mrs. Lancaster and to Superintendent James Hart of the institution, along with a portrait of Howell from Emmett Roberts, Director of the Department of Health and Rehabilitative Services.

State Representative Eugene Shaw of Starke presented Mrs. Lancaster with a framed copy of the resolution adopted by the Florida House of Representatives commemorating his work.

State Senator Louis de la Parte of Tampa presented her with a framed copy of the bill which renamed the center.

I counted it a real personal privilege to participate and just to be called a friend.

The Howell E. Lancaster Youth Development Center housed 95 boys and 75 girls at that time. It does not have fences, guard dogs or other security measures. It is a bold new concept for such institutions, teaching young people responsibility through trust and rehabilitation.

Born July 31, 1911, at Eugene, Fla., Howell was a man who was to succeed in everything he attempted. He was a successful businessman, farmer and cattleman.

He attended the University of Florida and one of the great unfinished works of his life was the realization of the College of Veterinary Medicine at his alma mater. He was dedicated to such an institution, as am I, which will provide health resources to animals and man through teaching and research.

Without his work, we would not be this far along the road to seeing such a facility become a reality in our great State. The day that it opens, it too will be a lasting memorial to one of Florida's finest statesmen.

Besides his gracious and charming wife, he leaves a daughter, Linda Ann, and a son, Howell, Jr. They have reason to be proud of their father.

Howell loved hunting and fishing. When he suffered his fatal attack, he was on a hunting trip with our close friend, Cecil Rowell, another fine gentleman from Trenton who was as close to Howell as if he had been a brother.

Few services that I have ever attended brought together more of the leaders of our State in simple and honest tribute.

Florida has lost one of its finest sons and I have lost a dear friend.

The one thing that I am certain of is that Howell would not want us to pause too long. He was an active man who would want us to get about the business of completing those things he set out to do.

He was that kind of man.

RESPONSIBLE CRITICISM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there has been substantial criticism hurled at society since the recent assassination attempt of a public figure.

I do not condemn the right of dissent. It is a cornerstone of our free society. I am not criticizing all those who attack the social problems of the United States; I only beckon them to assess the good as well as the bad in the country.

Those who blindly cast stones at the country must realize and accept their responsibility to help change the country. Furthermore, they must remember and respect the accomplishments made by their fellow countrymen.

Mr. Speaker, a writer with the Blairsville Dispatch of Blairsville, Pa., captured the essence of "responsible criticism" when he said:

In their desire to provide the greatest possible range of opportunities for disagreement, Americans may have let their innate sense of tolerance gain the edge over their reason.

The full text of the editorial follows:

AMERICANS BASICALLY GOOD—VIOLENCE IS EXCEPTION, NOT RULE

American citizens, heartened by the news that presidential candidate George Wallace is out of danger from the bullet wounds inflicted by an assassin, are praying for his full recovery.

Concurrent with their prayers it is apparent that Americans also are doing a great deal of soul-searching in an effort to discover the root causes of the social illness that leads to such attacks upon public figures.

As study goes forward, comments are heard that the United States of America is a sick society, that it is sliding backward into a primeval barbarism, and that a bent for violence that has been endemic for years has become the rule rather than the exception.

This is nonsense. If Americans will but look about them they will see the strength and resilience of their society. Our moral standards, despite aberrations, are high, our laws are just, our institutions are outstanding, our Constitution still is an example to the world and most of the 200 million American citizens are respectable, hardworking, loyal and responsible.

Indeed if the majority of Americans have erred in respect to the increase in violence it is because of the healthy aspects of their society, not its sickness. It appears that Americans simply have not yet settled on the permissible boundaries of right and wrong, nor have they defined adequately the permissible boundaries of dissent.

All responsible citizens will agree that the vitality and progress of the United States depends upon the freedom of its people to challenge the decisions of their government and institutions through legitimate channels. They also agree that such dissent should be given great latitude.

However, in their desire to provide the greatest possible range of opportunities for disagreement, Americans may have let their innate sense of tolerance gain the edge over their reason.

Through permissive court decisions, benign law enforcement and overly liberal laws, Americans have given tools to many persons who are far more than responsible dissenters. In doing so they also have shifted the focus of national interest from the accomplishments of the good citizens to the actions of the violent few.

While persons committed to violence and assassination may have many motives for their behavior, or even none at all, it also is true that they live in a larger society and are encouraged by its attitudes.

Thus, as we look at the events that led to the shooting of a presidential candidate, we must by all means look to our national weaknesses and correct those that can be corrected. Equally important, it will benefit all Americans to review the sources of national strength and rededicate themselevs to nourishing the qualities that made the United States the envy of the world for almost two centuries.

HIGHER EDUCATION CONFERENCE REPORT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on May 31, 1972, the chairman of the Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky; the ranking minority member of the committee, the Honorable ALBERT H. QUIE of Minnesota; the Honorable JOHN DELLENBACK of Oregon, and I wrote a joint letter to the presidents of all colleges and universities in the United States, explaining the provisions of the conference report on the Education Amendments of 1972, the omnibus education bill, on which the House is scheduled to vote on Thursday of this week.

Included in our letter was a listing of the major higher education associations that had indicated their support of the bill. One of the groups listed was the Association of Jesuit Colleges and Universities, which was listed, because of an earlier assurance of support by the Washington representative of this association.

Subsequent to the mailing of our letter, we were informed by the association's Washington representative that the Association of Jesuit Colleges and Universities had "reluctantly decided" that it would not endorse the conference report.

In light of this development, the four signatories of our May 31 letter sent a letter, on June 2, 1972, to each of the presidents of the institutions that make up the Association of Jesuit Colleges and Universities explaining the origin of our listing the association's support in our letter.

In our letter of June 2, we also commented on several points in the association's letter which we feel to be in error in the association's analysis of the bill.

Mr. Speaker, in order to dispel any misunderstanding about the position of the Association of Jesuit Colleges and Universities that our letter may have created, and in order to make clear the reason for our having listed the association, I ask unanimous consent that our letter of May 31, 1972, to college and university presidents in the United States; our letter of June 2, 1972, to college and university presidents of the institutions that make up the Association of Jesuit Colleges and Universities; and the letter of May 31, 1972, from the Association of Jesuit Colleges and Universities be included at this point in the RECORD.

Mr. Speaker, I hope that Members of the House, as they consider this crucial legislation, will also note the comments made on June 2, 1972, by Messrs. PERKINS, QUIE, DELLENBACK, and me in response to several of the points contained in the letter by the Association of Jesuit Colleges and Universities.

In particular, I would like to note these two comments on our part:

First. The institutional aid provision in the conference report provides 4.7 percent more of the total institutional aid funds for small and middle-sized private colleges than would the so-called capitation approach.

Second. The new basic grant program is not limited to students from low-income families but is—and was specifically designed to be—open to students from both low- and middle-income families.

Mr. Speaker, I appreciate the opportunity to explain further the provisions of this most important legislation.

The letters follow:

CONGRESS OF THE UNITED STATES,
Washington D.C., May 31, 1972.

DEAR FRIEND: As Chairman and Ranking Minority Member, respectively, of the House Committee on Education and Labor, and members of the House-Senate Conference Committee on the omnibus education bill, we are writing to you concerning the conference report on which the House of Representatives is scheduled to vote next week.

As you know, the Senate passed this bill on May 24, 1972 by an overwhelming bipartisan vote of 63 to 15.

We hope that the conference report will also be approved by the House, for we believe it contains the most significant advance in Federal support for higher education since passage of the Land Grant College Act over a century ago.

The bill authorizes $18.5 billion for a variety of higher education programs, including an estimated $1 billion annually in institutional aid to colleges and universities, both public and private. Also included is a new program of Basic Educational Opportunity Grants for all students, from *both* low and middle income families.

The above mentioned items are just two of several important new programs included in a bill that also extends all existing Federal programs of student assistance and categorical aid to higher education institutions.

The measure is, of course, the product of compromise; none of the conferees was able to have his or her way in every regard. But the bipartisan compromise eventually reached is, we believe very strongly, an excellent one for higher education. Indeed, the bill has already won the support of the major higher education associations, including:

American Council on Education.

National Association of State Universities and Land Grant Colleges.

American Association of Junior Colleges.

American Association of State Colleges and Universities.

Association of American Universities.

Association of Jesuit Colleges and Universities.

College Entrance Examination Board.

Association of American Colleges.

Our Committee, and the Labor and Public Welfare Committee of the Senate, have labored for two years to bring forth the measure that the House must now consider on an up or down vote. You should know that under the rules, no amendments to the bill are possible.

It is our considered opinion that if the House does not pass this bill, the prospects of major new higher education programs being approved by Congress within the next few years will be very slight.

We have enclosed a brief fact sheet outlining the major education provisions of the conference report.

Please be assured that we intend to do everything we can to see that the bill is approved and its many benefits made available *now* to the colleges and universities of our country and the students who attend them. We hope we shall have your support.

Sincerely,

CARL D. PERKINS,
Chairman.
JOHN BRADEMAS,
Conferee.
ALBERT H. QUIE,
Ranking Minority Member.
JOHN DELLENBACK,
Conferee.

ASSOCIATION OF JESUIT COLLEGES AND UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE: The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill. S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

Rev. JOHN A. FITTERER, S.J.,
Mr. JOSEPH KANE.

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 2, 1972.

DEAR PRESIDENT: We are writing to follow-up our earlier letter to you of May 31, 1972 concerning the education conference report on which the House of Representatives will vote next Thursday, June 8.

As you know, our letter listed the Association of Jesuit Colleges and Universities as among the several associations supporting the bill. We have, however, subsequently been advised that the Association has "reluctantly decided" that it cannot endorse the bill.

We naturally regret this decision and we want you to know we are taking steps to dispel any misunderstanding about the position of the Association of Jesuit Colleges and Universities that our letter may have created.

We feel compelled, however, to advise you that, at the time our letter was mailed, we listed the Association in support of the bill because of a prior assurance to that effect by the Association's Washington representative.

But beyond this matter, we write to express our concern that a letter of May 31, 1972, signed by officers of the Association of Jesuit Colleges and Universities, is in serious error on several points which appear to be the basis of the Association's decision to oppose the bill.

(1) It is not accurate to describe the institutional aid provision as providing "small comfort" to "the small and middle-sized private college".

The fact is the conference report not only provides substantial institutional aid to small and middle-sized private colleges, but actually provides 4.7% *more* of the total institutional aid funds for such institutions than would the so-called "capitation" approach.

Since there is essentially no difference in the total sum of money (approximately $1 billion) necessary to fund either formula, it is clearly not accurate to suggest that small and middle-sized private institutions will lose something as a result of the conference report. Indeed, they will *gain*!

(2) The Association's May 31, 1972 statement with respect to the student aid provision in S. 659 is also, unfortunately, not accurate.

The new basic grant program or "national entitlement" is *not* limited to students from low income families but is—and was specifically designed to be—open to students from both low and middle income families.

The conference report, moreover, preserves participation by middle income students in this program, regardless of the level at which it is funded

The conference report does, indeed, provide that basic grants may not be paid until other student aid programs are funded at given levels. This provision was, however, included at the strong urging of associations of private institutions, including the Association of Jesuit Colleges and Universities.

With respect to the inclusion in this bill of anti-busing provisions, we commend to your attention the enclosed editorials from the *New York Times* and *Washington Post*.

As we said in our letter of May 31, we believe the conference report marks "the most significant advance in Federal support for higher education since passage of the Land Grant College Act over a century ago." We reiterate further our view, notwithstanding reports to the contrary, that if the House does not pass this bill, the prospects of major new higher education programs being approved by Congress within the next few years will be very slight.

We therefore, intend to do everything we can to secure its passage *now* in order that its benefits might be made available *now*. We sincerely hope that the Association of Jesuit Colleges and Universities will reconsider its position and join us in this effort.

Sincerely,

CARL PERKINS,
Chairman.
ALBERT H. QUIE,
Ranking Minority Member.
JOHN BRADEMAS,
Conferee.
JOHN DELLENBACK,
Conferee.

THE FEDERAL GOVERNMENT SHOULD NOT TAX MUSEUMS AND LIBRARIES OPEN TO THE PUBLIC

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am introducing a bill, H.R. 15337, to exempt privately endowed museums and libraries open to the public from the 4 percent Federal tax placed on foundations by the Tax Reform Act of 1969.

There are a number of very fine museums and libraries serving the public in our country that are supported by private endowments. Presently, many of these institutions are being classified for tax purposes by the Internal Revenue Service as "public organizations" because of the services they provide the public; therefore they are not subject to the 4 percent tax on foundations. In April 1971, however, the IRS issued regulations that proposed to establish a minimum floor of 10 percent of public financial support—as a percentage of total income—for a private institution to qualify as a public organization. Effectively this would subject some of our finest museums and libraries to the 4-percent tax.

An example of such privately endowed institutions is found in New York City—the Frick Collection which is renowned for its collection of paintings, sculpture, and decorative arts and is open to the general public. Admission is free to the gallery as well as its weekly lectures and numerous chamber music concerts. This museum is a great cultural resource to New York City—indeed to the country—and is providing a service to the public at no cost to the city or the Federal Government.

A tax on the Frick or any other museum or library serving the public is not in the public interest. The revenue of the 4 percent tax is negligible to the Federal Government—the tax was enacted not for revenue but auditing purposes—and yet the cost of the tax to the community is incalculable. The tax will only mean a cutback in services, an admission charge, a solicitation of funds to pay the tax, or a city or Federal grant for its support—or a combination of all four.

Mr. Speaker, this country needs museums like the Frick Collection, the Gardner Museum in Boston, the Winterthur Museum in Delaware, and the Kimball Art Foundation in Texas, to name but a few. In a time of mounting operating costs, these museums, like all museums, are hard pressed to meet their current expenses. We should not jeopardize their ability to serve the public by imposing a tax on them.

In placing a 4 percent tax on foundations in 1969 the Congress did not limit the Internal Revenue Service's authority to continue to classify institutions like the Frick as public organizations free from taxation. Therefore, today I am writing to IRS Commissioner Johnnie Walters urging that the Service abandon the proposed 10 percent public financial support test and instead retain its current flexibility in considering other factors, such as public service and other forms of public support, in classifying a privately endowed museum or library. In the event that IRS imposes a minimum 10 percent public support requirement for public organization eligibility, enactment of my bill would simply exempt all privately endowed museums and libraries providing services directly to the public from the 4 percent tax.

Mr. Speaker, at this time, I should like to insert in the CONGRESSIONAL RECORD my letter to Commissioner Walters.

WASHINGTON, D.C., *June 5, 1972.*

Hon. JOHNNIE WALTERS,
Commissioner, Internal Revenue Service, Washington, D.C.

DEAR COMMISSIONER: I am writing to you with regard to the proposed regulations, first issued in April 1971 but yet to be finalized, to set a 10% floor of public financial support in addition to the so-called "facts and circumstances" test for qualification as a public organization under section 170(b)(1)(A)(vi). My own view is that the implementation of such a mechanical test in effectively determining what organizations will have to pay the 4% tax on foundations will not serve the public good. This will be particularly so in those cases in which the 10% test excludes privately endowed museums and libraries open to the public from the public organization classification. While the income of these organizations comes from private endowments, their services are directed to the public and enjoyed by the community.

It is my understanding that the Service currently applies a "facts and circumstances" test for qualification as a "publicly supported" organization. Such flexibility has enabled some of our finest privately endowed museums as the Frick Collection in New York City, the Gardner Museum in Boston, the Winterthur Museum in Delaware, and the Kimball Art Foundation in Texas, to name but a few, to qualify as "public organizations" for tax purposes. The same is true for many privately endowed libraries. No matter how good their services and how wide their support in the community, however, it is not likely that these institutions, because of their relatively small demands for public *financial* support, will be able to meet the 10% test. Thus, they would be subject to a 4% federal tax on their income.

These museums and libraries are using their resources in providing services to the public. To tax their income will only serve to diminish the benefits they are able to offer the public. One such museum, the Frick Collection, is located in my congressional district. This museum, renowned throughout the world for its collection of paintings, sculpture, and the decorative arts, is open to the general public. The museum has never charged an admission fee to the galleries of the collection nor has it charged a fee for the lectures and concerts it presents. The Frick, like all museums, is hard pressed to meet its current expenses.

A 4% tax on the investment income of such organizations will ultimately be borne by the public—in a cutback in services, an admission charge, a solicitation of funds to pay the tax, or a city or federal grant for its support, or a combination of all four. Thus, a tax on museums and libraries serving the public is not in the public interest.

I would urge that the Service abandon the proposed 10% public financial support test and instead retain the current flexibility it now has in considering other factors, such as public services and other forms of public support, in classifying a privately endowed museum or library.

Sincerely,

EDWARD I. KOCH.

PRESIDENT NIXON'S TRIP TO MOSCOW

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the verdict on President Nixon's trip to Moscow must be a mixed one. Its greatest achievement was the demonstration that the superpowers could sit down together and talk about controlling nuclear weapons. At the same time, the manner in which the Moscow agreements in many particulars permit preponderance to the Russians must give one pause. The results from bargaining on Southeast Asia and the Middle East have apparently been minuscule and with the reservation of the right to expand their fleets and heavy weapons, the Soviets indicate no abatement in their push for a worldwide presence. At the same time, their moderate response to the mining of Haiphong Harbor has shown that the desire to settle matters favorably in Europe and gain prestige at the bargaining table with the United States has thus far outweighed immediate claims of socialist fraternalism. No change is forecast in the character of the controlling Russian regime nor the operation of its economy. Here the claims of political conformity outweigh the opportunities in economic liberation.

It may be hoped that wide-ranging press conferences and considerations of future trade and increased contacts will have a liberalizing influence, but it must not be forgotten that such liberalization might carry the seeds of the dissolution of the present regime and its manner of control, and the ruling caste could not permit any such steps beyond the point of danger to itself.

The President should be complimented for efforts to encourage the moderates in the Kremlin. One must hope that the concessions to Soviet military expansion will be outweighed by the willingness of the Kremlin in the future to move further toward weapons control and reduction of its aggressive armament and expansion. There should be no euphoria about the modest gains achieved.

BANKS GEAR UP FOR POLITICAL CAMPAIGN

(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, this is the political season and the commercial banks are gearing up for another massive effort to influence the elections.

The Banking Profession Political Action Committee—BankPAC—has moved its offices into the Washington area as part of this stepped-up campaign. BankPAC is currently collecting funds from banks all over the Nation with an announced goal of a half a million dollars. In addition to the efforts of BankPAC, it is well known that a number of individual banks are also raising slush funds for the election.

In fact, this is admitted by the director of BankPAC, who is quoted in last Friday's edition of the American Banker as stating:

> . . . Some of the larger banking institutions have been operating their own volunteer political fund-raising campaigns over the years and are inclined to continue them.

Mr. Speaker, BankPAC's blatant activities in the 1970 campaign raised a lot of eyebrows around Washington and created headlines in some of the Nation's major newspapers. This did not bring any reform of the bankers' efforts to influence elections but it apparently has brought about a new scheme to make this year's contributions supersecret.

Again, referring to Friday's edition of the American Banker, let me quote:

> It seems reasonable . . . to expect that in view of the unfavorable publicity two years ago, many of the BankPAC beneficiaries will request the checks be routed anonymously to them. . . .

Mr. Speaker, I place in the RECORD a copy of the article with the headline "BankPAC Readies Election Drive, Hopes To Avoid 1970 Mistakes."

The article follows:

BANKPAC READIES ELECTION DRIVE; HOPES TO AVOID 1970 MISTAKES

(By Joseph D. Hutnyan)

WASHINGTON.—BANKPAC is preparing for its second general election campaign this year with high hopes of raising more money and avoiding the mistakes that embarrassed the banking industry two years ago.

BANKPAC is short for the Banking Profession Political Action Committee. It is the political fund-raising apparatus for the banking industry, patterned after similar efforts sponsored by labor, thrift, medical and other special-interest gorups.

BANKPAC opened for business in the spring of 1970—and almost closed the same year. Its contributions came under fire not only from the usual banking industry critics, but also from some of its friends.

A few candidates for Congress in 1970 actually returned BANKPAC checks after deciding that bankers' campaign contributions would hinder rather than help their chances of getting elected.

But BANKPAC has a new, professional look now. Earlier this year, BANKPAC opened a permanent office in nearby Arlington, with a full-time executive director, William A. Glassford, former lobbyist for United Air Lines.

Mr. Glassford has spent the last five months addressing banker meetings throughout the nation, trying to sell the BANKPAC concept. He plans to continue on the circuit during the summer.

BANKPAC has targeted a goal of $500,000 to be raised to contribute to House and Senate campaigns this year. It aimed for the same amount in 1970, but raised only half.

As of April 30, BANKPAC had a mere $42,500 in its kitty—some of this left over from the previous campaigns. But Mr. Glassford is not concerned as yet.

He said the experience of other political fund-raising projects is that the checks do not begin rolling in until mid- or late summer.

"Nobody gets too interested until after the primaries," he said in an interview.

Mr. Glassford also pointed out that under the BANKPAC structure, the voluntary contributions are collected locally before being funneled to Washington.

"There may be a lot of money sitting out there waiting to be shipped," he added. "The inclination of people is not to send it in piecemeal but to keep it until they get their quotas.

Mr. Glassford emphasized that this year, BANKPAC will follow a strict set of rules in channeling funds to favored candidates.

First, BANKPAC's executive committee will decide which candidates it would like to help. Second, each candidate will be approached and asked whether he would like a BANKPAC contribution, and how he would like the payments made.

Consulting the candidate before mailing the check is intended to prevent a mistake which resulted in unfavorable BANKPAC headlines two years ago.

Some candidates for Congress in 1970 did not know they were receiving campaign contributions from the banking industry until they read their names in newspaper stories

based on BANKPAC reports which the law requires to be filed with Congress.

Several were members of the House and Senate banking commission which at that time were considering the heavily lobbied bill to tighten government regulation of holding companies with one bank.

These candidates were not happy with newspaper headlines reporting they were getting money from the banking industry at such a sensitive time. One or two angrily returned their BANKPAC checks.

Mr. Glassford also said that BANKPAC was more likely this year to route checks through Republican and Democratic party campaign committees rather than sending them directly to the candidates.

This is a device used by many lobbies to disguise the source of campaign contributions—a procedure that is still legal under the new law which this year tightened somewhat reporting of financial gifts to political candidates.

It works this way:

A fund-raising organization decides that it wants to contribute $2,000 to each of 10 Democratic candidates. Instead of sending checks separately to the candidates, the organization sends a single $20,000 check to the Democratic Congressional Campaign Committee. Along with the check, the fund-raising organization includes a list of the party's 10 candidates who are to be given the $2,000 disbursements. The Democratic Congressional Campaign Committee then sends the checks to the designated candidates.

When the fund-raising organization files its report with Congress, it shows only a $20,000 payment to the Democratic Congressional Campaign Committee.

Mr. Glassford stressed that the manner in which the payment is made will be decided by the candidate. It seems reasonable, however, to expect that, in view of the unfavorable publicity two years ago, many of the BANKPAC beneficiaries will request the checks be routed anonymously to them through the national party organization.

The criticism of BANKPAC fund-raising efforts two years ago caused some bankers to conclude that the banking industry was so politically vulnerable that it could not employ the same political fund-raising methods available to other special-interest groups.

Mr. Glassford was asked whether this feeling may be hindering BANKPAC fund-raising among bankers this year.

"This is hard to measure," he said. "There has been some hesitation, particularly from those getting into it for the first time. But, at the same time, the experience of two years ago has had an opposite effect. It has stiffened a few backs—people who say, 'We have as much right to get into this as anybody else.'"

A more difficult assignment, Mr. Glassford said, is convincing some bankers that they should be contributing to Congressional candidates located outside of their own areas.

He said in some cases, BANKPAC solicitors must deliver an orientation lecture on how Congress operates, with emphasis on the fact that a Congressman from a state thousands of miles away has much more influence over banking legislation than does the hometown Congressman.

"We have to convince bankers that the local Congressman may not be the person who can help them or hurt them." Mr. Glassford said.

"We try to explain how the Congressional committees system operates, emphasizing that the system is made up of specialists and that only a few fight for or against a given bill. Most depend on the people in committees to make these decisions on the technical issues. These are the guys that the bankers have to watch."

Mr. Glassford said the fund-raising campaign this year had several new objectives. One of them is to increase the number of contributions, not necessarily the size of the average check.

The $250,000 raised by BANKPAC during the 1970 Congressional elections came from slightly more than 8,000 contributions which averaged out to about $28 each.

He said the primary goal was to reach many more than the 8,000 who responded two years ago. The BANKPAC director said the fund-raising effort was aimed at 250,000 officers in the nation's commercial banks.

Mr. Glassford pointed out that if each gave only $2, BANKPAC would achieve its $500,000 quota for the current campaign.

He said based on the expenditures of other lobbies—both liberal and conservative—he did not feel it was a good idea for BANKPAC to spend more than $500,000 in the 1972 campaign.

Mr. Glassford said that an expenditure over that amount could backfire on the industry which might be charged with injecting excessive amounts of money into the political races.

The BANKPAC director stressed in the interview, as he has in his speeches before bankers, that the contributions are not intended to buy votes for favorable banking legislation.

He said that some of the candidates who receive BANKPAC checks have not always voted in the past the way the industry would like.

For instance, he noted that BANKPAC contributed $2,000 to the recent successful primary campaign of Sen. Edward W. Brooke, R., Mass., a member of the Senate Committee on Banking, Housing and Urban Affairs. Mr. Brooke voted with Sen William Proxmire, D., Wis., in a losing effort to pass a Fair Credit Reporting bill which the banking industry vehemently opposed.

"We're not trying to buy anybody," Mr. Glassford said. "All we ask is that he be honest, tough and willing to listen to the bankers' point of view. That's all you can ask."

The BANKPAC director said that the pattern of contributions so far suggests that the industry fund-raising effort is getting more support among the smaller banks.

"Most of those involved so far have been in the smaller banks," he added. "I don't think BANKPAC has yet established itself with the super-banks."

He said one reason for this could be that some of the larger banking institutions have been operating their own volunteer political fund raising campaigns over the years, and are inclined to continue them.

OUTSTANDING JURIST SPEAKS OUT AGAINST LEGALIZED GAMBLING

(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 spreading crisis of gambling is a menace for the entire Nation.

Often, those of us who speak out against this menace are criticized and I have been pictured as spreading "East Texas hillbilly morality" by daring to oppose schemes to raise public funds by tricking people into legalized gambling. But I am convinced that a substantial majority of the American people are against running our Government by lottery and a number of outstanding citizens are beginning to voice strong opinions against these ill-conceived concepts.

I was particularly pleased to receive a letter from Federal Judge Joe J. Fisher, chief judge for the U.S. District Court, Eastern District of Texas. Mr. Speaker, I place in the RECORD a copy of Judge Fisher's letter expressing his opposition to the efforts to legalize gambling across the Nation.

The letter follows:

U.S. DISTRICT COURT,
EASTERN DISTRICT OF TEXAS,
Beaumont, Tex., May 18, 1972.

Hon. WRIGHT PATMAN,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I thoroughly concur with your opinion expressed in your Weekly Letter of May 18th concerning the effect of gambling in our society, and I commend you for speaking out in opposition to legalizing this activity.

It has always been a great irritation to me, because of the moral principle involved as well as being inconsistent, for the Federal Government to collect taxes for gambling permits and equipment in states in which gambling is prohibited. On this subject I might also mention that it is also definitely reprehensible and a reflection on our Government, from the standpoint of weakening the confidence of the people, to permit legalized gambling in only one state in the union.

Congressman Patman, we need more Statesmen like yourself, and I am proud to be serving as one of the judges in your district.

With best wishes and warmest personal regards, I am,

Sincerely yours,

JOE J. FISHER.

TECHNOLOGY TRANSFER

(Mr. CASEY of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include an article.)

Mr. CASEY of Texas. Mr. Speaker, the term "technology transfer" is often used to describe what happens when a new development in one area is put to work solving problems in another. It is a natural and necessary thing as our scientists and engineers continue to work on the problems around us.

As useful as it is, technology transfer does not come automatically nor easily in many instances. People working in one discipline often do not understand the needs or even the vocabulary of others who desperately want their inputs. This is particularly true when the scientists and engineers venture into areas of social planning or health care.

Thus, I am pleased to call to the attention of the House an instance of where some of the people involved have taken a commendable initiative in trying to make a useful connection between scientific and engineering developments for space exploration and the urgent needs of medical scientists. I refer to a conference last February at Albuquerque, N. Mex. sponsored by the American College of Radiology with the cooperation and support of the Technology Utilization Office of the National Aeronautics and Space Administration.

Radiologists, of all physicians, are particularly dependent upon the physical sciences to undergird their efforts to produce better diagnostic and therapeutic approaches to their tasks. Many of them were aware in general of some of the breakthroughs achieved by NASA and its contractors in instrumentation, image enhancement, and computer uses. But most radiologists lacked a handle for get-

ting at the people and data they need to try the NASA developments in clinical situations. This conference was a bridge-building effort. An exhaustive transcript of the sessions will be produced for the use of the experts. However, I offer below an article and an editorial from the May 17 issue of the Medical Tribune, by Wallace K. Waterfall, which describes the conference and its main concerns.

"SPACE SPINOFF" MAY BE A HELP TO RADIOLOGISTS

ALBUQUERQUE, N. MEX.—The nation's aerospace research program undoubtedly has produced equipment and ideas that can be "spun off" to the radiologist, an exploratory conference here agreed.

But, in many instances, the spinning is going to require more money for further development, some conferees reported. And in certain aspects of radiology the physicians do not believe the space effort can make a contribution.

These and other summary observations emerged from a pioneering effort by the American College of Radiology and the National Aeronautics and Space Administration to assay the broad possibilities of "technology transfer" from the laboratories of the space agency to the research and practice of the radiologist.

Over a long holiday weekend about 35 investigators from each side of the technologic fence met in workshop, plenary, hallway, poolside, and three-meals-a-day sessions that ranged from highly structured report giving to the informal badinage of men with their foot on a brass rail. Unlike many scientific gatherings, the sessions here were composed of scientists who did not necessarily know almost exactly what another was going to say before he said it.

The potential admixture of space technology and radiology was explored in four areas—instrumentation, imaging, computers, and therapy—on the basis of some developments that NASA already has used in automated and manned space exploration, and others that its scientists have been pursuing in the more direct hope of finding earthbound application.

PARTICLE BEAMS DISCUSSED

The therapy workshop centered all of its discussions on particle beams (neutrons, protons, alpha particles, pi mesons, and heavier ions), most forms of which are not yet available for cancer management. Within a few years, however, they will be available from such spectacular machines as the Los Alamos Meson Physics Facility near here. In the meantime, the therapists agreed that they have a full schedule of research to do in beam localization and radiobiology before clinical trials can begin. And when therapeutic work does get under way, they said, it must be done in a limited number of programs "to get away from anecdotal experience." Top investigators, in nearly constant communication about their results, will first "have to establish the realities of the initial advance" before a proliferation of particle-beam facilities is justified, the summary report cautioned.

LITTLE KNOWN ABOUT ULTRASOUND

New techniques with ultrasound were interesting to both the instrument and imaging participants, who at the same time made the observation that very little is known about the biophysics of ultrasound. However, it appears to be relatively nondestructive and could "free us from radiation" as a physiologic probe, a summary report said. Biggest interest centered on work at the Jet Propulsion Laboratory, which is using a low-power continuous tone to make a shadowgraph of energy that passes through an object at any precise moment.

The image workshoppers, who found a feasibility in satellite transmission, also thought it would be worth while to develop holography for three-dimensional x-ray displays. And they urged radiologists to help evaluate developments in solid-state electroluminescent storage panels that could replace film in some applications. Also asked were developments in microfocus x-ray tubes and monochromatic x-ray sources, both of which are being worked on by NASA.

The computer group discovered that a considerable amount of technology exists in NASA that radiologists could take advantage of if they only knew about it. To correct that omission the group recommended the establishment of a "visiting radiologist" program like the one that now gives other scientists three months or more at NASA installations to watch and help the space agency at work. Also recommended were cooperative projects between NASA and the American College of Radiology to do a feasibility study on image storage and retrieval and to design a "total radiologic information system" such as a large hospital might want to handle its data and planning in both diagnosis and therapy.

Some of the observations that emerged in the give-and-take of workshops were surprising to clinicians and technologists whose research has necessarily been limiited to small areas of big problems. For example, when it comes to remote transmission of radiographs, such as would be desirable in the expansion of medical services to rural areas, it may be more accurate and cheaper to send the data by way of satellite than try to use telephone lines. The reasons are that satellites offer wider bands for electromagnetic communication and, as one speaker pointed out, are "getting to be more dependable than the phone service in the boondocks."

COMPUTERS TRICKY WITH IMAGES

But computer technology, which already has found considerable application in radiology (MEDICAL TRIBUNE, January 26), is just as tricky for NASA to use when it comes to storing and retrieving images as it is for anyone else. A space agency contract scientist acknowledged that NASA has had its problems with computer handling of images and is now in the throes of a big improvement effort demanded by the glut of multispectral photographs expected from the first Earth Resources Technology Satellite (ERTS), which is supposed to help survey mundane matters ranging from corn blight to water pollution.

By the time the workshops were over, however, a sizable list of recommendations had been assembled for presentation to the plenary body and its cochairmen, Dr. Robert D. Moseley, Jr., of the University of New Mexico School of Medicine, and Dr. Louis B. Arnoldi, director of NASA's Occupational Medicine and Environmental Health Division, Washington, D.C.

In instrumentation, the conferees found no particular role for NASA now in either patient-handling equipment or devices to inject contrast media. But they did see considerable potential in the various NASA research projects that have to do with catheters—heparin coatings for anti-thrombogenesis, miniaturized transducers that could be incorporated in a tip to measure blood flow, pressure, and acoustic signals all at once, and an endoscopic device for visualization of vessel walls.

NASA AND MEDICINE

So far as we know, when blood pressure readings are taken in a space capsule on its way to the moon, a sphygmomanometer is inflated on the arm of an astronaut by a comrade and the Korotkoff sounds are auscultated. Use of this relatively primitive technique within the confines of the most sophisticated electronic and mechanical marvel produced by man illustrates the disparity between the achievements of the National Aeronautic and Space Administration in bursting the bonds of earth's gravity and the promised spinoffs in other fields, particularly in the area of the medical sciences.

It is true that medicine has aways been a borrower and has never exceeded the developments in the basic sciences, such as physics and chemistry, but has depended on prior discoveries within these disciplines. The medicine of any era is no better than the state of the sciences of that age and usually lags behind. How long the lag lasts depends on the interests of biophysicists and biochemists and cross-fertilization, which more commonly is unidirectional, from the nonbiologic to biologic spheres.

The pioneering effort by the American College of Radiology and NASA as reported in this issue of MEDICAL TRIBUNE (see page 1) to look into the potentials of "technologic transfer" from the "laboratories and minds of the space agency to the research and practice of the radiologist" is of enormous interest. What the radiologists and the space agency are seeking, in effect, is to eliminate or reduce the lag in time of medical application of NASA scientific discoveries and advances.

According to the report, four areas were explored by 35 radiologists and 35 NASA investigators: instrumentation, imaging, computers, and therapy. It is significant that those looking into computer developments "discovered that a considerable amount of technology exists in NASA that radiologists could take advantage of if they only knew about it." The recommendation that a "visiting radiologist" program be instituted at NASA is obviously a useful concept.

So far as the field of medicine is concerned, there should be more than a "visiting radiologist" program going on at NASA. Without information in depth it is difficult to visualize just which subdivisions of medical science should be represented at NASA, but surely more than benefits to radiology are possible.

It seems to us that this is precisely the sort of problem that the newly constituted national Institute of Medicine, a subdivision of the National Academy of Sciences-National Research Council, ought to address itself to. Which of the medical disciplines ought to be in close communication with NASA? What advances can be utilized in the various fields of medicine? What medical problems, as such, should be directed to the attention of NASA scientists?

Cross-fertilization should be bidirectional, not undirectional. Who knows, perhaps a device can be constructed that, applied over the brachial artery, can supply systolic and diastolic pressure readings without the intervention of a stethoscope.

THE HIGHER EDUCATION BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, during the last few weeks, the Committee on Education and Labor has received hundreds of letters and telegrams with regard to the conference report on S. 659. Many of the letters we have received are in response to a letter I mailed to all higher education institutions containing a fact sheet on the higher education bill, and asking for the comments of college presidents and other administrators.

Many of the subsequent responses to my letter have been most detailed in their analysis. I should like to share with my colleagues today an analysis we have of the more than 300 letters and telegrams we have received. I can report to

you that 88 percent of the responses have been favorable. Let me begin by sharing with my colleagues the letter I received from the Association of American Universities. William C. Friday, president of the University of North Carolina, on behalf of the Association wrote:

On behalf of the 46 universities which are members of the Association of American Universities, I want to thank you for your efforts toward producing a higher education bill which would provide substantial programs of much-needed aid to higher education.

On the basis of the fact that a majority of this association's individual members have expressed support for the bill, the Association of American Universities endorses passage of the Education Amendments of 1972 as reported out by your conference committee. While many members have serious reservations about the stringent anti-busing provisions included in the bill, most are actively and publicly supporting the compromise education proposals. The attached letters and telegrams provide a fair sample of their views. In the judgment of these presidents the proposed programs of student aid and the initial steps toward general federal institutional support represent significant advances. They also support the wide range of other higher education provisions embodied in the bill, while recognizing that the scope and complexity of the measure will necessitate amendments as experience is accumulated.

The attached letters and telegrams to which President Friday refers are from institutions in Illinois, Indiana, Ohio, Michigan, California, New Jersey, and Louisiana.

John E. Corbally, Jr., president of the University of Illinois, commented on the landmark implications of the legislation and advised—

The approaching vote on the omnibus higher education bill is of crucial importance to the University of Illinois and to all similar institutions in the United States, public and private.

The presidents of Vincennes, Purdue, Ball State, Indiana State, and Indiana University signed a telegram advising that the present conference committee report will provide "essential support of the higher education needs of Indiana and the Nation."

Novice G. Fawcett, president of Ohio State University, wrote:

The hopes of many Ohio young people will be riding on the House vote on S. 659. The hopes of all Ohio higher education institutions for significant financial assistance are also at stake. And for some of our smaller private colleges in Ohio, the passage of S. 659 may well mean survival.

Dr. John R. Hubbard, president of the University of Southern California, states that—

With all the necessities for compromise, we think this is an excellent bill that merits the support of us all.

And President Longenecker of Tulane University, commented:

The Conference Committee ironed out the questions at issue to a considerable degree and, in our judgment, this legislation now authorizes both the continuation of proven programs and the establishment of promising new approaches to the support of both individuals and institutions.

The legislation has been referred to as one of the most important pieces of legislation relating the Federal Government to the institutions of higher education. I believe that it will be proven in the future to be just that.

Turning now to the responses to my letter asking college presidents to give me their reactions, Kingman Brewster, president of Yale, wrote:

I am very enthusiastic about the higher education provisions of the bill. The busing rider bothers me, but I am not qualified to judge how it appears in the light of alternatives. However I did want you to know my view that the provisions relating to student and institutional support would go a long way toward helping all universities without imposing a heavy hand of uniformity on higher education. Best of all, the bill will mean real help to the students—and their parents—who need it most, while still allowing them to choose the institutions they most want to attend.

Edwin L. Skiles, president of Hardin-Simmons University in Texas commented:

In my opinion, if the amendments stated in your report become law and are fully funded, a bright new day will come in higher education. It will allow no student to be turned away for lack of financial resources. It will give the institutions which handle the task of higher education a broad financial base and will sustain a dual system of education within our country. It will also give the financial support needed to raise the academic standards required by a maturing nation which must advance or decay. This is a bill which recognizes the needs of higher education and applies the greatest amount of funds to the area of the greatest need.

The alternative to such a bill is very bleak indeed. Private schools are closing while state supported schools take up the slack in some measure at a much higher ratio of cost to the taxpayer. The broad base of academic flexibility afforded by private institutions is the very foundation of our democracy. Our way of life would be in jeopardy if we were to continue the present erosion of private education because of lack of adequate financing.

I believe that your conference committee has taken the best of the House and Senate bills and reduced them to a very workable bill which can be justifiably funded.

Henry King Stanford, president of the University of Miami, wired:

The University of Miami, an institution private and independent in character and international in scope, endorses with reservations the final conference committee version of the Higher Education Bill of 1972. We are both troubled and disappointed that the irrelevant issue of busing is attended in this bill, for we are convinced that singular attention to the needs of both college students and institutions of higher education is mandated in this time of financial crisis. But we underscore our support for the continuance and expansion of Federal commitments to needy students toward the end of equal access through higher education for all those who can benefit from it. Further, we endorse the establishment of the principle of direct Federal aid to institutions as a dimension critical to the fiscal salvation of many. We regret that full funding of all programs is not now assured, for the attainment of no less a goal than this is required if higher education is to continue to realize its full potential for leadership in meeting the needs of society. We offer both our gratitude and our compliments to the members of the conference committee for their devoted efforts in behalf of the needs of higher education.

One of president Stanford's colleagues from Florida, Thomas W. Fryer, Jr., president of the Florida Association of Community Colleges, endorses the conference report with the following comments:

This extremely important legislation will be of immense benefit to all higher education in this country, including Florida's 28 community colleges.

Let me share with you three brief comments I have received from institutions in Massachusetts:

We support S659 the Higher Education Act.

WILBERT E. LOCKLIN,
President, Springfield College,
Springfield, Mass.

ASSUMPTION COLLEGE,
Worcester, Mass.

We urge your support in the passing of the Higher Education Act bill, S659. We also hope that you will lend your influence and support to the adequate funding of this bill.

Thank you for your continued interest in higher education.

Sincerely,
Very Rev. WILFRED J. DUFAULT A.A.,
Acting President.

MOUNT IDA JUNIOR COLLEGE,
Newton, Mass.

Form of Higher Education Bill is excellent. However, the need is excessive. Bill will have to be funded almost in total to avert a national disaster for students and institutions.

F. ROY CARLSON,
President.

Many of the letters I have received are from student financial aid officers. Clare Davies, director of financial aid at Newark State College in New Jersey, stated:

We are pleased that the Conference Committee has supported the principles of basic grants to students and institutional aid as well as continuation of the three major student aid programs. We urge continued Congressional effort to pass this bill, and to support the appropriations that must be approved to make it effective. The combination of rising college costs and inadequate aid funds, especially in the initial EOG program, will make next year and subsequent years very difficult without increased funding. The bill has raised the hopes of students that increased aid will become available to them. Please continue to do all you can to see that these hopes are realized.

C. Dean Dalton, director of student financial aid at Georgia State University, had similar comments as follows:

As an experienced financial aid officer, my reaction to the amendments is that these should make the final bill, even with the inevitable compromises, a landmark in the history of Federal Support for Higher Education and our students.

I particularly want to commend the Committee for the amendment requiring the educational institutions to recommend the amount of a subsidized loan to the lender. The creation of a Student Loan Marketing Association should also have a beneficial impact on the availability of such loans.

May I take this opportunity to thank the Committee members; not only as a student financial aid administrator, but also as a citizen and taxpayer; for their labors in this field. It appears that the final bill should be a long step down the road to our mutual goal of removing economic barriers to the opportunity for post secondary education so that every qualified young person will have the education he wants and can absorb.

Mr. Speaker, as we continue to analyze and tabulate the many letters we are receiving, I will keep my colleagues advised.

PERSONAL ANNOUNCEMENT

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

Mr. MIKVA. Mr. Speaker, I regret that my absence on Thursday caused me to miss seven rollcall votes. Had I been present, I would have voted as follows:

"Aye" on rollcall No. 182, final passage of the Public Broadcasting Act, H.R. 13918;

"No" on rollcall No. 177, amending H.R. 13918 to limit salaries paid by public broadcasting stations;

"No" on rollcall 178, amending H.R. 13918 to reduce amount of fiscal year 1973 authorization and to authorize funds for only 1 year;

"No" on roll call No. 179, amending H.R. 13918 to prohibit public broadcasting stations from conducting opinion polls;

"No" on rollcalls Nos. 180 and 181, amending H.R. 13918 to condition fiscal year 1973 authorization on GAO audit; and

"Aye" on rollcall No. 183, final passage of House Resolution 965, travel funds for Education and Labor Committee.

AN APPRAISAL OF THE C–5 FROM ONE WHO OPERATES IT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the commander of the Air Force's Military Airlift Command, Gen. Jack J. Catton, recently spoke to a group of aviation writers in New York concerning the accomplishments of Lockheed's C–5 Galaxy. General Catton said that with a weapon system so complex, so costly, so controversial and so vitally a part of this Nation's strategy that it might be a good idea to hear from the man who operates them for the people of the United States. I agree with his logic completely. No one is in a better position to comment on the operation of this machine than he is. What he said about the airplane, what it has done what it does in Southeast Asia impressed me and I know it will impress you, therefore, I would like to read it into the CONGRESSIONAL RECORD.

REMARKS BY GENERAL JACK J. CATTON

About 30 years ago, when the American public, bombarded on all sides by conflicting advertising claims, was considering buying an expensive automobile, they were encouraged to "ask the man who owns one." The inference was that no one knew better than the operator—the man who used the machine, day-in and day-out—if it did the job. We have a similar circumstance today. The American people have purchased this C–5 machine and have been told a great deal about it. There is a lot of confusion—many different opinions, pro and con—and it's hard for the public to separate fact from fiction concerning the C–5. So perhaps that is a good time to ask the man who owns them—or at least operates them for the Air Force and the Department of Defense—for the American public.

Before I give you that opportunity to "ask the operator," I want you to all realize the C–5 was developed to do a particular job in support of this nations' military strategy. I mention this simply because that statement of fact gives us some key ideas to consider—ideas such as the C–5 itself—its procurement—the job it does—the strategy it supports.

First, the airplane. The C–5 is unique. I'm sure you're all impressed with its size. I suppose you've already heard the obvious comparisons—sit it on a football field with its tail on the goal line and its nose is inside the other twenty—its wings are way beyond both benches. Or, its tail is six stories high.

However, you might not know that we're operating the airplane daily at over 712,000 pounds gross weight—with a payload of 175,000 pounds. When we have to—and the past few weeks we've had to—we go to 728,000, with just under 200,000 pounds of payload. The airplane gives us great capability—unique to the military needs we have.

For example, you've heard a lot about our gear problems—we have a complicated gear system—but it allows us to decouple our fleet from the JFK-type, sophisticated air terminals which might not be available when and where we need them—permits very rapid on- and off-loading.

We cruise at .767 MACH—which is moving out—but still somewhat slower than our civilian counterparts. But we traded off those few knots of speed for the shorter on-load/off-load times. To get the drive-on/drive-off capability which helps make this a combat airplane, we had to go to the high lift rather than the high speed position on the wing—but shortened ground times are important to us in a combat situation.

Two weeks ago, the C–5s recorded ground times of 32, 30 and 27 minutes at DaNang. You know what they were carrying? Three M–41 tanks—and those times I gave you were from touchdown to takeoff. There—on the ground—when we are vulnerable and the cargo is vulnerable—is where and when we need the speed most—a design factor peculiar to our basic role of combat airlift.

The fact that we're carrying vehicles on those misions sets this airplane apart from our commercial counterparts whose aircraft are stressed for palletized loads. We have the ability to airdrop from this aircraft. Although we've never used that particular strategy in combat—we have tested it with some very plausible scenarios—like Freedom Vault where we flew troops and equipment from stateside bases to Korea and airdropped them. With the current pressure toward more stateside basing of our forces, the ability to rapidly move the troops from home to battlefield becomes increasingly important—whether they be airdropped or air landed in the assault.

I could go on and on with the unique features of the aircraft, but I hope you understand—the primary need this airplane was designed to meet is the outsized cargo requirements—and we can meet them. We can move every piece of equipment in an Army infantry division in this airplane—right up to the M–60, main battle tank—and we can maintain combat integrity by taking the personnel associated right along with the equipment. This airplane is one of a kind—nothing in the air can match it—and, teamed with the C–141, we can deliver balanced integral air and ground fighting forces anywhere in the world they are needed.

Not too long ago, when I spoke to one of our professional military schools, I was asked whether in hindsight I'd rather have had the 747 freighter, I had to answer "no," just because of the features I just mentioned.

The 747 doesn't have the drive-on/drive-off capability. It needs sophisticated runways and special handling equipment, while the C–5 is truck-bed high to begin with and can kneel. The 747 can't airdrop—it can't lift anything the C–141 can't. What it all boils down to is—the C–5 is different from every other kind of aircraft—because it was designed to do a particular military job. It required—and has—characteristics that no civil carrier would find a market for. And that brings me back to my framework statement—"The C–5 was developed for a special job in support of this nation's military strategy."

Having talked about the airplane itself, let me address its acquisition just briefly. We're all aware of the many procurement problems which have been aired relative to the C–5. But it's been more than seven years since the Department of Defense chose the "total package procurement" method of doing business for this aircraft. Still we hear about cost overruns—the financial position of the prime contractor—mismanagement of contracts—the Lockheed loan guarantee. How or why these problems exist has a multitude of answers—many of which depend upon one's point of view—much of it is Monday-morning quarterbacking.

Let me emphasize, however, that today I'm talking as an operator—and none of these problems associated with the C–5 can overshadow the true accomplishments of performance and flexibility offered by this weapons system.

Too often, the negative aspects of the aircraft's performance are stressed. I think this is because one of the least understood facts of the C–5 is that it was purchased under a concurrent testing and production concept. Many of the alleged deficiencies of the C–5 are a result of operational aircraft being delivered while development testing was still in progress. Two years ago, when we received our first operational aircraft, testing was barely 50 percent complete. Today, testing is roughly 95 percent complete. The contractor has completed all development tests and is continuing the fatigue test which will determine aircraft service life.

We're finding some problems such as structural difficulties. You're all familiar with the pylon problem—well, that's fixed. We'd had some problems with kneeling—and we're fixing them. We may well expect to have other problems too—for, after all, the C–5 is a substantial jump in the state of the art. And, when we have them, we'll fix them.

About one year of Air Force tests remain for the avionics systems and, as these systems become qualified, we—the operators—will perform small scale suitability tests.

In spite of the problems, I hope you understand we have—and will continue—to perform the mission, right along with our testing. It simply means that sometimes the crews must operate certain systems manually rather than being able to rely on automatic features.

But one thing all this testing has proven—the C–5 *will* fulfill the strategic airlift mission for which it was designed—that is, the rapid deployment of outsized Army equipment and the troops necessary to operate that equipment.

So, the ultimate yardstick is not in the first part of our basic statement—"the C–5 was developed"—but. rather, in the second part—"for a particular job in support of this nation's military strategy." And, the airplane is doing the job all over the world.

Last March, one of the airplanes lifted three large helicopters to Vietnam and returned with three other battle-damaged ones in a 72-hour round trip. Because the C–5 makes disassembly unnecessary, the choppers were flying missions in Vietnam within 10 hours of arrival. It used to take three C–133s, eight days and an extensive assembly time to get them in the air. In a single mission, one C–5 delivered 22 of the Army's light observation helicopters.

Elsewhere, the Republic of China had an urgent need for a turbine generator located in England. Surface transportation wasn't responsive enough. This was the only airplane in the world that could do the job—and the C–5 did it at the request of the State Department in 30 hours—London to Taiwan.

We used three C–5s to transport an airborne helicopter mine-sweeping unit from Norfolk to the Sixth Fleet. That entailed moving four CH–53 choppers, mine-sweeping devices and the people to use them.

One of our aircraft picked up a complete RAPCON, mobile radar approach control unit, in California and delivered it to Tempelhof Airport, West Berlin. Before the C–5, we would have needed two airplanes and considerable disassembly.

Frequently, we fly cargo too large for other aircraft. We have even flown cargo too large for other modes of transportation. We hauled a Navy sonar dome from Akron, Ohio, to California, because it was too large for truck or rail transport and the boat trip down the Ohio and Mississippi Rivers could have taken two months, as well as posing road closing problems.

So, it's been doing a great job for the Department of Defense in carrying the outsized cargo—but its primary mission is combat airlift. You can believe it's been tested hard on that point in the last month—and has performed in a superior manner. When the Communist offensive began early last month, the C–5 was called on to do the job it was designed to do—provide direct support to the military forces. In less than six weeks, we have flown over one hundred C–5 missions into the war zone—and we're doing what we were expected to do. For the most part, we're delivering outsized, heavy equipment that only the C–5 can carry.

For example, C–5s have moved two M–48 battle tanks into South Vietnam—that's 96 tons of tanks, plus associated gear, in each airplane. I mentioned the super off-load times of the birds carrying the slightly smaller M–41 medium tanks.

Add to those several hundred tons of mixed loads of trucks, artillery pieces, vans and the ever present choppers—and you have some idea of the magnitude of the job we're doing with this airplane.

But let me superimpose another task on the already sizeable operation I just described. Our plans call for us to be able to deploy our land and air forces rapidly throughout the world. In the past, we have exercised and worked hard to achieve a high level of proficiency getting ready to respond. We had a chance to show our stuff when the decision was made to move the 49th Tactical Fighter Wing from Holloman AFB, New Mexico, to Takhli, Thailand—four fighter squadrons plus a SAC tanker squadron. We put together the team—the C–5 and the C–141—and the commercial carriers who handle most of our passenger requirements—and in nine days we had moved over 4,000 tons—an entire wing of people and equipment from the States to Southeast Asia.

In contrast—remember Korea in 1951—when it took *56 days* to get the first ground forces from the United States into the conflict. Even today, a shipload of tanks has a steaming time from our West Coast to Vietnam in excess of 25 days—and that is port to port, not Army camp to battlefield.

While the magnitude of this entire Southeast Asia operation is starting to sink in, let me tell you we kept our commitments to our other forces around the world. The C–5 has a role in that, too—albeit a minor one.

So, the airplane has been doing the kind of job it was procured to do—it's doing it today, not some time in the future. To understand fully just what this means to our nation, not only in Southeast Asia, but all over the world, is to understand what the airplane means for strategic mobility—and what strategic mobility means for national policy and national security.

President Nixon provides us with a starting point. You may recall his words before Congress last September when he spoke to the challenges of peace which need to be addressed as the challenges of war are diminishing. No question as to how important our airlift force is to the successful meeting of the challenges of war, that's what I've been telling you about.

The President indicates the chips are also down in a different way—the challenge of peace. We, in the military, have the same responsibility—stay geared for the possible contingency. That's our responsibility. But our national leadership also has a responsibility—to take a deep look at our nation's priorities—where the nation is heading—the best way to get there.

We understand the reordering of priorities—the distribution of our national resources—more to the solution of domestic problems—less to defense. Our challenge is great. We must enhance the quality, responsiveness and the power of the military forces we retain. The evolving military strategy places great dependence upon mobility—the right kind of mobility—rapid, reliable, responsive.

At this point, let me remind you that we—American citizens—have invested in military aircraft required to do only the airlift tasks our commercial carriers cannot practicably perform. They—who comprise the unmatched American civil air industry—are our partners in peace and war through the Civil Reserve Air Fleet—CRAF. Our relationship makes efficient and effective use of a national resource.

Our flexible response strategy would not be practical if it were necessary to station large garrisons of American fighting forces all over the world. Strategic airlift can give us the means to find the best *mix* of overseas garrisons—prepositioning—and mobility, enabling us to reduce our overseas forces to a level we can better support—and still meet our commitments. Whereas, in the past, airlift forces were geared to support policy and strategy already in effect, our partnership now provides an airlift capability that gives our planners and strategists new options—options that can have a growing influence on the development of policy and strategy.

So, you can see—and, even more important, a potential adversary can see—how we are able to exploit the speed and reliability of airlift to reduce the national investment in defense—and still strike faster—hit harder—and keep the peace through balanced deterrence. We couldn't do this without the C–5. That makes it quite a machine. If you don't believe it, ask the man who owns one!

LEAVE OF ABSENCE

(The following Members (at the request of Mr. GERALD R. FORD):)

Mr. ESHLEMAN, for today and the balance of the week, on account of continued recuperation.

Mr. ROBINSON of Virginia, for an indefinite period, on account of illness.

Mr. CAMP, from June 1 for an indefinite period, on account of official business.

Mr. MCCLORY, for today through June 15, on account of official business.

Mr. GUDE, for the week of June 5, on account of official business.

Mr. HALPERN, for today through June 17, on account of official business.

Mr. PRICE of Texas, for June 7 and 8, on account of official business.

(The following Members (at the request of Mr. BOGGS):)

Mr. SHIPLEY, for today, on account of official business.

Mr. MCMILLAN, for today, on account of official business.

Mr. PEPPER, for today, on account of official business.

Mr. HELSTOSKI, for today, on account of official business.

Mr. ROYBAL (at the request of Mr. TEAGUE of Texas), for June 5, 6, and 7, on account of official business.

Mr. HAGAN (at the request of Mr. STEED), for today, on account of official business.

Mr. BURTON (at the request of Mr. MCFALL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. CONTE, for 10 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. ASPIN, for 20 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. MATSUNAGA, for 60 minutes, June 29.

Mr. MILLER of California, for 60 minutes, June 29.

Mr. HOLIFIELD, for 60 minutes, June 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GAYDOS during his 1-minute speech, notwithstanding it exceeds two pages of the printed RECORD and estimated by the Public Printer to cost $350.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. HORTON in two instances.

Mr. ANDERSON of Illinois.

Mr. SCHERLE in 11 instances.

Mr. DERWINSKI in three instances.

Mr. HOSMER in three instances.

Mr. HALL in two instances.

Mr. WYMAN in two instances.

Mr. BRAY in three instances.

Mr. CRANE in five instances.

Mr. BROYHILL of Virginia.

Mr. YOUNG of Florida.

Mr. QUILLEN.

Mr. PELLY.

Mr. COLLINS of Texas in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous material:)

Mr. MATSUNAGA in 10 instances.

Mr. BEGICH in three instances.

Mr. MAZZOLI.

Mr. EVINS of Tennessee in four instances.

Mr. GONZALEZ in three instances.

Mr. ROGERS in five instances.

Mr. RARICK in 10 instances.

Mr. PUCINSKI in six instances.

Mr. VAN DEERLIN.

Mr. PREYER of North Carolina.

Mr. RANGEL.

Mr. STOKES in three instances.

Mr. HAMILTON.

Mr. CABELL.

Mr. HUNGATE in two instances.

Mr. MONAGAN in two instances.

Mr. RYAN in two instances.
Mr. NIX in two instances.
Mr. ABOUREZK in two instances.
Mr. BOLLING in two instances.
Mr. BERGLAND.
Mr. ANNUNZIO in two instances.
Mr. TEAGUE of Texas in six instances.
Mr. REES.
Mrs. GRIFFITHS.
Mr. RODINO in two instances.
Mr. DINGELL in three instances.
Mr. MORGAN in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 2, 1972, present to the President, for his approval, 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.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 6, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2048. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a supplemental summary of the budget for fiscal year 1973, reflecting changes since the 1973 budget was submitted to Congress and estimates of future outlays required under existing law, pursuant to section 221(b) of Public Law 91–510 (H. Doc. No. 92–306); to the Committee on Appropriations and ordered to be printed.

2049. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of various transfers of amounts appropriated to the Department of Defense, pursuant to section 736 of the Department of Defense Appropriation Act of 1972; to the Committee on Appropriations.

2050. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the sixth annual report of the Commission, covering fiscal year 1971, pursuant to section 705(e) of the Civil Rights Act of 1964, as amended (H. Doc. No. 92–288); to the Committee on Education and Labor and ordered to be printed with illustrations.

2051. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2052. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2053. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2054. A letter from the Secretary of Transportation, transmitting a set of tables showing the apportionment of funds recommended by the Department of Transportation under the Federal Aid Highway and Mass Transportation Act of 1972 proposed by the administration, to accompany the 1972 National Highway Needs Report (H. Doc. No. 92–266—Part 4); to the Committee on Public Works and ordered to be printed.

2055. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of a Federal office building in Oklahoma City, Okla. under the purchase contract provisions of the proposed Public Buildings Amendments of 1972 at such time as those amendments are enacted into law; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2056. A letter from the Comptroller General of the United States, transmitting a report on the cost-benefit analysis used in support of the space shuttle program of the National Aeronautics and Space Administration; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15320. A bill to promote homeownership by low- and moderate-income families by assisting them in acquiring, rehabilitating, and improving the structures in which they are tenants, and for other purposes; to the Committee on Banking and Currency.

H.R. 15321. A bill to insure congressional review of tax preferences and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15322. A bill to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 15323. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BURLESON of Texas:

H.R. 15324. A bill to decrease the duty imposed on artificial flowers and foliage wholly or almost wholly of plastics, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 15325. 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. CULVER:

H.R. 15326. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 15327. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 15328. 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. ESCH:

H.R. 15329. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

H.R. 15330. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15331. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 15332. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, domestic fraternal societies, and veterans' organizations; to the Committee on Ways and Means.

H.R. 15333. A bill to protect the orderly marketing of cattle hides, and for other purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 15334. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of X applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 15335. 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. HORTON:

H.R. 15336. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 15337. A bill to amend the Internal Revenue Code of 1954 to provide that the 4 percent excise tax on the net investment income of a private foundation shall not apply to a private foundation organized and operated exclusively as a library or museum; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself and Mr. SEIBERLING):

H.R. 15338. A bill to amend the Federal Power Act to prohibit the transmission of electric energy into any State which enacts a law or regulation prohibiting the production of electric energy or atomic energy in such State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 15339. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID:

H.R. 15340. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to es-

tablish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 15341. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.J. Res. 1216. Joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week"; to the Committee on the Judiciary.

By Mr. PATMAN:

H. Con. Res. 627. Concurrent resolution to provide for the printing of the book "Our American Government and How It works"; to the Committee on House Administration.

By Mrs. ABZUG:

H. Res. 1009. Resolution establishing the Special Committee on the Termination of the National Emergency and authorizing expenditures thereby; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

396. By the SPEAKER: Memorial of the Legislature of the State of California, relative to family planning research and services; to the Committee on Interstate and Foreign Commerce.

397. Also, memorial of the Legislature of the State of Louisiana, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 15342. A bill for the relief of Airlift International, Inc., and Slick Corp.; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 15343. A bill for the relief of Alfredo Angulo-Rocha; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 15344. A bill for the relief of Robert J. Coar; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 15345. A bill for the relief of Armen Sahakian; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

246. The SPEAKER presented a petition of Dick Watkins, Kountze, Tex., et al., relative to the proposed Big Thicket National Park, which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Monday, June 5, 1972*

The Senate met in executive session at 12 noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose Word declares that "the earth is the Lord's and the fullness thereof; the world and they that dwell therein," help us, the tenants of this good earth, to be faithful stewards of Thy gracious gift. Give us wisdom and grace to make this earth a better place for Thy children. Lift our vision from the flatlands of life as it is to the shining splendor of life that is yet to be, when Thou dost live in all men's hearts and direct their destiny. Guide the President, all Members of the Congress, and all others in positions of trust in their daily tasks, that they may uphold what is right and seek what is true. Send Thy light and Thy truth upon this land and its people.

We pray in the name of the Great Redeemer. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last Friday, June 2, 1972; hence, it is convening in executive session today. However, under the unanimous-consent agreement, the following business will be transacted as in legislative session.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce, which was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 2, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 790 and 792.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TINICUM NATIONAL ENVIRONMENTAL CENTER, PA.

The Senate proceeded to consider the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, which had been reported from the Committee on Commerce with amendments on page 4, after line 5, insert a new section, as follows:

SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

And, at the beginning of line 21, change the section number from "6" to "7".

Mr. SCOTT. Mr. President, I am delighted to indicate my strong support for H.R. 7088, a bill establishing the Tinicum Environmental Center in Delaware County, near Philadelphia and Chester, Pa. This legislation is nearly identical to S. 1841 which Senator SCHWEIKER and I introduced over 1 year ago.

The purpose of this measure is to preserve the last true tidal marshland in Pennsylvania. To this end, the Secretary of Interior would acquire the necessary lands in Tinicum Marsh to establish the environmental center. After these land acquisitions take place, the marsh area could encompass approximately 1,000 acres.

I think that this is a great day for those of us who feel strongly about preserving what is left of our natural environmental resources, especially in the great urban areas like the Delaware Valley. Not only will thousands of people be able to view nature's wonders at close range, but they will also be able to learn