N.Y.) and Ronald Dellums (D-Calif.), fought today to block passage of a bill which would vastly expand the witchhunt powers of the Subversive Activities Control Board. They urged, instead, the abolition of the board which has had "nothing to do" since the Supreme Court struck down key sections of the McCarran Act.

During two hours of debate, anti-SACB Congressmen urged defeat of HR 9669 which would give the SACB a new name—the Federal Internal Security Board—and would amend the Walter-McCarran "Subversive Activities Control Act of 1950."

The expansion of the SACB powers was approved late today by 226 to 105.

The amendments would authorize the President to delegate to the board authority to conduct witchhunt hearings for the purpose of barring "subversives" from Civil Service jobs on "loyalty and security grounds."

The amendment also gives the SACB authority to "conduct hearings and make findings as to the character of organizations" for the purpose of updating the notorious Attorney General's list of "subversive" organizations.

NIXON PRODUCT

Rep. Richard Ichord (D-Missouri), chairman of the House Internal Security Committee, told the House members that the bill is a Nixon Administration product, written by the Justice Department and introduced for President Nixon by ultra-rightist John Ashbrook (R-Ohio).

Ichord said the bill is designed to eliminate Constitutional objections to the Walter McCarran Act raised by the U.S. Supreme Court in the cases of Eugent Robel and Herbert Aptheker.

Robel, a Seattle shipyard worker won his Supreme Court Appeal against attempts by the Federal government to have him fired for his militant trade-union activities.

Aptheker, the renowned Marxist historian, similarly defeated efforts by the Federal government to deprive him of his passport.

The court ruled that the McCarran Act was too "sweeping" and was "excessively vague."

FORCE TESTIMONY

The legislation would reaffirm the SACB's powers of subpena and would assure "the assistance of Federal courts to enforce that power."

It would thwart fifth Amendment rights by empowering the SACB to force a citizen to bear witness against himself while offering so-called "immunity for testimony compelled over self-incrimination claims."

The bill also provides for "penal sanctions for acts of misbehavior in the presence of the board."

BIG PAYROLL FOR IDLENESS

Ichord said the measure is necessary in order to give the SACB something to do.

Since the Supreme Court struck down sections of the McCarran Act, the nine members of the SACB have been drawing their $36,000 per year salaries while doing little more than occupy their plush office a few blocks from the White House.

Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, was in the public galleries during the debate today. She told the Daily World that the HISC rushed HR 9669 to the floor in an attempt to catch the opposition off guard.

Many Representatives are still absent following the Memorial Day holiday, including Rep. Robert Drinan (D-Mass), a member of the House committee, who voted against the measure in the committee.

Drinan is on a visit to Israel.

FIGHT ON WITCHHUNT AGENCY DUE THIS WEEK

WASHINGTON, June 5.—Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, told the Daily News today that a measure will be introduced in the Senate this week to cut off all funds for the witchhunting Subversive Activities Control Board.

A "Dear Colleague" letter, she said, has been sent to all U.S. Senators by Senators Sam Ervin (D-NC), William Proxmire (D-Wis) and Allen Ellender (D-La) urging them to vote for an amendment they will introduce eliminating all funds for the SACB.

Tuesday, the House approved a measure, HR 9669, expanding the powers of the SACB. The measure has been sent to the Senate Judiciary Committee. She said this makes all the more urgent support for the efforts of the senators to cut off funds for the committee.

Additionally, Sen. Ervin has attached to the appropriation bill which contains the funds for the SACB a rider which stipulates that none of the funds appropriated to SACB may be used for implementing Pres. Nixon's executive order of last year expanding the SACB's powers.

Mrs. Allen described this measure as a "fall-back" position for the senators if they are defeated in their efforts to eliminate funds for the SACB altogether.

If the Senate passes measures to abolish or curb SACB, then a House-Senate Conference Committee will be convened to resolve the differences between the two bodies on the fate of SACB.

This makes it important, Mrs. Allen said, for the Senate conferees to be "instructed" to abide by the vote in the Senate against SACB and not yield to pressures to compromise on the measure.

HOUSE OF REPRESENTATIVES—*Monday, June 12, 1972*

The House met at 12 o'clock noon.

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

God is spirit: and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God and Father of us all, we wait upon Thee for the uplift of Thy spirit which clarifies our minds, strengthens our hearts, and leads us in the ways of truth and love. Quicken within us every noble impulse that we may walk uprightly with hearts free from malice and filled with good will.

Bless our country with Thy favor and guide our people in the paths of peace. Be with all who serve under the banner of our Government, particularly our Armed Forces, and prisoners of war. Strengthen them in times of temptation and give comfort to those who mourn the victims of violence.

Give us faith to see beyond the troubles of this day the working of Thy providence in the affairs of men and may we ever strive to walk in Thy way.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on June 6, 1972, the President approved and signed bills of the House of the following titles:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

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

H.R. 13361. An act to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended.

MESSAGE FROM THE SENATE

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

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes."

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

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin.

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States Dwight D. Eisenhower.

AMERICA'S SHAME IN VIETNAM

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

Mr. DOW. Mr. Speaker, I am severely disturbed by an article in the New York Times of June 10, 1972 which is headed, "Military Waging War as They Want." This shows very clearly that the generals and the admirals in charge of the air war in Indochina have the fullest freedom to range up and down Vietnam and elsewhere, pounding the Vietnamese "into the Stone Age," as one general once put it.

Evidently, our air forces are doing the same thing in Laos, with even less accountability to the American public. A former education adviser in Laos, Mr. Fred Branfman calls our action there, "America's Secret War" and tells how the beautiful Plain of Jars in Laos has been systematically destroyed by automated warfare.

Does the balance of peace among the superpowers mean that men, women, and children in a small nation which happens to be in the path of some superpower, must endure the scourge of napalm and white phosphorus at the whim of push-button generals?

I regret the hypocrisy uttered regularly by the highest figures in our Government that the cruel war we are waging in Indochina is the way to peace for future generations.

If I were a member of the military called on to serve as an instrumentality of the present American war machine, I would find my patriotism seriously challenged by my conscience.

ONE WAY TO CURE AIRLINE PIRACY

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

Mr. SIKES. Mr. Speaker, there is a disturbing increase in armed extortion through airplane piracy. It is obvious that not enough is being done to stop this reprehensible practice. Both airlines and Government point a finger at each other for failing to take adequate steps to stop hijacking and extortion. Very probably both are right. The airline owners and operators contend that crime prevention and criminal apprehensions are functions of government. Yet, the governmental agencies tell me the airlines are reluctant to cooperate in the measures necessary for proper preventive and control measures. The situation is worsened by the fact that only 23 countries have ratified an agreement signed by 71 nations at the Hague Convention on Air Piracy in October 1971. In other words, over three-fourths of the nations of the world have been unwilling to agree to extradite or punish hijackers.

We need, of course, an antipiracy law modeled after the Lindbergh law. There should be a law making it illegal to pay ransom to armed criminals. There should be rewards for those who prevent piracy or who subdue or apprehend hijackers. Unless there is an armed Federal agent aboard, there should be at least one member of each aircraft crew who is deputized, armed, and trained to deal with hijackers.

From the standpoint of new laws, neither the Congress nor the Government has shown sufficient interest in overcoming the problem of hijacking. We in Government, the airlines, and the American people simply tolerate the practice and it is growing worse.

Today, I am introducing a bill which will probably fare as have all others dealing with this subject. Perhaps, however, it will help to needle those who could do more about the problem. It is a bill to provide that payments made by airlines to aircraft hijackers should not be deductible for tax purposes. At present, I am advised by Internal Revenue Service that such payments can be deducted as losses or a business expense. They have nothing to lose. At least, let us close this one loophole.

FLOOD AND DISASTER AT RAPID CITY, S. DAK.

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

Mr. DENHOLM. Mr. Speaker, tears, terror, tragedy, and thanks followed the devastating walls of water that boiled out of the canyon and into the city of the valley as sleeping residents sensed the horror of flood waters in the night time.

The death toll in the most deadly flood of the Nation in 44 years has passed 200 and 500 or more are still missing in and near Rapid City at the foot of the eastern slopes of the Black Hills in South Dakota.

It began in the darkness of night when a wave crashed through an earthen dam at rain-swollen Canyon Lake on the western edge of the city.

The roaring waters swept cars through the city, crushed trees, and demolished homes.

Terror stricken survivors peered through tears at death—debris everywhere. The serenity and tranquillity in the shadow of the beautiful Black Hills was no more—and in the dawn of the 10th day of June there was a stillness and stench of death and disaster where but hours before children played and tourists tarried. The crunch of disaster laid naked in the valley as the crest of the roaring waters disappeared. Survivors in prayer and in shock gave thanks. Many with no more than life alone survived—and hundreds remain missing in the wake of the tragedy that gutted the valleys of the city as the floods rolled on.

There is little now left in the aftermath of the pathways of those roaring waters except grateful hearts among all in sorrow for the help of all in rescue of loved ones that are no more.

I commend Donald V. Barnett, mayor, the Honorable Richard F. Kneip, Governor, and the President of the United States, for the exceptional manner and dispatch of duty in the protection of lives and property against the devastation of disaster.

I respectfully request the reasonable consideration of all Members of the House for whatever emergency and essential relief may be necessary to comfort the homeless and to restore the tragic losses sustained by the people and victims of the flood at Rapid City, S. Dak. Thank you very much.

TRIBUTE TO THE LATE JOHN PAUL VANN

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

Mr. MONTGOMERY. Mr. Speaker, I am sure many of my colleagues will join with me in mourning the death of John Paul Vann. At the time of his tragic accident, John Vann was our senior adviser to the South Vietnamese in the central highlands.

I met John 5 years ago when I made my first inspection trip to South Vietnam. He impressed me greatly with his knowledge of the war. And his estimate of the situation has been proven correct over and over. I visited with him several times over the last few years and it was always evident that he never lost his enthusiasm for the South Vietnamese people and his belief that Vietnamization and pacification would be successful.

John Vann was a very outspoken man. Furthermore he was fearless in fulfilling his responsibilities as an American adviser. The American people have lost a splendid warrior and a defender of freedom with the death of John Paul Vann.

CONGRESS SHOULD REFLECT ON SOURCE OF PRESSURE ON REVENUE SHARING

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

Mr. GIBBONS. Mr. Speaker, now that revenue sharing has been postponed again, and perhaps will not be considered this week, I think it is time for the House to calmly reflect upon the source of all of the pressure and lobbying that we have been getting on this subject. I know that lobbying is part of the democratic process, and I do not object to it, but perhaps it may be time for the Congress to look at the source of this and say, is this a legitimate kind of lobbying?

I am referring to the lobbying that is going on by the National Association of County Officers, and the U.S. Conference of Mayors, and the National League of Cities, the Governors' Conference, and the Council of State Governments, and the International County Management Associations. These are all people who by and large, I think, Mr. Speaker, are using tax funds to lobby us to get more money so that there will be just more and more to spend.

I think it is time that we looked at the source of the pressure that is coming on the revenue sharing program. Perhaps it is time for an appropriate committee of the Congress to take a look into this type of lobbying.

Mr. Speaker, at this point in the RECORD, I want to include an editorial from the June 2 issue of the County News, which apparently is published by the National Association of County Officers.

This editorial describes the nature of the lobbying campaign that has been launched against Congress in behalf of revenue sharing and names those tax-supported organizations that are propagandizing us.

Mr. Speaker, I think it is time that this kind of waste of taxpayers' money is exposed and within the next few days I intend to introduce a resolution requesting an investigation into the tax-supported activities of these associations.

WRITE ON

In the next two weeks the House of Representatives will act on General Revenue Sharing. If the measure survives this test, it starts the legislative process on the Senate side. There will be hearings before the Senate Finance Committee; and finally the vote on the Senate floor.

Now is the time to be heard. Now is the time for every county commission, every city council, and every state legislature to memorialize their representatives and senators and urge the prompt passage of this desperately needed legislation.

We fear that maybe as a National Association we have "come to the well too often" in our request for the members to contact their congressmen. The battle has lasted much longer than any of us dreamed it would, having been going on now for more than 2½ years.

This has discouraged many state and local officials in the past. Now that prospects are so much brighter we are getting a strong response.

We were at a meeting yesterday with Rep. Wilbur Mills (D.-Ark.) Chairman of the House Ways and Means Committee who will be the floor strategist for the legislation. He reported very heavy volumes of county, city and state officials communicating directly with him or directly with their representatives.

The message to our Representatives should be very simple. We want our Representatives to follow the lead of Chairman Wilbur Mills as he steers this legislation through the complexity of parliamentary maneuvers. He is wholeheartedly in favor of this legislation. He'll fight like a tiger to get it passed.

On the Senate side, Sen. Russell B. Long (D.-La.), Chairman of the Senate Finance Committee, is very much in favor of this legislation. There are, however, 99 other senators. It is important to constantly remind these Senators that we need the legislation.

We have two immediate problems. The first setback we may get in the House of Representatives. This is a move to have the present bill amended to provide for annual appropriations. This could be very damaging indeed. We know that the House Appropriations Committee is hostile to this legislation. To have to go through this complex legislative process each year would destroy the whole idea behind a predictable amount of money coming into the cities, counties and states. We need a five year appropriations as provided in the present bill as approved by the House Ways and Means Committee.

The second point of controversy is the question of retroactivity. The House bill provides that payments to states and localities would be retroactive to January 1, 1972. There is some sentiment (in view of the large federal deficit) to make the effective date July 1, 1972 or even January 1, 1973. This again could be extremely damaging to many of our hard pressed cities, counties and states.

The message then is write, telephone, visit, whatever you have to do to make your United States Representative and United States Senators understand the plight of your community and the need for prompt passage of this legislation.

Similar campaigns are also underway now in our sister organizations, the U.S. Conference of Mayors, the National League of Cities, the Governors Conference, and Council of State Governments and the International County Management Association.

Now's the time to dig in and fight.

SCHEDULING OF PROPOSED REVENUE SHARING LEGISLATION

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

Mr. GROSS. Mr. Speaker, if I may have the attention of the gentleman from Florida (Mr. GIBBONS), I want to commend him for his remarks to the House.

Can it be possible that we are embarking upon an off-again on-again gone-again treatment with respect to so-called revenue sharing?

Mr. GIBBONS. I do not know what we are involved in. I would say the longer it is delayed, the better off the country is, and if it is never enacted, the country will be a great deal better off.

Mr. GROSS. I am sure of that, but I think the House ought to have some notice, if we are not going to take up that bill. I think we should be notified promptly and given the reason why it is not being taken up. I wonder if we are getting into a situation in the House where we may be in violation of the Federal Corrupt Practices Act in scheduling legislation, when out of a clear blue sky, we find we are not going to be able to take up the legislation on the program for some unknown reason.

Mr. GIBBONS. I do not know what the reason is, I will say to the gentleman from Iowa, but all I can say is if we never take it up, we will be a great deal better off.

ANNUAL REPORTS OF THE FIVE RIVER BASIN COMMISSIONS ESTABLISHED UNDER WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–310)

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

To the Congress of the United States:

I am pleased to transmit herewith the annual reports of the five river basin commissions established under the Water Resources Planning Act of 1965. These reports are from commissions that have been set up in the Pacific Northwest River Basins, the Souris-Red-Rainy River Basins, the Great Lakes Basin, the New England River Basins, and the Ohio River Basin and reflect the accomplishments of each commission during Fiscal Year 1971.

The primary responsibility of each commission is to develop plans for the best use of its water and related land resources, and to recommend priorities for implementing its plans. These commissions, though comprised of State and Federal members, are established at the initiation of the Governors of the States involved within the commission areas. They are unique in that they are neither wholly Federal nor State, but rather jointly financed partnerships working to develop the resources of their respective regions.

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.

RICHARD NIXON.

THE WHITE HOUSE, *June 12, 1972.*

CHANGE OF LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that the so-called revenue sharing bill will not be considered this week, but it will be considered on Wednesday and Thursday of next week.

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

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

Mr. GROSS. Can the gentleman state why it will not be considered this week? Some of us have made plans for the week following.

Mr. BOGGS. The gentleman knows program matters are always subject to change. The chairman of the committee desires to postpone consideration of the bill until next week.

Mr. GROSS. There must be a reason for these changes.

Mr. BOGGS. There are always reasons. There were reasons why we could not take it up this week.

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

Mr. SHOUP. Mr. Speaker, I should like to request further information from the majority leader on the program.

What will be our business, in place of the revenue sharing measure?

Mr. BOGGS. We will have one of the appropriation bills, the Interior bill, up tomorrow.

Mr. SHOUP. Followed by the Labor-HEW bill?

Mr. BOGGS. Exactly.

Mr. SHOUP. I thank the gentleman.

PROVIDING FOR CONSIDERATION OF H.R. 10792, INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1010 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1010

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Bank-

ing and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment, and all points of order against said substitute are hereby waived for failure to comply with the provisions of clause 7, rule XVI. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3166, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10792 as passed by the House.

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

Mr. Speaker, House Resolution 1010 provides an open rule with 1 hour of general debate for consideration of H.R. 10792, the purpose of which is to increase the outstanding loan ceiling of the Small Business Administration. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and points of order are waived for failure to comply with the provisions of clause 7 of rule XVI because section 2 of the committee amendment would not be germane. After passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from further consideration of S. 3166 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 10792 does not provide or appropriate any funds for the Small Business Administration. It merely increases the outstanding loan ceilings in order to allow the agency to continue its operations.

At the present time, the ceiling on loans in all SBA loan programs, except disaster loans which are not subject to ceiling, is $3.1 billion. As amended, the bill increases this ceiling to $4.3 billion, which will enable the agency to operate through the end of fiscal year 1973.

In addition, there are subceilings in specific loan categories. The amount of loans which can be outstanding in the Small Business Investment Company, program is increased from $450 million to $500 million. The amount of loans which can be outstanding in the economic opportunity loan program is increased from $300 million to $350 million and the maximum amount of each such loan is increased from $25,000 to $50,000.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 10792 may be considered.

Mr. HALL. Will the gentleman yield?

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

Mr. HALL. I appreciate the gentleman's statement. I am not at all convinced, as far as that portion of the bill that this rule would make in order is concerned, that with a 50-percent failure rate we ought to double the amount of the loan capital allowable under the Office of Economic Opportunity; but I rise—and I appreciate the gentleman yielding—to discuss the waiver of points of order, because of clause 7 of rule XVI.

The gentleman explained it in detail. It is a matter of germaneness or substantiveness of additions to another subject, and such amendments not being divisible; but will the gentleman, before we accept this by unanimous consent or by vote, tell us who asked for this waiver of points of order? Was it the Committee on Rules that engendered it, the Parliamentarian, or the chairman of the committee?

Mr. MADDEN. In answer to the gentleman from Missouri I will say that the chairman of the Committee on Banking and Currency asked for it.

Mr. HALL. That just amazes me, Mr. Speaker. I remember arm waving and great oratorical effort and even shouting, less than 2 weeks ago about waivers of points of order taking away the rights of individually elected Members from the various districts across the length and breadth of this land, and about the question of appropriations under the parent Committee on Ways and Means. Although I will yield to no one in opposition to giving or returning something which we do not have to those from whom we take it away, I cannot imagine how the self-same and self-styled rugged individualists who I thought had joined "our party" as being against waivers of points of order, would ask for it in a simple bill like this. The record will show that at the time I welcomed them to the club.

Certainly, at a time like this with natural and manmade disasters throughout the Nation, one could not be opposed to the main purport of this bill. But, to waive points of order in order to get something through after decrying and denigrating others who would do the same thing is just not understandable to me.

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

Mr. MADDEN. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman, obviously, is referring to me and I desire to make comment about his remarks.

Mr. HALL. The gentleman from Texas has reached his own conclusion, because I did not refer to the gentleman.

Mr. PATMAN. I can accept it. One can read the gentleman's mind pretty well any way. But, I notice he is charging me with inconsistency. It is not inconsistent at all. I always have been against closed rules and I am against closed rules now. If this is inconsistent, I am following out what has been pretty well laid down as a pattern of inconsistency for a long period of time.

Of course, the gentleman states he is not going to run any more, and that would end the rule of inconsistency. He has been an official objector to object to bills which were not brought up in the regular way. But I notice that there are a lot of bills that he lets go through and to which he has not objected.

I know of bills that have gone through under unanimous consent changing the tax laws, and the gentleman from Missouri did not object to them. These bills did a great disservice to the people of the Nation and to the taxpayers in particular. However, they were brought in here under conditions of just a simple unanimous consent—in other words, asked unanimous consent that the bill be considered, and the chairman of the committee would get up and say that all 25 of the committee members from the Ways and Means Committee—15 Democrats and 10 Republicans—have agreed to this particular bill; they said they have looked into it; they think it is good; they think it is fine; they think it should be passed—all 25 members agreed to do it, but they have no reports, they had no hearings on the bill, and there is no way for anyone else to find out whether it should be passed or not. They should certainly have some witness or person who could speak with some knowledge and information and officially, with expertise. The Members of the House should have access to hearings and should know how much these bills will cost the Government or the taxpayers in lost tax revenues.

Therefore, I think the gentleman has remained very inconsistent in his attitude of letting bills go through that would just absolutely ruin the Treasury. There are 77 bills of this nature in recent years, just like I said recently, and if you will get a report from the Treasury on how much those bills have cost, the gentleman will be amazed.

Let it be understood, however, that I am not criticizing the gentleman for objecting to anything. I appreciate the fact that he does. I appreciate the fact that the gentleman from Iowa is always on the alert and looking for irregularities and objecting to them. I think both of the gentlemen ought to be commended for it.

But on these bills that affect the revenue so much, I think there should be great caution used on measures which are sought, if there is no regular hearing, and when we have not been satisfied that the bill is all right and that it will not cost anything—or whatever it will cost, to indicate that amount.

So Members will have some knowledge and information to go on.

But to just let them pass, like the 77 I just mentioned—and you are going to see some of them pretty soon—those 77 bills will cost this country many millions of dollars. It is a continuing amount and everyone of us is guilty because we let them go through here and everyone of them could have been stopped with one single objection. The gentleman from Missouri could have stopped the whole package, one at a time. The gentleman from Texas could have done the same thing. But we have not been on our toes and we have not done the job. Every Member is very busy on matters directly affecting him, or the business before the committees he is on, or for other reasons.

Therefore, I would again say it has cost us, and we should realize we are falling down in the performance of our duty.

We are not doing our duty in a responsible and meaningful and effective way. From now on we should resolve that that be done.

I appreciate the fact that the gentleman from Missouri called our attention to this. But in this particular case the waiver of the point of order is insignificant, as I shall point out later.

So I think instead of spending our time in useless and meaningless points of order, we should go ahead and do something like stopping those bills that cost the Treasury billions of dollars and letting them go through here without a single objection from anybody.

So I say, in my opinion the gentleman's point is not well taken and that the gentleman from Missouri remains consistently inconsistent.

TAX LEGISLATION—SHOULD BE CONSIDERED UNDER A REGULAR RULE WITH EXPERT WITNESSES, HEARINGS AND A COMMITTEE REPORT INDICATING TAX LOSSES OR REVENUES

Mr. PATMAN. Mr. Speaker, during the consideration of House Resolution 1010, the rule making it in order to consider a bill to amend the Small Business Act, H.R. 10792, I was engaged in a colloquy with my distinguished colleague from Missouri, Hon. DURWOOD HALL. My good friend was concerned with the waiving of points of order pertaining to a Committee amendment to the bill. However, I believe that Mr. HALL is confusing the waiving of points of order to the committee amendment with much more serious attempts to circumvent a free and open discussion that is presented by certain other committees who fall to hold hearings and submit proper reports on important legislation. I assure by friend that this was not the intention of the Committee on Banking and Currency today. Hearings were held on this bill and all interested parties were given an opportunity to be heard. An open rule was requested with the intention of giving the House an opportunity to work its will. The procedure presented by the Rules Committee was not an attempt to stifle debate but an effort to bring about the expeditious consideration of this most important bill.

Mr. Speaker, I believe my continuing efforts to object to legislation which fails to give the House an opportunity for full discussion, that is, public hearings, detailed reports and open debate is well-known to my colleagues. As recently as February 28 of this year I objected to a number of bills which were brought up by the Ways and Means Committee. The reasons for my objections were that even though some of them had wide-ranging policy implications, many causing a substantial loss of revenue, there was no record of public hearings for any of the 22 bills which were scheduled for consideration that day.

Some of these bills had policy implications which were of great concern to the Banking and Currency Committee. One bill, H.R. 11197, which was not on the calendar that day but had been reported unanimously by the Ways and Means Committee without public hearings, would have reduced the minimum payout for charitable purposes required of private foundations. Studies indicate that charities would have lost at least $300 million annually had this bill become law.

Another bill, H.R. 7025, would have encouraged the maintenance of common trust funds among banks affiliated in a holding company, obviously enhancing bank holding companies and encouraging more banks to enter into such affiliations. The committee's reports on each of these and the other bills carried a notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection.

Mr. Speaker, because of my concern over such procedures, I wrote Secretary of the Treasury, John Connally, on March 8 expressing this concern and requesting that the Banking and Currency Committee be given as much notice as possible when Treasury announces a position on these bills which involve broad policy questions in banking and other financial fields. Since I have not yet received a reply to this letter due to the resignation of the Secretary, I am writing again to the newly confirmed Secretary of the Treasury, Mr. George Shultz, requesting the same courtesy.

I am also writing Senator RUSSELL LONG, chairman of the Joint Committee on Internal Revenue Taxation, to see if he can assist us in this matter.

Since so many of these bills have a direct or indirect effect on the country's revenues, I also wrote Secretary Connally on March 10 of this year requesting that the Treasury Department furnish the estimated gain or loss on each of 50 bills which passed the Congress under the same procedures—without hearings—during the 91st Congress. A reply has not yet been received for this letter, and I am writing Secretary Shultz for this information.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 8, 1972.

Hon. JOHN CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: As you know, there has been discussion in the House of Representatives in recent days concerning tax legislation which is reported from the Ways and Means Committee without hearings and for which unanimous consent is sought for passage on the Floor. The reports accompanying much of this legislation, which has gone through in recent years, bear the notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection to passage.

One of the bills reported unanimously from the Ways and Means Committee on January 27 deals with the question of privately-owned foundations and their treatment under the 1969 Tax Reform Act. As you know, I have spent many years conducting investigations and studies of these foundations and I was gratified that we were able to include a provision dealing with these institutions in the 1969 Act.

Now I discover that H.R. 11197—sponsored by Representative Herman T. Schneebeli of Pennsylvania—would dismantle part of this section of the Reform Act. The report which accompanied this legislation bears this statement:

"The bill has been reported unanimously by your Committee, and the Treasury Department supports its enactment."

Mr. Secretary, I realize that such a recommendaton would have properly come forth from the Internal Revenue Service and not directly from your office, however, as Secretary of the Treasury I hope that you will make it your responsibility to determine the rationale behind this recommendation to destroy part of the Tax Reform Act as it relates to foundations. I would appreciate a full report on the position of your department concerning this legislation.

Apparently, this recommendation, bearing the imprint of the Treasury Department, was sent to Capitol Hill without public notice. The jurisdiction over foundations has recently been shifted from the Subcommittee which I headed in the Small Business Committee to the Banking and Currency Committee. Since this Committee now has the jurisdiction in this area, I would appreciate being informed in advance of any changes in the Treasury's position, particularly when the matter is as fundamental as H.R. 11197.

H.R. 11197 does not deal directly with tax matters, but rather with the pay-out required of foundations for charitable purposes. Estimates which my staff has made would indicate that charities would lose at least $300 million should the provisions of H.R. 11197 be adopted by the Congress. The Tax Reform Act requires private foundations to contribute to charity all of their annual net income, excluding capital gains, or 6 per cent of the value of the foundation's investment assets, whichever is greater. The act contains a transitional provision for foundations organized before May 27, 1969. The mandatory contribution percentage would be 4½% for the current taxable year (1972); 5% for 1973; 5½% for 1974 and 6% for 1975 and thereafter.

In contrast, H.R. 11197—the Schneebeli Bill—would reduce the final percentage of pay-out from 6% to 5% and extend the transitional period so that private foundations organized before May 26, 1969 would contribute 3½% of their investment assets in 1972 and 1973; 4% in 1974 and 1975; 4½% in 1976 and 1977, and 5% in 1978.

The following table demonstrates the vast difference between existing law and the weakening proposals of H.R. 11197:

[In percent]

	1972	1973	1974	1975	1976	1977	1978
Existing law	4.5	5.0	5.5	6	6.0	6.0	6
H.R. 11197	3.5	3.5	4.0	4	4.5	4.5	5

A quick glance makes it very clear that charities would suffer great losses in donations each year under the Schneebeli bill and that the foundations would be able to retain higher percentages of their assets. Under existing law, those foundations with low-yielding investments must sell off part of their assets to meet the minimum charitable contribution requirements. The provisions of this law no longer encourage the foundations to put their money in low-yield, in-house investments—investments which often have been designed to enhance and continue control of major corporations.

The W. K. Kellogg Foundation Trust of Battle Creek, Michigan, is a good example. According to a report issued by the Domestic Finance Subcommittee of the Banking and Currency Committee on July 15, 1971, the rate of return on the assets of this foundation was 3.6%. The report said that the Kellogg Foundation owned 50% of the Kellogg Company and that this stock had a market value of slightly less than $389 mil-

lion. The total assets of this foundation were listed at about $436 million. It is obvious from this that virtually all of the assets are tied up in the Kellogg Company.

The Pew Memorial Trust of Pennsylvania owns 21% of the stock of Sun Oil Company with a market value of $431 million. This investment, according to the report of the Subcommittee, had a yield of 1.3% to the foundation. This same foundation was listed as owning 100% of the stock of the Minerals Development Company worth nearly $109 million. This investment brought the foundation a return of .9%. Overall, the Pew return of 1.2% on its investments. The total assets of this foundation were listed by the Subcommittee as $541,342,369. Its investments in Sun Oil Company and the Minerals Development Company totalled just under $540 million. So virtually every dime of the assets of this foundation are tied up in two corporations and, in both instances, the yields on the investments are very low.

It is obvious that these two foundations would benefit from a weaker provision on pay-outs to charity. Undoubtedly, there are other similar situations and I sincerely hope that the Treasury Department is not behind any effort to weaken the provisions of the Tax Reform Act as it relates to foundations. In fact, Mr. Secretary, the provisions adopted in 1969 were a compromise and less than I proposed in my testimony. To further weaken an already watered-down section of the Tax Reform Act would be disastrous in my opinion.

Again, Mr. Secretary, I would appreciate forewarning of any changes in the Treasury Department's approach to foundations. I would like to make the same request on tax issues which affect financial institutions under the jurisdiction of the Banking and Currency Committee. As you know, many of these tax bills involve broad policy questions in banking and other financial fields and these issues often have an important impact on substantive legislation before the Banking and Currency Committee. We would like as much notice as possible in advance of the Treasury's announcement of new positions on these questions.

With very best regards, I am

Sincerely,

WRIGHT PATMAN.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., March 10, 1972.

Hon. JOHN B. CONNALLY,
Secretary, Department of the Treasury, Washington, D.C.

DEAR JOHN: A large number of bills are passed during each Congress which have a direct or indirect effect upon the country's revenues. It is my understanding that the Treasury Department is usually invited to comment on these bills before they are considered by Congress.

Enclosed is a list of fifty of these bills which were considered in the 91st Congress. A copy of the public law is enclosed for each of the 43 bills which became law. A copy of the Committee report is enclosed for those bills which did not become law. Please furnish me with what the Treasury Department estimated the gain or loss either directly or indirectly on each of these bills would be.

Your prompt attention to this request will be appreciated.

Thanking you for your cooperation, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

WAYS AND MEANS COMMITTEE BILLS—91ST CONGRESS

H.R. 322—Wagering Tax Amendments of 1970.

H.R. 2718—Extension of Temporary Duty Suspension on Certain Classifications of Yarn of Silk (P.L. 91-28).

H.R. 4229—Extension of Temporary Duty Suspension on Heptanoic Acid (P.L. 91-36).

H.R. 4239—Elimination of Multiple Customs Duties on Horses Temporarily Exported for Use in Racing (P.L. 91-570).

H.R. 4605—Articles Intended for Preventing Conception (P.L. 91-662).

H.R. 5833—Temporary Suspension of Duty on Certain Copying Shoe Lathes (P.L. 91-56).

H.R. 6049—Temporary Suspension of Duty on Certain Manganese Ores (P.L. 91-613).

H.R. 6562—Certain Provisions of the Internal Revenue Code of 1954 Relating to Beer (P.L. 91-673).

H.R. 6742—Certain Regulated Investment Companies.

H.R. 7311—Duty on Parts of Stethoscopes (P.L. 91-655).

H.R. 7626—Tariff Classification of Certain Sugars, Sirups, and Molasses (P.L. 91-674).

H.R. 8512—Suspension of Duty on L-Dopa P.L. (91-309).

H.R. 8644—Elimination of Duty on Crude Chicory Roots (P.L. 91-41).

H.R. 8654—Tax Treatment of Individuals Serving on U.S.S. *"Pueblo"* (P.L. 91-235).

H.R. 9183—Duty Free Entry of Articles Reimported for Failure To Meet Sample or Specifications (P.L. 91-615).

H.R. 10015—Extension of Temporary Duty Suspension on Electrodes for Use in Producing Aluminum (P.L. 91-26).

H.R. 10016—Temporary Suspension of Duties on Metal Scrap (P.L. 91-221).

H.R. 10107—Extension of Temporary Duty Suspension on Certain Istle (P.L. 91-65).

H.R. 10875—Eliminaton of Duty on Upholstery Regulators and Upholsterers' Regulating Needles and Pins.

H.R. 13079—Act Temporarily Continuing Interest Equalization Tax (P.L. 91-50).

H.R. 14020—Amendment of the Second Liberty Bond Act To Increase the Maximum Interest Rate Permitted on U.S. Savings Bonds (P.L. 91-130).

H.R. 14720—Suspension of Duties on Manganese Ore (P.L. 91-306).

H.R. 14956—Continuation of Duty-Free Status of Certain Dyeing and Tanning Materials (P.L. 91-388).

H.R. 15071—Duty-Free Status of Certain Gifts from Servicemen in Combat Zones (P.L. 91-180).

H.R. 16199—Working Capital Fund, Department of the Treasury (P.L. 91-614).

H.R. 16506—Cemetery Corporations (P.L. 91-618).

H.R. 16745—Elimination of Duty on Repairs Made Abroad to American Shrimp Vessels (P.L. 91-654).

H.R. 16940—Suspension of Duty on Certain Electrodes (P.L. 91-635).

H.R. 17241—Suspension of Duties on Certain Forms of Copper (P.L. 91-298).

H.R. 17473—Manufacturers Claims for Floor Stocks Refunds (P.L. 91-642).

H.R. 17658—Floor Stock Refunds for Cement Mixers (P.L. 91-678).

H.R. 17917—Transition Rule for Moving Expenses (P.L. 91-691).

H.R. 17984—Amending Section 905 of the Tax Reform Act of 1969 (P.L. 91-675).

H.R. 17988—Application of Investment Credit Recapture Rule to Leased Aircraft (P.L. 91-676).

H.R. 18251—Refunds in the Case of Certain Uses of Tread Rubber.

H.R. 18693—Certain Cuban Expropriation Losses (P.L. 91-677).

H.R. 19242—Capitalization of Costs of Planting Almond Groves (P.L. 91-680).

H.R. 19369—Section 165(g) of the 1954 Code (P.L. 91-687).

H.R. 19391—Protest of Customs Decisions by Transferees of Warehouse Merchandise (P.L. 91-685).

H.R. 19470—Reasonable Approval of Rural Hospitals for Medicare Purposes (P.L. 91-690).

H.R. 19526—Elimination of Duty on Certain Natural Rubber.

H.R. 19562—Tax Treatment of Certain Statutory Mergers (P.L. 91-693).

H.R. 19566—Interest Rates under the Renegotiation Act of 1951.

H.R. 19627—Certain Passive Income of Subchapter S Corporations (P.L. 91-683).

H.R. 19670—Suspension of Duty on Certain Bicycle Parts (P.L. 91-689).

H.R. 19686—Tax Treatment of Certain Transfers of Property to Foreign Corporations (P.L. 91-681).

H.R. 19774—Joint Income Tax Liability of Innocent Spouses (P.L. 91-679).

H.R. 19790—Income Tax Treatment of Certain Sales by a Corporation of Real Property Held More Than 25 Years (P.L. 91-686).

H.R. 19881—Computation of Policyholders' Share of Investment Yield on Life Insurance Company Tax Returns (P.L. 91-688).

H.R. 10517—Distilled Spirits.

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

Mr. MADDEN. Is this in regard to the answer?

Mr. HALL. It has to do with the closed rule.

I submit, Mr. Speaker, that we did not get an answer. The gentleman yielded for an answer and only got the old Texas refrain, which we have heard so often, and I say, "Welcome to our club." Obviously, in deference to anyone who would read the RECORD about this paragon of virtue who believes in no obstructionism, and that "objection" to unanimous consent requests and "Calendars" should only be used in order to expedite the business of the House, while protecting it from folly, the record is clear as to who has voted for or against "closed rules" or "waivers of points of order." I appreciate the gentleman's yielding. It obviously might be entitled "The Old Refrain From Texas," and it all depends on "whose ox is being gored."

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am in accord with the statement made by the gentleman from Indiana on House Resolution 1010 and associate myself with his remarks—with one exception, I believe.

Section 2 was brought to the attention of the Rules Committee by the Parliamentarian because it was not in the original bill and the bill reported out as a substitute would have to be made in order. So section 2 would not be germane to the substitute bill because there is no such language or provision in the original bill.

After it was brought to our attention before the Committee on Rules, we told the gentleman from Texas (Mr. PATMAN) about it, and he then said, "OK, if that is what you have to do, go ahead and do it." So we did it.

One thing that does confuse me a little bit, or it may be my own misunderstanding of this, is the disaster money. On Friday, I tried to find out about the disaster money. I remember years ago when we raised the amount for the Small Business Administration loans, we insisted on language that such money for that fund be in another fund because it had been used for conventional loans. We had disasters in Alaska and, I believe, in Louisiana and Texas, and I think in Oklahoma and Nebraska and some of

those places. It seems that sufficient money was not available.

Last year there was damage from the serious earthquake in California. My understanding is that they are out of money for these loans and many people who suffered damage and are entitled to help, are not now getting it.

Over the weekend we had a very serious situation in South Dakota. I do not know whether we have any disaster money available, but I would certainly hope that the committee which has such matters within its jurisdiction—I do not know whether it is the Public Works Committee or whether it comes under a perpetual authorization, the Appropriations Committee, or what—but I would certainly hope, Mr. Speaker, that there is money in that fund so that these serious disasters can be taken care of. Certainly those people in Rapid City, S. Dak., are entitled to help at this time.

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

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. PATMAN. I will say to the gentleman that I am glad he brought up that question. I know that the disaster in South Dakota should have immediate attention. Under a bill which was sponsored by our committee and was passed by the House, we took the ceiling off disaster loans some time ago, and right now the Appropriations Committee could come in here and ask for a direct appropriation under that law. It has already been taken care of. There is no reason why any other committee should have to meet and authorize such an appropriation. The Appropriations Committee can make the direct appropriation right now.

Furthermore, I will state to the gentleman from California—and I am glad he raised this point because there are other cases that come up and he has always been alert in interrogating members of our committee about the situation because he was disturbed in view of the fact that it affected California in such a devastating way—but now the truth is, I will state to the gentleman from California, that there is about $70 million right now with the SBA, that the SBA has, and that they can use right now for the disaster in South Dakota. They do not have to wait for the Appropriations Committee to use that much. But, obviously, more money than that will be needed, and we might just as well make arrangements to present an appropriation bill to the House and pass it quickly. It can be done today. It could be done in 30 minutes if the Appropriations Committee wanted to do it.

So our committee has not been unaware of this situation, and we have certainly taken care of it.

Mr. SMITH of California. Mr. Speaker, I want the gentleman to know that I was not criticizing his committee. I also want it perfectly clear that I am not in any way criticizing Mr. Kleppe, the Administrator of the SBA, because I think he has been the best Administrator we have had in many years.

Mr. PATMAN. I share the gentleman's views.

Mr. SMITH of California. I called this to your attention in the Rules Committee hearing, at which time the information so knowledgeably given to me here today was not in the gentleman's possession.

I am happy the gentleman from Texas has brought it to our attention today. I hope we will get money for these disasters. The people need help. I urge adoption of the rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12846, ARMED FORCES DRUG TREATMENT PROGRAM

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 995 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 995

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the armed forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

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

Mr. Speaker, House Resolution 995 provides an open rule with 1 hour of general debate for consideration of H.R. 12846, the purpose of which is to authorize a program of treatment and rehabilitation for drug dependents in the armed services, including the Coast Guard.

Each member of the armed services on active duty would be required to take an examination to determine drug dependency. Treatment and rehabilitation would be required up to 30 days after expiration of service and services therefor would be provided.

Pay would not be forfeited for the period of undergoing treatment and persons being treated would not be counted toward service ceiling personnel strength if they are retained on active duty beyond the end of their term of service or date of separation for the purpose of receiving treatment.

Members of the armed services would be exempt from disciplinary action or other than honorable discharge solely on the basis of drug addiction.

The estimated cost of the program, which is included in the overall defense program, is, for fiscal year 1972, $67.4 million; for fiscal year 1973 through fiscal year 1976, it is $90.5 million each year.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 12846 may be considered.

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

Mr. Speaker, as the gentleman from Indiana has explained, House Resolution 995 provides for an open rule and 1 hour of debate on H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces, and for other purposes.

The gentleman from Indiana has adequately explained the bill. It came out of the Armed Services Committee unanimously and cleared the Rules Committee unanimously.

Mr. Speaker, I support the rule and reserve the balance of my time.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. CEDERBERG. 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 303, nays 0, not voting 129, as follows:

[Roll No. 196]

YEAS—303

Abourezk	Camp	Evans, Colo.
Adams	Carlson	Evins, Tenn.
Addabbo	Carney	Fascell
Anderson, Calif.	Carter	Findley
	Cederberg	Fisher
Anderson, Ill.	Clancy	Flood
Andrews, Ala.	Clausen, Don H.	Foley
Arends	Cleveland	Ford, Gerald R.
Ashbrook	Colmer	Ford, William D.
Ashley	Conable	Forsythe
Aspin	Conover	Fountain
Aspinall	Conte	Frelinghuysen
Baker	Corman	Frenzel
Baring	Cotter	Fulton
Barrett	Coughlin	Fuqua
Begich	Culver	Galifianakis
Belcher	Curlin	Garmatz
Bennett	Daniel, Va.	Gaydos
Bergland	Danielson	Giaimo
Betts	Davis, Ga.	Gibbons
Bevill	Davis, Wis.	Gonzalez
Biaggi	de la Garza	Goodling
Biester	Dellenback	Grasso
Boggs	Dellums	Gray
Boland	Denholm	Green, Oreg.
Bow	Dennis	Green, Pa.
Brademas	Dent	Griffin
Bray	Derwinski	Griffiths
Brinkley	Devine	Gross
Brooks	Dickinson	Grover
Broomfield	Donohue	Gubser
Brotzman	Dorn	Gude
Brown, Mich.	Dow	Hagan
Brown, Ohio	Downing	Haley
Broyhill, Va.	Drinan	Hall
Buchanan	Dulski	Hamilton
Burke, Fla.	Duncan	Hammer-schmidt
Burke, Mass.	du Pont	Hanley
Burlison, Mo.	Edwards, Ala.	Hansen, Idaho
Burton	Edwards, Calif.	Hansen, Wash.
Byrne, Pa.	Eilberg	Harrington
Byrnes, Wis.	Erlenborn	Harvey
Byron	Esch	
Cabell		

Hastings	Miller, Ohio	Schwengel
Hathaway	Mills, Ark.	Scott
Hawkins	Mills, Md.	Sebelius
Hays	Minish	Seiberling
Hébert	Mink	Shipley
Hechler, W. Va.	Mitchell	Shoup
Heinz	Mizell	Shriver
Henderson	Mollohan	Sikes
Hicks, Mass.	Montgomery	Sisk
Hicks, Wash.	Morgan	Skubitz
Hogan	Mosher	Slack
Holifield	Moss	Smith, Calif.
Horton	Murphy, Ill.	Smith, Iowa
Hull	Murphy, N.Y.	Smith, N.Y.
Hungate	Myers	Snyder
Hunt	Natcher	Spence
Ichord	Nedzi	Stanton,
Jacobs	Nichols	J. William
Jarman	Nix	Steed
Johnson, Calif.	Obey	Steele
Johnson, Pa.	O'Konski	Stephens
Jonas	O'Neill	Stubblefield
Jones, Ala.	Patman	Sullivan
Jones, N.C.	Patten	Symington
Karth	Pelly	Talcott
Kastenmeier	Pettis	Taylor
Kazen	Peyser	Teague, Calif.
Kee	Pike	Teague, Tex.
Keith	Pirnie	Terry
Kemp	Poage	Thomson, Wis.
King	Poff	Thone
Koch	Preyer, N.C.	Tiernan
Kuykendall	Price, Ill.	Udall
Kyl	Quie	Ullman
Landgrebe	Railsback	Van Deerlin
Landrum	Randall	Vanik
Latta	Rees	Veysey
Leggett	Reuss	Vigorito
Lennon	Roberts	Waggonner
Lent	Rodino	Waldie
Link	Roe	Wampler
Lloyd	Rogers	Ware
Long, Md.	Roncalio	White
Lujan	Rooney, Pa.	Whitehurst
McClure	Rosenthal	Widnall
McCollister	Rostenkowski	Wiggins
McCulloch	Roush	Williams
McFall	Rousselot	Winn
McKay	Roy	Wolff
Madden	Roybal	Wyatt
Mahon	Ruppe	Wydler
Mann	Ryan	Wylie
Martin	Sandman	Wyman
Mathias, Calif.	Sarbanes	Yates
Matsunaga	Satterfield	Yatron
Mazzoli	Saylor	Zablocki
Meeds	Scherle	Zion
Metcalfe	Schmitz	Zwach
Mikva	Schneebeli	

NAYS—0

NOT VOTING—129

Abbitt	Diggs	McMillan
Abernethy	Dingell	Macdonald,
Abzug	Dowdy	Mass.
Alexander	Dwyer	Mailliard
Anderson,	Eckhardt	Mallary
Tenn.	Edmondson	Mathis, Ga.
Andrews,	Eshleman	Mayne
N. Dak.	Fish	Melcher
Annunzio	Flowers	Michel
Archer	Flynt	Miller, Calif.
Badillo	Fraser	Minshall
Bell	Frey	Monagan
Bingham	Gallagher	Moorhead
Blackburn	Gettys	Nelsen
Blanton	Goldwater	O'Hara
Blatnik	Halpern	Passman
Bolling	Hanna	Pepper
Brasco	Harsha	Perkins
Broyhill, N.C.	Heckler, Mass.	Pickle
Burleson, Tex.	Helstoski	Podell
Caffery	Hillis	Powell
Carey, N.Y.	Hosmer	Price, Tex.
Casey, Tex.	Howard	Pryor, Ark.
Celler	Hutchinson	Pucinski
Chamberlain	Jones, Tenn.	Purcell
Chappell	Keating	Quillen
Chisholm	Kluczynski	Rangel
Clark	Kyros	Rarick
Clawson, Del	Long, La.	Reid
Clay	McClory	Rhodes
Collier	McCloskey	Riegle
Collins, Ill.	McCormack	Robinson, Va.
Collins, Tex.	McDade	Robison, N.Y.
Conyers	McDonald,	Rooney, N.Y.
Crane	Mich.	Runnels
Daniels, N.J.	McEwen	Ruth
Davis, S.C.	McKevitt	St Germain
Delaney	McKinney	Scheuer
Springer	Stratton	Whitten
Staggers	Stuckey	Wilson, Bob
Stanton,	Thompson, Ga.	Wilson,
James V.	Thompson, N.J.	Charles H.
Steiger, Ariz.	Vander Jagt	Wright
Steiger, Wis.	Whalen	Young, Fla.
Stokes	Whalley	Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Macdonald of Massachusetts with Mrs. Heckler of Massachusetts.
Mr. Kluczynski with Mr. Crane.
Mr. Pepper with Mr. Young of Florida.
Mr. Rooney of New York with Mr. Fish.
Mr. Edmondson with Mr. Steiger of Arizona.
Mr. Clark with Mr. Eshleman.
Mr. Caffery with Mr. Ruth.
Mr. Hanna with Mr. Del Clawson.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Young of Texas with Mr. Price of Texas.
Mrs. Chisholm with Mr. Fraser.
Mr. Scheuer with Mr. Stokes.
Mr. Pucinski with Mr. Diggs.
Mr. Staggers with Mr. Mallary.
Mr. Wright with Mr. Springer.
Mr. Annunzio with Mr. Collier.
Mr. Collins of Illinois with Mr. Badillo.
Mr. Delaney with Mr. Rhodes.
Mr. Flowers with Mr. Thompson of Georgia.
Mr. Podell with Mr. Halpern.
Mr. Reid with Mr. Whalen.
Mr. Monagan with Mr. McKinney.
Mr. Melcher with Mr. Bell.
Mr. Howard with Mr. Chamberlain.
Mr. Celler with Mr. McEwen.
Mr. Conyers with Mrs. Abzug.
Mr. Helstoski with Mr. Clay.
Mr. Rangel with Mr. Eckhardt.
Mr. McCormack with Mr. Hutchinson.
Mr. O'Hara with Mr. Harsha.
Mr. St Germain with Mr. Steiger of Wisconsin.
Mr. Dingell with Mr. Riegle.
Mr. Chappell with Mr. Frey.
Mr. Burleson of Texas with Mr. Collins of Texas.
Mr. Brasco with Mr. Robison of New York.
Mr. Stratton with Mr. McCloskey.
Mr. Blanton with Mr. Andrews of North Dakota.
Mr. Whitten with Mr. Goldwater.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Runnels with Mr. Vander Jagt.
Mr. Jones of Tennessee with Mr. Quillen.
Mr. Miller of California with Mr. Mailliard.
Mr. Moorhead with Mr. McDade.
Mr. Passman with Mr. Blackburn.
Mr. Pickle with Mr. Archer.
Mr. Perkins with Mr. Minshall.
Mr. Gettys with Mr. Broyhill of North Carolina.
Mr. James V. Stanton with Mr. Hosmer.
Mr. Stuckey with Mr. Michel.
Mr. McMillan with Mr. Robinson of Virginia.
Mr. Bingham with Mr. McClory.
Mr. Anderson of Tennessee with Mr. Keating.
Mr. Carey of New York with Mr. McKevitt.
Mr. Long of Louisiana with Mr. Hillis.
Mr. Blatnik with Mr. McDonald of Michigan.
Mr. Mathis of Georgia with Mr. Mayne.
Mr. Pryor of Arkansas with Mr. Nelsen.
Mr. Casey of Texas with Mr. Powell.
Mr. Rarick with Mr. Whalley.
Mr. Abbitt with Mr. Flynt.
Mr. Abernethy with Mr. Davis of South Carolina.
Mr. Daniels of New Jersey with Mr. Kyros.
Mr. Purcell with Mr. Gallagher.
Mr. Alexander with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10792, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

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

Mr. Chairman, before going into the merits of H.R. 10792, let us make it clear that this bill does not provide nor appropriate any funds for the Small Business Administration. It merely allows the agency to spend funds that are obtained through the appropriation process or through the loan repayments.

Mention was made this morning about the terrible devastation that occurred in Rapid City, S. Dak. That certainly is a major tragedy. We are all in sympathy with those who have suffered so much, and I know the Congress will stand ready and willing to help in any way we can do so.

It happens we have already passed a bill taking the ceiling off the disaster loans. Therefore, there is no necessity to come before the Banking Committee and ask for an authorization of funds in order that the Appropriations Committee may appropriate funds. As it is now, the Appropriations Committee can come to the House and ask for a certain amount to be set aside and appropriated immediately for this disaster, and if the House appropriates that, and it goes to the Senate, and the Senate appropriates it, and it goes to the President, and he signs it, the money is immediately available and can be used for that purpose.

In addition to taking off the lid on the ceiling for disaster loans—and taking off the lid does not apply to anything else except disaster loans—the Small Business Administration has about $70 million now that could be made immediately available to use to help the people who have suffered from disasters. So the situation at hand is in good condition, but

we will have to have more money, and I am sure those who are close to the disaster and looking at the interests of the people there will bring in proposals that will enable the Congress to work its will and make plenty of money available for this disaster.

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

Mr. PATMAN. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I missed the first part of the gentleman's talk, but did the gentleman say there was $70 million available for disaster loans?

Mr. PATMAN. Yes, it is available now.

Mr. ABOUREZK. They were found over the weekend?

Mr. PATMAN. They are in the funds the agency has. This money, in view of the fact that there is no ceiling limitation on this money, can be used for that purpose.

Mr. ABOUREZK. I see. Has the SBA notified the chairman?

Mr. PATMAN. I have not been in contact with the Administrator, Mr. Kleppe—from North Dakota, incidentally—but I have been in touch with the people who have to do with this in the agency, and I am informed they have at least $70 million, approximately, immediately available and they could start right now to use the funds.

Mr. ABOUREZK. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, at the present time the Small Business Administration can have outstanding in all of its loan programs, except disaster loans which are not subject to ceiling, $3.1 billion. It is estimated that by the end of this month SBA will reach that figure. Therefore, your committee has increased the amount to $4.3 billion, an increase sufficient to carry the agency through the end of the next fiscal year. In addition to an overall ceiling on SBA loans, there are subceilings which limit the amount of funds that can be outstanding in specific loan categories. This H.R. 10792 would increase from $450 million to $500 million the amount of loans that can be outstanding in the Small Business Investment Co. program and from $300 million to $350 million loans that can be outstanding in the Economic Opportunity loan program. It also raises the maxmium amount of each Economic Opportunity loan from $25,000 to $50,000.

SBA had asked the committee to provide for a 2-year ceiling extension. But your committee felt that it would be better to limit the increases to 1 year so that Congress would have an opportunity to take a look at the programs again next year.

HISTORY OF SBA CEILING INCREASES

When the Small Business Administration was formed in the early 1950's, it had separate loan ceilings for each category of loans without an overall ceiling. In 1965 an overall ceiling was set, including disaster loans. In May of 1966 legislation was enacted—Public Law 89-409—that set up two separate revolving funds—one for disaster loans and one for all other SBA loans. There is no limitation on the amount of funds that may be outstanding in the disaster loan pool. Since the enactment of that legislation, the following shows the increases granted to the business loan and investment fund ceiling:

May 1966—Fund started at $1.4 billion.

October 1967—Fund increased from $1.4 billion to $1.9 billion.

December 1970—Fund increased from $1.9 billion to $2.2 billion.

May 1971—Fund increased from $2.2 billion to $3.1 billion.

June 1971—Legislation to increase from $3.1 billion to $4.3 billion.

In H.R. 10792 as originally introduced, there was a provision that would have increased the ceiling on State and local development company loans from $500 million to $700 million. This increase would have been for a 2-year period. SBA officials informed the committee that the $500 million ceiling would be adequate through the end of the next fiscal year and, therefore, the present bill does not contain any provision for increasing State and local development company loan ceilings.

Your committee also considered a proposal that would have raised from $350,000 to $500,000 the highest amount of an individual regular business loan that could be made. Administrator Kleppe rejected such a proposal and in answer to a question posed by a member of the subcommittee Mr. Kleppe said in regard to the increase:

I have a hard time believing that anybody who is in business that can borrow over $350,000 is really in small business.

He added later that:

If such a provision were in the bill, I would just say to you that as long as I'm down there, if this provision is included I probably would be prone to institute administrative measures to closely scrutinize loans that run that high.

Mr. Kleppe did support the increase in the economic opportunity loan ceiling from $25,000 to $50,000. He said:

I see more merit in raising that from $25,000 to $50,000 because we have had experience with EOL applicants for whom $25,000 was an injustice because it might undercapitalize them, whereas another $10,000 or $15,000 might have given them a better chance.

Let me take just a moment to discuss the reason why this provision is in the bill and might be subject to a point of order. Even though the economic opportunity loans were established under the Economic Opportunity Act, the distribution, regulation, and supervision of these loans falls within the Small Business Administration. Since the Banking and Currency Committee has legislative jurisdiction and oversight over the Small Business Administration, it is extremely fitting and proper that the Banking and Currency Committee should consider legislation affecting economic opportunity loans, especially when we are also raising the maximum ceiling on loans that can be outstanding under the economic opportunity loan program.

Before concluding, let me turn to the subject of disaster loans, which has come in for a great deal of attention lately, particularly in the State of California. It is my understanding that there are a number of people in California who have applied for disaster loans as a result of the tragic earthquake but who have not been able to obtain these loans.

As I pointed out earlier, in 1966 legislation was enacted that removed the ceiling on the amount of loans that could be outstanding in the disaster loan program. That means that the agency is not restricted except by appropriation in the amount of money that it can spend on disaster loans. In fact, last year the agency made more than 96,000 disaster loans totaling more than $384 million.

One of the problems in connection with disaster loans is that the agency cannot adequately forecast its needs for such funds. For instance, while it made more than 96,000 disaster loans in 1971, it made only some 31,000 in 1970, or less than one-third as many as last year. In the event that the agency runs out of disaster funds, the agency should apply for a supplemental appropriation to handle the situation. It is my understanding that there has been one supplemental appropriation granted for the California disaster but that, when these funds ran out, no additional supplemental appropriation has been requested by the Administration.

What all this means is that nothing can be done in this legislation today to provide money for disaster victims in California or, for that matter, in any other area. If there is a need for further disaster funds, the Administration should request a supplemental appropriation. One final note on the disaster loan program—much has been said about the $2,500 forgiveness feature in the disaster loan program. There have been many charges made that some disaster victims had borrowed money for repair or replacement of property that was not damaged in the disaster and then used the $2,500 forgiveness feature to avoid paying back the loan.

I want to make it clear that the forgiveness feature was not placed in the law by the Banking and Currency Committee. However, when Administrator Kleppe appeared before the committee last month, he recommended that that section of the law, which comes under the jurisdiction of another committee, should be repealed.

In closing, let me remind Members that unless we enact this legislation immediately, there is every indication that at the end of this month the Small Business Administration will have to cease its lending and guaranteeing activities, which means that the immediate future of thousands of small businessmen across America is in the hands of this body today.

SMALL BUSINESS ADMINISTRATION LOAN AND GUARANTY ACTIVITY FOR 1970-71

Program	Total loan approvals 1971 Number	1971 Amount (thousands)	1970 Number	1970 Amount (thousands)
Business (7a):				
Direct	686	$25,617	36	$3,688
Participation	1,233	71,926	1,898	103,860
Guaranty	14,321	988,796	8,630	580,535
Total	16,240	1,085,338	10,564	688,083
Economic opportunity:				
Direct	5,159	66,136	4,266	56,749
Participation	50	755	92	1,521
Guaranty	1,869	27,340	1,699	24,194
Total	7,078	94,231	6,057	82,464
Displaced business:				
Direct	310	$34,631	321	$33,091
Participation	68	9,767	45	4,672
Guaranty	4	71	2	25
Total	382	44,470	368	37,788
Local Development Co.:				
Direct	378	36,000	297	33,737
Participation	66	8,401	20	3,850
Guaranty	142	22,629	119	18,438
Total	586	67,029	436	56,024
Total	24,286	1,291,068	17,425	864,358
Disaster	96,072	384,418	31,754	220,497
Total, all loans	120,358	1,675,486	49,179	1,084,855

Note: Total loan portfolio at Dec. 31, 1970: 126,073—$2,464,000,000. Total loan portfolio at Dec. 31, 1971: 210,292—$2,787,000,000. Source: SBA Annual Report 1971.

COMPARISON OF H.R. 10792, S. 3166 (AS PASSED BY THE SENATE) AND BILL AS RECOMMENDED BY COMMITTEE

	Present ceiling	H.R. 10792 as introduced	Senate-passed version	Bill as recommended by committee
Overall ceiling (all programs except disaster loans)	$3,100,000,000	$5,800,000,000	$4,100,000,000	$4,300,000,000.
SBIC's	450,000,000	650,000,000	$500,000,000	$500,000,000.
State and local development companies	500,000,000	700,000,000	No increase (estimate that present ceiling is adequate for one additional year).	No increase.
Economic opportunity loans	300,000,000	450,000,000	$350,000,000	$350,000,000.
7(a) Regular business loans	[1] 350,000	[2]	Increase to $500,000 per loan	[2].
Economic opportunity loans	[1] 25,000	[2]	Increase to $50,000 per loan	Increase to $50,000 per loan.

[1] Per loan. [2] No provision.

And, may I state, before I conclude, that this bill was referred to the Subcommittee on Small Business of the Committee on Banking and Currency of which Mr. ROBERT STEPHENS of Georgia is chairman. He held hearings and did a good job in reporting this bill and I commend him for the fine work he has done.

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

Mr. PATMAN. Mr. Chairman, I yield myself 1 additional minute.

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

Mr. PATMAN. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. In connection with the raising of the limit on equal opportunity loans, did the committee have hearings on that provision of the bill?

Mr. PATMAN. Yes. The testimony included that. We have had hearings on small business matters on numerous occasions.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, what information was developed with respect to the default rate on these loans?

Mr. PATMAN. Well, the default rate on some of the loans is rather high. However, that is understandable. The default rate on the normal, ordinary loans is very low—about 2 percent, but, generally, it is satisfactory.

Mr. GROSS. Well, it is much higher than that, is it not, on a total basis?

Mr. PATMAN. Yes. On special-type loans it is as high as 20 percent, but no one is complaining about it because it has helped the small businessmen, it has helped their communities and helped small businessmen to stay in business.

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

Mr. PATMAN. Mr. Chairman, I yield myself 3 additional minutes.

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

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, all of us are familiar with our American heritage of the courageous, westward-moving pioneers that built this country from the Atlantic to the Pacific and made it great. Following on the heels of these brave settlers was a different kind of pioneer, the ancestor of today's small businessman. The trading posts and cabins of America's first small entrepreneurs developed into the commercial centers of this Nation.

Today, there are 8 million small businesses in the United States. They provide jobs for 35 million Americans, 44 percent of our total work force. Last year they produced $385 billion in goods and services, 37 percent of our gross national product.

Currently we are considering legislation, H.R. 10792, that would increase the amount of financing to small firms that the U.S. Small Business Administration may have outstanding at any one time. Since its inception in 1953, this dynamic Agency has worked diligently as the main advocate of small business in the halls of Government. To small firms, SBA has provided well-deserved assistance in six major areas: financial, procurement, investment, management, minority enterprise, and disaster recovery.

Each of us knows many small businessmen in our districts. We are aware of the vitality they continually inject into our local economies. I'm sure that many of us started our own careers as small businessmen.

In recent years, America's small businessman has been faced with increasing pressures and problems. A tax system that favors large concerns, costs, competition, and the growing number of safety and environmental laws are discouraging him and compounding his troubles. When you consider the constant difficulty of obtaining adequate financing, you should understand why I believe passage of H.R. 10792 is critical to the future of our national economy.

SBA is small business' main funding source in the public sector. In 1971 alone, this small Agency stimulated $1.3 billion in loans to small firms. This was largely done through SBA's loan guaranty program. The Agency has achieved a significant increase in its lending programs, but it is approaching its congressionally designated limit of simultaneous outstanding obligations.

Immediate affirmation of H.R. 10792 will insure the continuation of SBA's lending achievements. More importantly, our constituent small businessmen will be able to obtain the financing they need for growth and expansion.

Free enterprise built the United States and made it a strong and wealthy nation. Small business was the genesis and is now the essence of American free enterprise.

I strongly urge my colleagues to join me in prompt enactment of H.R. 10792.

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

Mr. Chairman, the bill brought to the House today by the Committee on Banking and Currency is one which I sponsored along with Chairman PATMAN, Mr. STEPHENS, chairman of the Subcommittee on Small Business, and Mr. J. WILLIAM STANTON, the ranking minority member of that subcommittee.

The bill received full and complete consideration, and I feel that the version reported to the House reflects the wisdom of the members of the full committee as well as those of the subcommittee. With regard to the specific provisions of the reported bill, I would commend to my colleagues the committee report. I do not wish to belabor the point, but I would like to review briefly the significance of each of the four increases in SBA's authority which would be effected by this legislation.

The SBA's overall ceiling on outstanding commitments, including direct, immediate participation, and guaranteed loans is presently fixed at $3.1 billion. Administrator Kleppe estimates that this inclusive limit will be reached by the end of this month, based upon recent experience in SBA activities. The proposed increase to $4.3 billion is designed to carry the SBA for approximately 1 year, that is, to the end of fiscal 1973.

Within that overall ceiling, two subceilings would be raised by the bill as reported by the committee. Small Business Investment Company outstanding loans would be allowed to increase from $450 million to $500 million, an amount calculated to provide enough authority for one additional year's operations. I would point out that no increases are proposed in ceilings on State and local development company loans, as SBA operations do not indicate such a need during the next year.

Economic opportunity loans would be allowed to increase from $300 million to $350 million in the aggregate, also providing 1 year's additional loans, given present conditions. Within this sub-ceiling, the limit on individual loans would be increased from $25,000 to $50,000. This last modification is particularly necessary, according to Mr. Kleppe, in order to meet the practical needs of small businessmen trying to get started under the economic opportunity loan program.

Essentially, there is no question as to the amounts involved—the increases proposed in H.R. 10792 would allow the Small Business Administration to continue its assistance to the small business community for 1 more year. Last year, the SBA was responsible for lending $1.3 billion to small businessmen throughout the country, primarily through the Agency's bank guaranty loan program. This constitutes one of the major sources of financing for the small businessman.

According to SBA statistics, there are over 8 million small businesses in the country today, and these firms provide over 35 million jobs. In fact, 44 percent of the Nation's workforce is employed by small businesses. Small businesses provide some $385 billion worth of goods and services annually and contribute 37 percent of our gross national product.

At the same time, the small business community is in a vulnerable position today. Overhead, taxes, environmental concerns, and Federal regulations are all increasing, making it more difficult for small businesses to survive. SBA through its financing programs is attempting to see that inadequate financing does not add to these burdens.

The provisions of this bill will help insure the continued contribution of small business to the Nation's economy. Administrator Kleppe and the SBA have proven that SBA lending programs can provide small businesses with adequate financing. The interest in the program and the significant participation by the private sector prove that there is a greater need than ever for the expansion of this program.

The record of testimony before the subcommittee by Administrator Kleppe, as well as representatives of small business and SBIC associations, shows that all levels within the small business community are prepared to work in concert to continue the successes of these SBA programs.

Again, I would note that there is substantial agreement within the committee, as the favorable vote on final passage of 21 to 1 indicates.

I can recommend H.R. 10792 for your favorable consideration without reservation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, as the chairman of the Small Business Subcommittee of the House Banking and Currency Committee, I would like to take a few minutes to discuss the provisions of H.R. 10792, a bill which I strongly support.

As Chairman PATMAN has pointed out, this bill does not appropriate any additional funds for the Small Business Administration but merely complies with the technical aspect of the law which places certain restrictions on SBA lending programs.

The Small Business Act provides that all loan programs administered by the Agency other than the disaster loan program shall be subject to certain ceilings—that is, that the Agency may only have a certain dollar amount of loans outstanding at any one time. When that ceiling is reached, the Agency must discontinue its lending or guaranteeing operations until the ceiling is either raised or there are sufficient repayments in a revolving fund to reduce the amount of outstanding loans.

Members of the House will recall that last year, because of an unexpected loan demand, we were forced to raise the ceiling on an emergency basis from $2.2 billion to $3.1 billion. At that time the committee instructed the Small Business Administration to let the committee know well in advance when it expected to reach its new ceiling and to submit appropriate legislation. H.R. 10792 as introduced by Chairman PATMAN and me, Mr. WIDNALL, and Mr. J. WILLIAM STANTON, would have increased the present ceiling from $3.1 billion to $5.8 billion. This would have provided the Agency with enough lending and guaranteeing authority to operate through the end of fiscal year 1974. In addition to its overall lending ceiling, SBA also has various subceilings which are placed on individual programs. H.R. 10792 as introduced would have raised the ceiling on Small Business Investment Co. loans that could be outstanding from $450 million to $650 million. The State and local development company loan ceiling would have been increased from $500 million to $700 million, and economic opportunity loan ceiling would have been increased from $300 million to $450 million. It should be pointed out that all of these increases represent enough leeway to allow the agency to operate for a 2-year period.

However, after listening to the witnesses, the subcommittee felt that a 1-year increase in the SBA ceilings would be adequate for the agency and would provide the committee with a chance to review the ceilings once again next year, thus providing an automatic oversight function. In addition, the 1-year increases come closest to duplicating the legislation that has already been passed in the other body and thus may forestall the possibility of going to conference. I must point out at this point that we do have only a very short time before the ceiling authorization expires, and that is why we are taking this bill up today. With the 1-year figure in mind, the full committee increased the overall ceiling from $3.1 billion to $4.3 billion. It raised the SBIC ceiling from $450 million to $500 million and the economic opportunity loan ceiling from $300 million to $350 million. It did not increase the ceiling on State and local development company loans since the present limitation is estimated to be adequate enough to provide for 1 additional year.

In addition, the committee increased from $25,000 to $50,000 the maximum amount of an individual loan or guarantee that can be made under an economic opportunity loan. The committee feels, as does Administrator Kleppe, that the $50,000 figure is more realistic than the present limitation. The committee also considered but rejected without a vote a proposal to increase the maximum amount of assistance to a small businessman from $350,000 to $500,000. Since SBA by administrative decision has limited the amount of a direct loan that it will make to $100,000 and most small businessmen find it difficult to find outside money in amounts as great as $350,000 to which SBA could apply a guarantee, the committee did not feel that there was any need at this time to increase the maximum loan limit to $500,000. This was the same view expressed by Administrator Kleppe and by many of the witnesses before the subcommittee.

I feel that we ought to approve this legislation, and I hope that we will do so shortly.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in strong support of H.R. 10792. This legislation has had considerable hearings not only before our full committee but before our subcommittee. In that regard I certainly want to pay my respects and compliments to the chairman of the subcommittee, the gentleman from Georgia (Mr. STEPHENS) who first brought this to the attention of the subcommittee, and thank publicly

for the adequate and full hearings we have had on this legislation.

Mr. Chairman, this legislation, as the previous speakers have said, is really vital to the continuing operation of the Small Business Administration. It assures their operation through fiscal year 1973. It faces up to the growing needs of the small businessmen in our country.

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

Mr. J. WILLIAM STANTON. I am happy to yield to the gentleman from Georgia, the chairman of the subcommittee.

Mr. STEPHENS. I thank the gentleman for his kind words. I do wish to point out to the House that this bill has come out in accord with the views of Mr. J. WILLIAM STANTON, who is the ranking minority member of the subcommittee. The fact that we have it in its present form is due to his cooperation and his amendment to the original bill, which is a good amendment.

Mr. J. WILLIAM STANTON. I thank the gentleman.

Mr. Chairman, we have before us H.R. 10792, which will permit the Small Business Administration further to help the small businessmen of our Nation. The bill is critical to the well-being of America's small business community. I believe it merits our serious consideration and our quick action.

Last year, under the dynamic leadership of Administrator Thomas S. Kleppe, SBA stimulated $1.3 billion in loans to small businesses. The majority of these loans were obtained from banking institutions through the SBA loan guaranty program.

We are all familiar with the difficulties of starting and running a small business in our complex economy. Small businesses are an important element in every one of our districts. They are at the very heart of the American economic system. They account for 95 percent of all businesses in America; they employ 44 percent of the work force; they contribute 37 percent of the gross national product.

However, at this time, the lack of available financing, new legislation for safety and environmental controls, and mounds of paperwork are compounding the generally difficult job the small businessman faces. Even though Administrator Kleppe has been able to obtain significant bank participation, the need for loans to small businesses is so great that SBA is rapidly closing in on the limit imposed by Congress on the obligations SBA may have outstanding to small firms at one time.

Passage of H.R. 10792 is vital in order to enable SBA to continue and improve the job it has done in assisting the small business community. I would emphasize that there is no additional cost involved in this legislation. It truly provides for an investment in the future of our economy.

I urge prompt passage of this bill, to assure the continuation of SBA's valuable activities for the coming year.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I want to express my appreciation to my colleague, the gentleman from Georgia (Mr. STEPHENS), the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency for bringing this fine piece of legislation to the floor.

There are now more than 8 million small businesses in this country. An unprecedented 287,000 new companies were incorporated in the last year alone. Nineteen out of every 20 firms in this country are considered to be small businesses, but their contribution is large indeed. They provide more than 35 million jobs, and generate more than $370 billion of the gross national product.

From the very earliest days of this country it has been small business which has continuously provided us with initiative, innovation, and economic growth. The result has been vast economic strength, and a competitive atmosphere where each individual can reach heights limited only by his own ambition and determination.

The growth of our economy has created the highest standards of living in the history of the world and we see the promise of a future with almost limitless opportunities.

Nineteen years ago the Congress of the United States acted to insure the continued growth and prosperity of our small business community within this country. The Small Business Administration was established to guarantee the future of the free enterprise system which is central to our American ideal of open competition in the marketplace. By helping the small businessman to maintain free competition the Congress knew that they would also be strengthening the overall economy of this Nation.

Most of you here today know that the SBA offers a wide range of services to the small business community, and I am sure that a number of you have actively participated in one or more of the available programs.

In an effort to reach the broadest possible number of independent small businessmen there are very few restrictions on eligibility for participation in the SBA programs. In fact, the only categorical restrictions are gambling or speculative firms, newspapers, and radio and television stations.

Under the economic opportunity loan program the SBA can make it possible for the disadvantaged who have the capability and the desire to own their own businesses to become a part of the economic life of our Nation. Both prospective and established small businessmen may receive assistance under this program. Management assistance is available at any time and financial assistance is offered to a maximum of $25,000 for up to 15 years. H.R. 10792 increases the ceiling of economic opportunity loans to $50,000 so they can be adequately capitalized.

The SBA also helps the small businessman in the acquisition of land, construction, conversion or expansion of buildings, and the purchase of machinery and equipment, through loans to State and local development companies.

In the case of disasters, such as the one in Rapid City, S. Dak., the agency makes loans at low interest available to the victims. One program was established to repair the physical damage, a second is to overcome economic injury. Disaster loans can be made in participation with banks or entirely by the agency, and can be for as long as 30 years. Whenever natural disaster strikes, the SBA moves in quickly to help victims restore or replace their property. The agency makes loans to individuals, business concerns of any size, and to nonprofit organizations so they can repair or replace damaged structures, lost or damaged furnishings business machinery, equipment, and inventory.

Many small businessmen would like to become a supplier to the Government, but are confused by the complexities involved. Generally, bidders' lists of suppliers of items or services are the basis for Government purchases. The only usual exceptions to this method are new or sophisticated products, such as some research and development projects or other special projects.

The small business that wants to sell to the Government should make sure that its name is on all appropriate bidders' lists. Before this can be done, however, the company must know which agencies will normally purchase the product it sells. This is where the SBA can be of great help. The agency maintains lists of prospective military and civilian customers, and there is continual contact between Government procurement agents and the SBA in an effort to find small business suppliers for governmental needs.

Mr. Chairman, it is for all these reasons that I urge my colleagues to vote for H.R. 10792, which continues and increases the SBA loan ceiling at no cost to the taxpayer.

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

Mr. WILLIAMS. I yield to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman for yielding.

The gentleman mentioned gambling loans.

In the form in which it was finally passed, does it make illegal these lotteries that are organized in some of the States now for the purpose of raising money for schools, and other good purposes like that?

Mr. WILLIAMS. Actually, what I said was the only categorical restrictions on the SBA for making loans to anyone are on gambling, speculative firms, et cetera. The lotteries which the gentleman is talking about, presently being conducted by States such as New York, New Jersey, and Pennsylvania, are conducted by the States themselves, which have no loans from the SBA. I cannot imagine the SBA under any condition making a loan to a State.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. I yield further.

Mr. PATMAN. I know that with respect to the Reconstruction Finance Corporation, under the leadership of the Honorable Jesse Jones, they never would permit newspapers or any means of dissemination of knowledge or information to have loans made to them for that purpose, nor would they permit them for

the sale of alcoholic beverages or for gambling. I assume that most of those provisions are in the existing Small Business Administration law.

Mr. WILLIAMS. They are in the existing legislation; that is correct. Newspapers, radio and television stations are definitely covered.

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

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

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

Mr. WILLIAMS. I yield to the gentleman from Georgia.

Mr. STEPHENS. I want to thank the gentleman for his cooperative work on our subcommittee, and to compliment him on the knowledge of the SBA work we are doing. I look forward to working with the gentleman through many years.

Mr. WILLIAMS. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. CURLIN).

Mr. CURLIN. Mr. Chairman, the problems of the 8 million small businesses in America are increasing. Environmental and safety concern, taxes, paperwork, and Government regulations are threatening the existence of many small firms. Add to this the difficulty of the small businessman obtaining adequate financing and you have a picture of the dilemma of small business in America today.

The U.S. Small Business Administration has been able to help. In 1971, SBA assisted small business with a record total of 24,286 loans for $1.3 billion. SBA was able to do this by obtaining greater private sector participation than ever.

The Small Business Administration is to be commended for this outstanding performance. The progress it has made, however, is in danger. SBA is rapidly approaching the limit Congress has set on SBA's outstanding obligations.

We have before us today a bill that would allow SBA to continue the growth of its loan programs to small business concerns.

I urge my colleagues to join me in the speedy enactment of H.R. 10792.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10792 which authorizes an increase in the outstanding loan ceiling of the Small Business Administration. Specifically, the bill raises the present overall loan ceiling from $3.1 billion to $4.3 billion, which is expected to carry the SBA through fiscal 1973. The ceiling on outstanding Small Business Investment Company loans is raised from $450 million to $500 million, and for economic opportunity loans from $300 million to $350 million. In addition, the ceiling on individual loans has been raised from $25,000 to $50,000.

Mr. Chairman, this measure is a rather routine and noncontroversial matter, having been reported from the Banking and Currency Committee by a vote of 21 to 1. It has the support of the Administration, and does not authorize the appropriation of any new funds to the SBA. The Administration's position was presented by our former colleague, now SBA Administrator, Tom Kleppe, whom I think most will agree has been doing an outstanding job with the Small Business Administration.

Mr. Chairman, before I relinquish my time, I wish to call the attention of my colleagues to a related matter which I raised with the chairman of the Banking and Currency Committee (Mr. PATMAN) when he appeared before the Rules Committee on this bill. At that time, I asked the chairman whether any action was contemplated in this session on the Administration's proposed Minority Enterprise Small Business Investment Act of 1972, a bill which would restructure SBA financing of Minority Enterprise Small Business Investment Companies—MESBIC's—so that they can operate on a fiscally sound basis.

You will recall that in 1969, the Office of Minority Business Enterprise—OMBE—joined with the SBA in launching a national network of MESBIC's with SBA licensing and regulation. A MESBIC is a specialized SBIC in that it limits its investment to minority enterprises, is supported by financially sturdy institutional sponsors, and is underwritten in large part by its sponsors. Today there are 47 MESBIC's operating throughout the country with private funds totaling in excess of $14 million. Since every private dollar investment has the potential of freeing $15 for investment in minority enterprises, some $210 million is currently available through this program at relatively low cost to the Government.

Nevertheless, as the President pointed out in his "Minority Enterprise" message to the Congress on March 20 of this year, MESBIC "labors under burdens which endanger further development." The administration's proposed Minority Enterprise Small Business Investment Act is designed to lift those burdens and thereby make further development of MESBIC possible. It would do so by making it possible for a MESBIC to organize as a nonprofit corporation, thus facilitating foundation investments and tax-deductible gifts. The legislation would also reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; it would provide increased equity to MESBIC's in the form of preferred stock to be purchased by SBA in place of part of the debt instrument's purchased by SBA from MESBIC's under current law; and it would lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury during the first 5 years of the loan.

Mr. Chairman, I think this legislation, which would greatly expand minority business opportunities, deserves the serious consideration of this Congress, and I was therefore pleased in the Rules Committee when Chairman PATMAN assured me that hearings on this bill would be held in this session.

Mr. FRENZEL. Mr. Chairman, until the last few years, the impression of the Small Business Administration among small businessmen was dismal. Endless redtape, loan officers with 19th century ideas about lending, and the expectation of the whole process culminating in a negative response was a typical impression. The banking community's attitude was no better, and many loans were flatly turned down rather than bear the agony of SBA loan guarantee procedures and reporting requirements.

Under the direction of Administrator Thomas Kleppe, the opinion is rapidly changing. The SBA has significantly improved its application procedures, and has become friend rather than foe of the small business community. A further indication of the SBA's changing attitude is the recently adopted position as ombudsman for the small businessman when dealing with the Federal Government. Small businesses have desperately needed a Federal agency to provide both the loan funds and the new assistance which the SBA now offers.

I am sure that most of the Members agree as to the worthiness of a loan program to aid the small businessman. Most of us have fielded complaints regarding the procedures, or the decisions of the SBA. But we can also point to several examples of businesses which either started, or were kept alive with SBA assistance, when no other help was available.

The recent accomplishments under Tom Kleppe have been impressive, and I urge the passage of H.R. 10792.

In my judgment the committee erred in extending the loan limit for 1 rather than 2 years. Congressional review of this program is important, but with a constant and predictable rate of growth, a 1-year extension seems unnecessarily short.

Mr. ADDABBO. Mr. Chairman, I want to take this opportunity to heartily endorse and strongly urge the adoption of H.R. 10792.

This is an extremely worthy bill.

The adoption of these amendments to both the Small Business Act and the Economic Opportunity Act of 1964, will, necessarily, increase the authorization ceilings as provided in the funds established in the Treasury to support the Small Business Administration programs which are both valuable and necessary, and, at the same time, increase the loan limits to economic opportunity loans from $25,000 to $50,000.

The provision of section 2 of this bill which increases the amount of loans that may be made to one small business under the economic opportunity loan program, as it is serviced by the Small Business Administration, is both necessary and urgent to provide a viable program.

I strongly favor this action for many valid and vital reasons.

The Banking and Currency Committee of the House of Representatives should be congratulated for the expeditious handling of a bill which will enhance the economy of the small business community of our country. The economy of the small business community is the backbone of the American economy.

The limiting feature of the authorization of only increasing the ceiling estimated to carry the agency through fiscal year 1973, or a 1-year increase in the ceilings, provides Congress for an automatic review of the agency's operations.

This limiting feature will enable this Congress to make certain that the agency is meeting its commitment to the small business community.

As chairman of the Subcommittee on Minority Enterprise Business of the House Committee on Small Business, I am extremely pleased with the amendments in this bill, and, particularly, the amendment to section 402(a) of the Economic Opportunity Act of 1964.

During recent hearings held by my subcommittee, the raising of the loan limit from $25,000 to $50,000 was strongly urged by Government and industry witnesses. The members of the committee in their questioning and colloquy with witnesses strongly urged and endorsed the adoption of an increase to the loan limit on these types of loans. The low figure prior to this amendment proved to be unsatisfactory, insufficient, and uneconomical.

It is because of the vital importance to the small business community and the immeasurable assistance these amendments will offer to the small business arena, that I firmly urge the Members of the House to adopt H.R. 10792.

Mr. ANNUNZIO. Mr. Chairman, I wish to call the attention of my colleagues in the House to a matter of critical importance to the small businessmen of this Nation. It is a matter which I believe deserves our very serious consideration and our action.

We have before us a bill, H.R. 10792, to increase the amount of financing the U.S. Small Business Administration may have outstanding at any one time to small business concerns.

All of us know personally small businessmen and women in our districts and know of the contribution their firms make to the strength and vitality of our local economies.

Nationally there are approximately 8 million small firms and they provide jobs for 35 million Americans, 44 percent of our total work force.

Last year, they produced $385 billion of goods and services, 37 percent of our gross national product.

The pressures of costs, competition, a tax system that favors large firms, a burgeoning of Federal standards and controls for safety and environmental purposes, all are compounding small firms' problems.

Add to this the constant pressure of the lack of availability of adequate financing and you can readily see why I say that the matter of acting on H.R. 10792 is critical.

The SBA is a major source of funding for small concerns and in the last calendar year stimulated $1.3 billion in loans to small firms largely through its loan guaranty program. As a result of the significant increase in SBA lending programs, the SBA is nearing the limit that Congress has imposed on the obligations that the SBA may have outstanding to small firms.

Prompt action on H.R. 10792 will assure that the momentum SBA has achieved in lending activities can continue and small firms in our local communities will be able to obtain the funds needed for growth and expansion which in turn contributes to increased business activity and employment.

I urge that my colleagues join me in prompt enactment of H.R. 10792.

Mr. DELLENBACK. Mr. Chairman, I rise in strong support of H.R. 10792.

The SBA program has proven of great value—both in various specific instances in my congressional district in Oregon and in general throughout the Nation.

The present Administrator of the SBA—our former colleague, Tom Kleppe—is in my opinion both an exceptionally fine and able man and also the best Administrator that this program has had. In his relatively short term in office he has made tremendous strides in improving the administration of this vital productive agency. I hope he will consent to remain in office for a long time.

The increases asked for are reasonable. The bill should be approved, and I urge my colleagues to join me in voting "aye."

Mrs. HECKLER of Massachusetts. Mr. Chairman, in an age of "doing your own thing" as an antidote to assembly lines, institutional anonymity, and the general treadmill, small business ownership best fills the bill.

It is not only doing your own thing with a vengeance, it is also an act of faith in the American free enterprise system and an individual act of courage. Successful establishment and maintenance of a small business may be one of the last frontiers to challenge the average man.

This Nation has been built on small business as the producer of goods and services, jobs and income. It has always been and is now more than ever a way for minority Americans to enter the country's economic mainstream and carve for themselves "a piece of the action."

Small business, Mr. Chairman, is in the national interest.

Therefore, as an advocate of any effort to assist and encourage small business, I strongly support H.R. 10792 which increases the funds that may be made available in small business loans.

By raising the overall loan ceiling and the maximum amount on individual loans, the bill will simply serve to strengthen the ability of this Government to extend help to those courageous and hopeful enough to cross this last frontier.

As a member of the committee, I am proud to urge the passage of this bill.

Mr. J. WILLIAM STANTON. Mr. Chairman, we have no further requests for time.

Mr. PATMAN. Mr. Chairman, we have no further requests for time. I ask that the Clerk read.

The CHAIRMAN. The clerk will read.

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 paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$5,800,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$650,000,000";

(3) by striking out "$500,000,000" and inserting in lieu thereof "$700,000,000"; and

(4) by striking out "$300,000,000" and inserting in lieu thereof "$450,000,000".

COMMITTEE AMENDMENTS

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

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment, page 2, after line 10, insert the following:

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10792) to amend the Small Business Act, pursuant to House Resolution 1010, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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

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

Mr. WIDNALL. 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 320, nays 0, not voting 112, as follows:

[Roll No. 197]

YEAS—320

Abourezk	Aspin	Betts
Adams	Aspinall	Bevill
Addabbo	Baker	Biaggi
Anderson, Calif.	Baring	Biester
	Barrett	Blatnik
Anderson, Ill.	Begich	Boggs
Arends	Belcher	Boland
Ashbrook	Bennett	Bow
Ashley	Bergland	Brademas

Bray	Hamilton	Pike
Brinkley	Hammer-schmidt	Pirnie
Broomfield	Hanley	Poage
Brotzman	Hansen, Idaho	Poff
Brown, Mich.	Hansen, Wash.	Preyer, N.C.
Brown, Ohio	Harrington	Price, Ill.
Broyhill, Va.	Harvey	Purcell
Buchanan	Hastings	Railsback
Burke, Fla.	Hathaway	Randall
Burke, Mass.	Hawkins	Rees
Burlison, Mo.	Hays	Reuss
Burton	Hechler, W. Va.	Rhodes
Byrne, Pa.	Heckler, Mass.	Roberts
Byrnes, Wis.	Heinz	Robinson, Va.
Byron	Henderson	Rodino
Cabell	Hicks, Mass.	Roe
Camp	Hicks, Wash.	Rogers
Carlson	Hogan	Roncalio
Carney	Holifield	Rooney, Pa.
Carter	Horton	Rosenthal
Cederberg	Hull	Rostenkowski
Chamberlain	Hungate	Roush
Clancy	Hunt	Rousselot
Clausen, Don H.	Ichord	Roy
Cleveland	Jacobs	Roybal
Collier	Jarman	Runnels
Colmer	Johnson, Calif.	Ruppe
Conable	Johnson, Pa.	Ruth
Conover	Jonas	Ryan
Conte	Jones, Ala.	Sandman
Corman	Jones, N.C.	Sarbanes
Cotter	Jones, Tenn.	Satterfield
Coughlin	Karth	Saylor
Crane	Kastenmeier	Scherle
Culver	Kazen	Schmitz
Curlin	Kee	Schneebeli
Daniel, Va.	Keith	Schwengel
Danielson	Kemp	Scott
Davis, Ga.	King	Sebelius
Davis, Wis.	Koch	Seiberling
de la Garza	Kuykendall	Shipley
Dellenback	Kyl	Shoup
Dellums	Landgrebe	Shriver
Denholm	Landrum	Sikes
Dennis	Latta	Sisk
Dent	Leggett	Skubitz
Derwinski	Lennon	Slack
Devine	Lent	Smith, Calif.
Dickinson	Link	Smith, Iowa
Donohue	Lloyd	Smith, N.Y.
Dow	Long, Md.	Snyder
Downing	Lujan	Spence
Drinan	McClure	Staggers
Dulski	McCollister	Stanton, J. William
Duncan	McCulloch	Steed
du Pont	McFall	Steele
Edwards, Ala.	McKay	Steiger, Ariz.
Edwards, Calif.	Macdonald, Mass.	Stephens
Eilberg	Madden	Stubblefield
Erlenborn	Mahon	Sullivan
Esch	Mann	Symington
Evans, Colo.	Martin	Talcott
Evins, Tenn.	Mathias, Calif.	Taylor
Fascell	Matsunaga	Teague, Calif.
Findley	Mayne	Teague, Tex.
Fisher	Mazzoli	Terry
Flood	Meeds	Thomson, Wis.
Flowers	Metcalfe	Thone
Foley	Mikva	Tiernan
Ford, Gerald R.	Miller, Ohio	Udall
Ford, William D.	Mills, Ark.	Ullman
Forsythe	Mills, Md.	Van Deerlin
Fountain	Minish	Vander Jagt
Fraser	Mink	Vanik
Frelinghuysen	Mitchell	Veysey
Frenzel	Mizell	Vigorito
Fulton	Mollohan	Waggonner
Fuqua	Montgomery	Waldie
Galifianakis	Morgan	Wampler
Garmatz	Mosher	Ware
Gaydos	Moss	White
Giaimo	Murphy, Ill.	Whitehurst
Gibbons	Murphy, N.Y.	Whitten
Gonzalez	Myers	Widnall
Goodling	Natcher	Wiggins
Grasso	Nedzi	Williams
Gray	Nelsen	Winn
Green, Oreg.	Nichols	Wolff
Green, Pa.	Nix	Wyatt
Griffin	Obey	Wydler
Griffiths	O'Konski	Wylie
Gross	O'Neill	Wyman
Grover	Passman	Yates
Gubser	Patman	Yatron
Gude	Patten	Young, Fla.
Hagan	Pelly	Zablocki
Haley	Pettis	Zion
Hall	Peyser	Zwach

NAYS—0

NOT VOTING—112

Abbitt	Abzug	Anderson, Tenn.
Abernethy	Alexander	Andrews, Ala.
Andrews, N. Dak.	Eshleman	Monagan
Annunzio	Fish	Moorhead
Archer	Flynt	O'Hara
Badillo	Frey	Pepper
Bell	Gallagher	Perkins
Bingham	Gettys	Pickle
Blackburn	Goldwater	Podell
Blanton	Halpern	Powell
Bolling	Hanna	Price, Tex.
Brasco	Harsha	Pryor, Ark.
Brooks	Hébert	Pucinski
Broyhill, N.C.	Helstoski	Quie
Burleson, Tex.	Hillis	Quillen
Caffery	Hosmer	Rangel
Carey, N.Y.	Howard	Rarick
Casey, Tex.	Hutchinson	Reid
Celler	Keating	Riegle
Chappell	Kluczynski	Robison, N.Y.
Chisholm	Kyros	Rooney, N.Y.
Clark	Long, La.	St Germain
Clawson, Del	McClory	Scheuer
Clay	McCloskey	Springer
Collins, Ill.	McCormack	Stanton, James V.
Collins, Tex.	McDade	Steiger, Wis.
Conyers	McDonald, Mich.	Stokes
Daniels, N.J.	McEwen	Stratton
Davis, S.C.	McKevitt	Stuckey
Delaney	McKinney	Thompson, Ga.
Diggs	McMillan	Thompson, N.J.
Dingell	Mailliard	Whalen
Dorn	Mallary	Whalley
Dowdy	Mathis, Ga.	Wilson, Bob
Dwyer	Melcher	Wilson, Charles H.
Eckhardt	Michel	Wright
Edmondson	Miller, Calif.	Young, Tex.
	Minshall	

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. Kluczynski with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Hébert with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Annunzio with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Reid with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Daniels of New Jersey with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Chappell with Mr. Keating.

Mr. Carey of New York with Mr. Harsha.

Mr. Moorhead with Mr. Minshall.

Mr. Stratton with Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Monagan with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. McDade.

Mr. Alexander with Mr. Broyhill of North Carolina.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Kyros with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Dorn with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis of Georgia with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhard with Mr. Stuckey.

Mrs. Andrews of Alabama with Mr. Casey of Texas.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1010, the Committee on Banking and Currency is discharged from the further consideration of the bill (S. 3166) to amend the Small Business Act.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

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

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of the bill S. 3166 and insert in lieu thereof the provisions of H.R. 10792, as passed, as follows:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The motion was agreed to.

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

A similar House bill (H.R. 10792) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to inform the Members of the House that the program for tomorrow will be the appropriation for the Department of the Interior, and on Wednesday, aside from the observance of Flag Day, the appropriation for the Department of Health, Education, and Welfare. That latter bill could go over to Thursday.

ARMED FORCES DRUG TREATMENT PROGRAM

Mr. HAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12846, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. HAGAN) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. HALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. HAGAN).

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

Mr. Chairman, it is a distinct pleasure for me, as chairman of the Special House Armed Services Subcommittee on Drug Abuse in the armed services, to rise in support of H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

On March 21, an act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse was enacted into law.

My colleagues will recall that legislation in its original form as H.R. 12089 and S. 2097.

The measure before you today represents the basic statutory authority requested by the Secretary of Defense and recommended by our committee to form the basis for the overall drug treatment and rehabilitation programs in the military.

Thus, it would clarify and strengthen the authority of the Secretary of Defense and the Secretary of Transportation for the Coast Guard, to implement drug treatment and rehabilitation programs.

In effect, this is the military aspect of the overall national action directed at drug abuse, and therefore it reaches you separately as an amendment to title 10, United States Code.

We have been looking into this serious problem continuously since August of 1970. At that time, a Special Subcommittee on Alleged Drug Abuse in the armed services conducted an extensive probe of the drug problem among our military members and held hearings in the United States and Southeast Asia.

This action was taken in the face of numerous reports that the military drug problem was assuming the same serious proportions as the drug problem in civilian society. The hearings, consisting of some 1,051 pages, were printed and a detailed report was published on April 23, 1971, including some 65 findings, conclusions, and recommendations.

The special subcommittee was reappointed by the chairman on July 27, 1971, to examine legislation designed to augment the service efforts to cope with drug abuse.

The subcommittee opened its hearings with a consideration of H.R. 9503, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

After conducting 12 hearings involving some 26 witnesses, and visits to military installations by individual members, a clean bill was introduced as H.R. 12846, the bill which is before you today.

Mr. Chairman, during the course of our deliberations on that measure, in addition to H.R. 9503, we examined the principal features of some 50 similar bills introduced by some 190 Members of the House of Representatives.

As we all know, the drug abuse problem in the civilian sector, as well as in the military, has caused considerable public debate and many recommended solutions have come from concerned citizens from all levels of society and a variety of political persuasions. Inevitably, the committee was exposed to many of those recommendations.

In our deliberations, including expert guidance and counsel from our member who is a medical doctor, it is our committee's considered judgment that the bill now before you is the proper vehicle for the military attack on drug abuse.

Following are the principal provisions:

The Secretary of Defense may require every member of the Armed Forces on active duty to be examined to determine whether he is drug dependent;

The Armed Forces shall provide treatment and rehabilitation services to members who are determined by the military to be drug dependent and such treatment and rehabilitation services can be provided without his consent;

There is authorization for the Secretary of Defense—or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy—to make agreements with the heads of other agencies to provide such treatment and rehabilitation services, thereby expanding the facilities available to the Armed Forces;

The Secretary of Defense may retain a drug dependent member on active duty without his consent for a period of not more than 30 days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

The purpose of authorizing the retention of such persons for a 30-day period is to insure that the members are detoxified and provided treatment and initial rehabilitation services designed to assist in eliminating their psychic dependency on drugs;

The Secretary of Defense is required to prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily;

A member may not be subject to disciplinary action under the Uniform Code of Military Justice or be discharged under other than honorable conditions solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services. However, such a member shall otherwise remain subject to the laws and regulations governing the conduct of members of the Armed Forces;

The Secretary of Defense in his discretion may provide that time spent in treatment need not be counted as time lost under the provisions of title 10, United States Code. Likewise, the Secretary is authorized to exempt such a member from forfeiture of pay for that lost time; and

Finally, there is a provision which would allow persons on extended service and undergoing drug treatment not to be counted in the computation of military strengths under statutory limitations.

Mr. Chairman, we are encouraged by the progress already made by the services in moving ahead against drug abuse. The beginnings were slow and agonizing and many miscalculations and mistakes were made. It was in this milieu that many far-reaching measures which reflected this condition were introduced into the Congress in an earnest attempt to reverse the process and to aid those troubled with drug problems.

Earlier, there was much misunderstanding in the military about drug abuse and what should be done about it—yes, there was some willingness in the services—and in high places there, to kick the problem under the rug and make believe it did not exist.

I am completely confident those illusions and delusions are well behind us and long gone. But, a large task remains now to help those with the drug dependency problem, and to continue to educate others against becoming involved.

As I mentioned, there are good signs that programs are taking hold. The scientific urine testing program is giving us more reliable figures over a much broader spectrum of our forces. Indeed, recent results of those tests indicate that our original estimate of drug use may have been too high.

But, on the more sober side, we realize also that there is much to be done in caring for those who show continuing positive results and are affected with drug dependency.

A good, fresh start has been made in the service education programs. They are developing cadres of specially trained people to conduct these programs—people who have acquired their skills through inservice training—some at the college level—and some through their own personal exposure to drug abuse.

In that connection, I was pleased to read in the press recently that a West Coast university is giving graduate and undergraduate credit for a drug education course sponsored by Army Headquarters.

Mr. Chairman, I realize this subject

of drug abuse is charged with understandable emotion and has captured the imagination of citizens in all walks of life up and down and across this Nation.

We have attempted to approach this bill with an understanding of those sentiments but also with a consideration of all the practical factors as well.

With the start that the services have made, I respectfully repeat, Mr. Chairman, that this measure is the proper vehicle for us to get on with an enhanced attack on drug abuse in the military.

This bill is essentially what the professionals say they need—from the top military doctor to many of those working with the problem in the individual services.

The House Armed Services Committee reported the bill to this Floor unanimously with only a minor amendment. Thus, we recommend strongly its passage today so the DOD may move forward in its drug program with enhanced vigor at the earliest possible date.

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

Mr. HAGAN. I yield to the gentleman from Texas.

Mr. KAZEN. Is the committee satisfied that under the provisions of the bill the mere fact that a member of the armed services may be addicted to drugs, that he will not be discharged solely for that reason?

Mr. HAGAN. Yes, we are under the amnesty program.

Mr. KAZEN. He may be discharged for peddling or doing whatever other illegal thing he may do with narcotics, and properly so, but I am worried about the man who does turn himself in and says, "Look, I am addicted," or after examination he is found to be addicted, that he might then be either court-martialed or discharged otherwise.

Mr. HAGAN. Not at all. If he turns himself in voluntarily under the amnesty program, he will be taken care of without that fear.

Mr. KAZEN. The committee is satisfied on that point?

Mr. HAGAN. That is correct.

Mr. KAZEN. I thank the gentleman.

Mr. HAGAN. I thank the gentleman from Texas.

Mr. HALL. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from New Jersey (Mr. HUNT), a member of the subcommittee.

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 12846. I am convinced that this measure will do much to enhance the ongoing military programs which have made such a good start in attacking the plague of drug abuse. I only wish it was possible to be as encouraged about our attack on the problem in the civilian communities across this land.

I am particularly impressed with the scientific drug detection program which has been in effect for about a year now.

Our earlier study of the extent of the drug abuse in the military resulted in varied—and often very frustrating—conclusions because the results depended almost solely on the subjective numbers game.

That is, when one goes among the known drug users, some of whom are addicts, and asks questions, he is likely to get answers which may vary from denial of the fact he is taking a drug, which throws statistics off, to a vast overstatement of how many other people are behaving the same way he is.

Indeed, in arriving at our own estimate in January 1971 that upward to 10 percent of the men in Vietnam could be using heroin, we were undoubtedly the victim of exaggerated onsite reports, and our recent observations support that conclusion.

For the first time, commencing in June 1971, a program for scientific testing of urine samples for morphine content was established in Vietnam and provided more reliable figures and more modest appraisals of the degree of drug use in that country. Initially, the only members tested were those rotating to the United States. At the present time, the screening has been enlarged to include also those going on leave, rest and recreation, and those arriving incountry. Also, random, in-house screening was established to reach each member three times during a tour of duty. Most recently, the entire program was commenced worldwide, but on a step-by-step basis as machinery, technicians, and laboratory facilities become available.

In October 1971 approximately 5 percent of the servicemen being sent home from Vietnam showed a positive on the original test. With the two additional tests, the percentage was reduced to 3.7 percent. In January 1972 the latter figure shrunk to 2.3 percent, utilizing better machinery and technicians and a vastly superior processing program to prevent errors.

The figures from March are most impressive. Some 27,500 men returning home were tested and 360, or 1.3 percent were tested clinically positive for drug abuse.

And the totals since June 1971 show that 258,256 men were tested and 7,696, or 3 percent, showed clinically positive for drug abuse. Finally an unannounced test in March among some 30,000 men showed 4.7 percent as testing clinically positive. So, even the surprise tests show a figure remarkably below our earlier estimates which were based solely on questioning people.

I am encouraged by the results and feel strongly that the statutory support this bill supplies will go far to enhance the credibility of every facet of the programs now in effect. I urge your enthusiastic support of this bill.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I rise to join my colleagues in committee in support of H.R. 12846 to authorize by law a treatment and rehabilitation program for drug abuse in the services. I was most impressed with the testimony from those in the medical profession who urged upon us the adoption of the terms of this legislation. So, too, those who have been working with the problem in the military were impressive with their views that the exemption, or so-called amnesty features were a necessary and vital adjunct to the legislation.

The wrongful possession and use of drugs is a violation of law under the Uniform Code of Military Justice. Thus, many of the drug abuse bills considered involved some form of exemption or amnesty from punitive or administrative disciplinary action arising from drug possession and use.

We have seen the development of this type provision through experimentation, optional administrative authority, and now through generally standard procedure throughout the services. In essence, what the subcommittee is recommending for legislative action is a provision for a program exempting a military member from punitive action as the result of drug dependency uncovered through examination or because he volunteered for treatment.

Also, any discharge would be under honorable conditions. As a part of the same package, the bill makes it possible for the member not to lose time or pay as otherwise required by statute when the cause of the lost time is due to drug ingestion.

If the service member is in need of care, the Army has 33 treatment centers across the United States where the patients may be sent. In addition, the Army maintains five treatment centers in Vietnam for those who test positive and have some time to go on their tour of duty incountry.

The Navy and Marine Corps utilize facilities newly designated for the purpose at Miramar, Calif., and Jacksonville, Fla. The Air Force has its multiphase center at Lackland Air Force Base devoted to the treatment and rehabilitation of personnel with drug abuse problems. These facilities interface the handling of all their inservice cases whether they originate in Vietnam, Fort Bragg, Camp Pendleton, or whatever.

The Veterans' Administration told us that the VA working with the Department of Defense can make a significant contribution to the solution of the military drug problem, particularly since the VA claims to have been in the forefront in this highly specialized medical treatment and rehabilitation area.

The VA also informed us that they have been taking care of veterans with a drug abuse problem for years. At the time of the hearings, 32 centers had been opened for drug treatment with an annual capacity of 6,000 patients.

Mr. Chairman, I mention these matters to show that good starts have been made in the military and this bill will give the Department of Defense the statutory lift necessary to strengthen and further promote these programs now in being.

Mr. HALL. Mr. Chairman, I have no further requests for time, except my own, and would prefer that the majority yield time.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. I thank the gentleman.

Mr. Chairman, first I want to compliment the chairman of the committee for the diligence and persistence with which he has followed the nefarious drug conditions in this country.

This committee was created at a time when the use of drugs was on the rise.

Chairman Mendel Rivers, constituted this subcommittee, and it did go to Southeast Asia to study the problem. It was my privilege to join the subcommittee on this study. Later I had the opportunity to study the drug problem in Europe.

It is apparent that the Army, at the time the committee was constituted, did take the bull by the horns, more or less, and developed a program which has succeeded in great measure. In its initial stages the programs carried various names, including the amnesty program.

The committee has looked into the problem of the matter of forcing military personnel to be treated, and to retain them in the military for rehabilitation. It was finally decided it would be wise to develop this treatment in the way the bill provides, a retention for 30 days. I personally would like to have some provision for treatment and control over the military personnel after discharge, but our committee did not have this jurisdiction. We did not have jurisdiction to go beyond the time the man was in the military service. We did everything I feel we could at the time.

I hope the Members of the House will favorably consider and pass this bill. It is a much needed bill. It does give the facility for the military forces to directly approach the problem which I hope is now on the wane.

Thank you very much.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. I thank the gentleman for yielding, I, too, want to compliment the gentleman on the diligent manner in which he has pursued the drug question in the military forces.

I rise also in support of H.R. 12846 for I am sure that this measure will do much to strengthen the ongoing military drug abuse prevention and treatment programs.

Last year I had the privilege of joining with the subcommittee and spending over 2 weeks in Southeast Asia—and particularly in South Vietnam—investigating the drug abuse problem. At that time we were most concerned over the extent of drug abuse in Southeast Asia and returned home with a rather sober report on the task that was ahead of the Department of Defense in coping with this problem.

Again I visited South Vietnam in January of this year and was pleased to note the improvement that had resulted, obviously from the various programs now in effect. I have particular reference to the so-called amnesty program, the scientific drug detection program and particularly the education programs that appear to be effective. This year I left much encouraged and with the distinct impression that drug use was no longer the "in" thing to do. I observed also that soldiers were no longer reluctant to notify authorities when they came upon a drug problem and I learned that many of the investigations were indeed initiated by the men themselves to assist in blotting out illicit drug use in the military.

Mr. Chairman, after 2 years of active participation in committee investigations on this subject, I am convinced that the bill before us today is the most appropriate and effective vehicle for waging a continuing war on the drug problem in the armed services and I urge my colleagues to give this measure their unanimous support.

Mr. HAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, we will now be discussing one of the most important pieces of legislation to come before this body concerning America's servicemen. I refer, of course, to those tens of thousands of youths in our Nation's Armed Forces who have fallen prey to the drug pushers of the world.

The most severe aspect of the problem has been in Vietnam, where a combination of 2½ million rotating troops confronted with fear, anxiety, boredom, and uncertainty, and a supply of every known drug produced by nature and man's chemical genius was readily available in great quantities for a pittance.

And while our most explosive and visible problem has been Vietnam, the disease of drug addiction spread throughout military bases in the United States, through our far-flung outposts spread round the world, and even on our ships at sea.

But the bulk of these men are not the criminal addicts that we knew in the past.

The public has reacted sympathetically to them and the Congress should do likewise.

They deserve enmity from no one.

I speak today on behalf of the 20,000-plus drug abusing servicemen who will be dealt with this year. If we utilize the treatment approach contained in H.R. 12846, we will, I am certain, fall far short of our goal of returning our addicted troops to civilian life able to function normally.

I do not intend to call for the elimination of the bill reported by the Armed Services Committee. I simply ask that we expand through the amendments I will offer, the program promised by its title, "a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces," so that we may, with a higher degree of efficiency, retrieve our drug abusing GI's, sailors, and airmen.

I urge that the members of the committee who worked so diligently on this legislation deny no serviceman the opportunity for regaining his health because of any feelings of pride of authorship.

The shortcomings in our current approach to the military drug problem have been pointed out not only by myself, but the very people who operate the present system.

In brief, H.R. 12846 falls far short on many counts despite many of the things we have learned about military drug addicts over the past 10 months.

They include such concepts as quarantine.

Dr. Jerome Jaffe, the Director of the White House Special Action Office for Drug Abuse Prevention, now admits that addicts must be isolated for a period of time to prevent the spread of addiction and to facilitate their treatment. Quarantine—we now know—must be necessary for certain types of addicts. We cannot allow them to roam freely in the community infecting others, usually young people. The officials of Odyssey House, a major drug treatment facility in New York told me of a case where one Vietnam GI addict initiated 50 teenage boys and girls into the heroin habit. We cannot let these latter day "Typhoid Marys" loose on the streets to spread their infection until we have cured their physical and psychological cravings for the extract of the poppy.

H.R. 12846 will not handle this aspect of the drug problem.

VOLUNTARY VERSUS COMPULSORY TREATMENT

Experts in the field of drug addict rehabilitation agree that the mere offering of drug treatment or the simple referral to treatment of an addict borders on the absurd. The addict is in no condition physically or mentally to carry through on this kind of proposition. There must be an element of coercion or compulsion—at least in the initial phase—of any treatment program. Dr. Jaffe's own figures show that out of the first 4,440 GI's referred to the VA for voluntary treatment in July, August, and September of 1971, only 23 took advantage of it. And while recent figures show larger numbers of addicts going to the VA for help it can be attributed to drug related problems such as hepatitis, to the fact that 15 percent are repeaters and 25 percent were on active duty. And methadone maintenance—giving them more dope—is still the major treatment modality given to veterans.

H.R. 12846 is based on the voluntary treatment concept and its only reference to compulsory treatment is without adequate foundation, explanation, or implementation in the bill. Section (b) of paragraph 1062 of H.R. 12846 reads:

> The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the Armed Forces without his consent.

I feel this is far too great an authority to give to the Secretary without proper delineation by the Congress.

In any event, the thrust of all of the treatment will be conducted by the military, in the military, or in a military setting.

I call to the attention of Members two reports contracted for by the Department of Defense from the Human Resources Research Organization entitled, "Analyses of Selected Drug-Related Topics: Findings From Interviews at Four Armed Service Locations," and "Preliminary Findings From the 1971 DOD Survey of Drug Use." The Department of Defense's own report states of the concept of voluntary treatment for true drug addicts, that hard core drug users were not willing to volunteer for drug treatment or rehabilitation in the service. The report also concluded:

> Men who both used drugs and admitted to a need for help with their drug problem preferred civilian drug counselors/confidants, in constrast to military personnel.

The HUMRRO report concluded that voluntary programs or programs involving military personnel as counselors were contrary to the preferences of those drug users most in need of assistance.

LENGTH OF TREATMENT

As presently in operation, military "in bed" drug treatment programs both in the services—and subsequent to discharge in the VA—are limited in time usually at the 30-day level. This is the most objectionable part of the current treatment of military addicts. The fact that this is only a fraction of the time needed to adequately handle a heroin addict is recognized by everyone even remotely connected with these programs. The recent ruling of the VA reducing hospitalization to a 30-day period has resulted, for example, in the District of Columbia, in a complete demoralization of not only the patients but the treatment staff in the hospital.

The administration bill also calls for a 30-day extension beyond normal service periods to allow for treatment for addiction. And while I am not calling for the deletion of this provision, I point out to members that the Humrro report states:

The DOD has recently requested authority from Congress to extend the length of service of drugs users, either on a voluntary or an involuntary basis, in order to make Veterans' Administration rehabilitation treatment available. If the results of the present study generalize to the population of men with drug problems, a program of voluntary extension seems likely to have only limited success, and the cooperation in rehabilitation of men extended on an involuntary basis could be minimal.

Of those drug using troops interviewed in answer to the question concerning an extension of military service for treatment, 71 percent of the opiate users and 59 percent of the abusers of psychedelic drugs responded negatively to such a proposition.

The administration bill emphasizes the use of VA treatment facilities. Rather than using military connected treatment program, the Humrro report stated:

Men in need of help with a drug problem tended to prefer to talk about their drug problems with civilian instead of service representatives. They were particularly partial to civilian physicians or civilian friends as counselors. There was a significant lack of preference on the part of addicts in the report for talking to military doctors or chaplains.

Of great consequence to the legislation before us, it would take a total revamping of the VA drug program to adequately handle the military addiction problem based on current indications.

As of last week there was a 21 percent backlog of addicted veterans in the outpatient drug program of the Veterans' Administration waiting to enter already full VA hospital beds.

And the number who wait is increasing by the month.

Senior VA planners admit that the VA's drug treatment program cannot accommodate the more than 20,000 servicemen, both active duty and veterans, that they expect to receive this year with "the kind of care we want to provide."

Additionally, because of budgetary considerations, the Veterans' Administration has cut back its drug treatment expansion program by 25 percent.

Let us look at the record of the Veterans' Administration in my own city of New York which contains over half of the addicts, GI or otherwise, in the United States.

I have spent a great deal of time going over the history of efforts to obtain VA treatment for New York's addict veterans. There were the usual horror stories—one deathly sick addict turned up at the addiction services agency on a Friday afternoon last month and the staff made an emergency call to the VA drug facility. They were told the following Tuesday was intake day—bring him in then.

Or the numerous times a judge is forced to put a decorated Vietnam veteran in the Tombs because the VA doesn't accept patients after 4:30 p.m.

But this is just the tip of the iceberg. The real problem lies in the fact that there may be as many as 30 to 40,000 veterans not in treatment in New York City. Yet, in a letter to me dated May 12, 1972, Veteran Program Coordinator Roger Hurley told me the three Veterans' Administration hospitals in New York had in treatment a total of only 444 veterans for addiction as of 2 weeks ago. the VA in New York City offers only methadone maintenance. This is clearly not appropriate for many young veterans who have had a habit of only a short duration. nor is it appropriate for many veterans who desire a drug free program of rehabilitation.

And this situation with the veterans hospitals is not unique to New York City. I have had recent conversations with persons interested in the disintegration of the VA drug program in Washington, D.C., which was supposed to be a model for the Nation. I saw a one-half hour video tape of the veterans in the District of Columbia program who were told in April that a new VA policy limited their inpatient treatment to 30 days. Not only were the patients demolished, the treatment staff reacted vehemently. Some resigned. The patients have since left to fend for themselves. Many are back on drugs.

Perhaps this is in keeping with Dr. Jaffe's public pronouncement to the addiction services agency in New York that veterans would receive absolutely no priority relative to the civilian population in terms of drug treatment.

I personally oppose this position.

They are not criminal addicts.

They are men who served their country—most of them honorably and many with distinction.

Most might not have become addicted were it not for the unique qualities of the Vietnam war.

I think they deserve better than a quick window-dressing treatment of 30 days by people not trained or equipped to handle addicts and/or a discharge into society—cut loose from whatever hold we might have on them—with absolutely no priority.

Mr. Chairman, as I said at the beginning, I do not want to eliminate H.R. 12846, I want to augment it to guarantee a successful solution to the problem of the addicted serviceman.

I propose to offer amendments to accomplish this.

My amendments will provide quarantine where necessary to prevent the infection of thousands of America's youth by servicemen returning home with the disease of drug addiction.

My amendments will provide the mechanism for compulsory treatment where necessary through a system of civil commitment to the type of civilian oriented program that the Defense Department's own research indicates is warranted.

In this context, I refer to a June 8, 1972, letter to me supporting my position from Dr. Judianne Densen-Gerber, the executive director of New York's Odyssey House Drug Treatment Center. She said:

The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

My amendment provides for realistic treatment periods ranging from 6 to 42 months. In reference to the Defense Department's position on this issue, Dr. Densen-Gerber said:

We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental" but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to society as a fully-functioning individual.

My amendment will provide for adequate after-care, also with compulsion where necessary.

It would offer treatment by people trained in the field of narcotic addiction by putting the servicemen under the already existing Federal narcotic addict rehabilitation program.

Unlike the VA which provides, in the main, methadone maintenance, my amendment would provide psychiatric and social service counseling, day care, half way houses, methadone maintenance to abstinence, ambulatory therapeutic processing, residential therapeutic communities and methadone maintenance.

Lastly, one of the major obstacles to the rehabilitation of veteran addicts has been the dishonorable and other than honorable discharges given to drug using servicemen in the past. I have visited drug treatment centers throughout the Nation and found that many veteran addicts who are in a position to move out into the community in a useful position suffer severe setbacks because they cannot obtain employment as a result of bad conduct discharges.

One of my amendments would resolve this inequity by calling for a review of such discharges with a view toward eliminating them as an obstacle to ultimate rehabilitation.

Mr. Chairman, I plan to offer three amendments, and I plan to go into them in greater detail as each is brought up.

I include the letters of May 12 and

June 8, 1972, referred to in my statement to be printed at this point in the RECORD.

THE CITY OF NEW YORK,
ADDICTION SERVICES AGENCY,
New York, N.Y., May 12, 1972.

Hon. JOHN MURPHY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: As I indicated to you in our conversation, I am greatly distressed at the unwillingness of the Veterans Administration to assume responsibility for men wounded in the service of their country—namely, addicted Vietnam era veterans.

There are approximately 300,000 Vietnam era veterans currently residing in New York City. This figure is expanded by 2,500 men per month who are discharged to the New York City area.

The Addiction Services Agency estimates that of the Vietnam era veterans in New York City there are 10,000 men who are addicted or abusing drugs not in treatment. I would estimate that this figure may be as high as 30,000 or 40,000 veterans not in treatment currently living in New York City.

Presently, local programs in New York City treat in excess of 3500 veterans in drug free programs as well as methadone maintenance. Additionally there are an estimated 2,000 veterans on the waiting list for the New York City methadone maintenance program. To this date the VA response to the crisis of addiction among veterans in New York City has been completely insufficient. In the three VA hospitals here 444 men are involved in long term treatment for addiction which does not include those personnel who are currently being detoxified. That is, local programs in New York City have over eight times the population of veterans in long term treatment than the VA does and on the basis of figures from the VA, January 1, 1972, the City and State of New York have more veterans in long term treatment than the VA does for the whole nation.

In New York City the VA has three relatively isolated hospitals and no community based facilities. They have a negligible program of outreach. To this date, May 12th, no New York City VA hospitals have a completely ambulatory methadone maintenance program—the kind of program run by the City of New York which treats 2,700 veterans. The New York City VA has no therapeutic communities which is one of the major modalities of addiction treatment and which in many ways is particularly suited to the needs of Vietnam era veterans.

We at the Addiction Services Agency have attempted over the last year to work with the VA on both the local and national level to expand the availability of help for addicted veterans. The results have been negligible. We developed a Plan to Rehabilitate Addicted Veterans in New York City, forwarded it to senior Federal officials in all relevant agencies six months ago and there has not even been a technical discussion of the merits of the plan. We sent a copy to your office at that time and I enclose an additional one for your consideration.

Recently there has been some evidence that the VA will initiate ambulatory methadone maintenance programs in New York City. We applaud this first, small step towards a comprehensive effort needed in this crisis situation. ASA is prepared to do everything possible to make the VA efforts successful.

I must add, however, that the VA must make available drug free programs as well as methadone maintenance and that a whole series of other efforts should be initiated, as outlined in our plan, if we are going to be successful in helping the largest number of veterans in need.

Yours truly,

RODGER L. HURLEY,
Coordinator, Veterans Programs.

ODYSSEY HOUSE,
New York City, N.Y., June 8, 1972.

Congressman JOHN MURPHY,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: I am delighted that you are taking the lead in bringing to the public's attention the crisis concerning addicted servicemen. The New York Times article of June 7 on this subject raises important issues about which I would like to comment personally.

As you know, Odyssey House has been working on the problem of military addiction since December of 1970. At that time we presented a proposal to the Department of Defense for the treatment of 1,000 addicted servicemen. The proposal was based upon our experience in the field since 1966. From this experience, we have developed a highly sophisticated treatment modality, much of which is incompatible with the so-called "new programs" described in the Times article.

The program presently supported by the Department of Defense is an excellent example. We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental," but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to a society as a fully-functioning individual.

My staff and I have recently considered the possibility of a short-term, six month treatment program for servicemen, but have yet to receive a response from the Department of Defense. Unfortunately, too few of our nation's leaders understand the reasons for investing time and money in such an extensive treatment process. Explanation is difficult because figures are often misrepresented There is, of course, a great difference in cost between methadone maintenance and a drug-free therapeutic community. But long-term methadone maintenance over ten years at $1,200 a year already doubles the cost of a one-year rehabilitation process whose goal is an individual who will remain drug-free for a lifetime. The therapeutic community concept is also less expensive than hospitalization or prison because everyone works. Hospital programs often find their costs approaching $100 per patient per day because the patients sit around all day watching television, while paid employees clean and cook. At Oddyssey House daily resident costs are $18 per day, which includes food, clothing, medical and psychiatric care, schooling or vocational training, and counseling. Unless we use this information to institute a more viable program of rehabilitation, we will see 50,000 addicted servicemen returning to this country only to proselytize and infect, in turn, hundreds of thousands of our youth across the nation. As the article I sent you shows, it only takes one serviceman to turn on fifty children within his first year home. It staggers the imagination as to what the effect will be when all our servicemen come home.

During our first few years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. *This is not true.* We have discovered that our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all), enrolling in a methadone program or going through a 21-day detoxification program. The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizeable habit to one which, after three weeks, can be more easily supported.

There simply are too many choices available to the addict. We must begin to limit these choices by providing only two alternatives—either rehabilitation or incarceration. The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

I am disturbed that we continually cater to the *wants* of a group whose disease is so potentially devastating to this nation. We should rather concentrate on their needs which, at this time, are a series of very firm mandates. Lack of understanding is no excuse for providing ineffective rehabilitation programs. There is certainly enough information, both statistical and scientific, on the nature of addiction to boggle the mind of any interested inquirer for many, many years. But rather than becoming entrenched in all the scientific studies and papers, we should look at the problem before us and realize that we have no choices. Therefore, the addict can have no choices.

What I am suggesting is that we concern ourselves less with the rights of drug abusers and more with isolating and treating a serious problem. To spend so much time arguing the pros and cons of dishonorable discharge, or parietal privileges, or mandatory universal urinalysis is a sad waste if all around us our nation is becoming narcotized.

On the basis of the study by the Human Resources Research Organization alone, I urge that the Department of Defense admit that a serious problem exists and begin to contract to private rehabilitation centers so that our servicemen can be treated and eventually returned to society. I wholeheartedly support your efforts and look forward to working with you further on this project.

Sincerely,

JUDIANNE DENSEN-GERBER, J.D., M.D.,
Executive Director.

Mr. HUNT. Mr. Chairman, will the gentleman yield for the purpose of answering a few questions?

Mr. MURPHY of New York. I would be happy to yield to the gentleman from New Jersey in order to respond to the gentleman's questions.

Mr. HUNT. I would like to ask the gentleman a few questions with regard to his statement you mentioned the GI addict affecting 50 teenagers.

How does the act affect anybody—this is not contagious?

Mr. MURPHY of New York. By pushing drugs at a high school—this individual addicted 50 high school boys and girls within a few months in Menlo Park, Calif.

Mr. HUNT. The city of New York, as I understand it, for many, many years has been the main cesspool of drug addiction in these United States.

If the program the gentleman has referred to would be so successful, why have you not brought this into the city of New York where we have so much difficulty, especially around Times Square from 42d Street to 47th Street. There they addict more than 50 every day.

Mr. MURPHY of New York. I can answer my colleague this way.

One-half of the known addicts in the United States are in New York City.

Mr. HUNT. Right.

Mr. MURPHY of New York. There are somewhere between 300,000 and 350,000 of these addicts in New York and many of them come from New Jersey, Iowa, Missouri, and Pennsylvania. They come in and I have the statistics to prove it. These addicts come into New York for a number of reasons.

The No. 1 reason is that New York happens to be one of the drug capitals of the world. It has high-quality heroin and the availability of the heroin there is so great they come to New York to get it and use it.

Mr. Chairman, we do have a great deal of expertise in the treatment of addicts.

At the present time we have 3,500 veterans in the Addiction Services Agency undergoing treatment.

Mr. HUNT. I will say to the gentleman that the people who are in New York are not addicts from other States. They go from other States to the city of New York for the purpose of obtaining illegal drugs. You are so right. In 1955 New York State showed a registration of 37,210 known addicts in the State of New York.

That is in 1955 and we are now in 1972—17 years later. If your plan is so good, why is it something that is not done in the State of New York to implement this program?

Mr. HAGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, the gentleman from New York is not exactly consistent on this matter of compulsion.

I would like to quote from the CONGRESSIONAL RECORD of June 30, 1971, from a statement inserted by the gentleman from New York. He says:

> Under the old law we provided that a related individual could sign a petition and civilly commit a person who is addicted. A father could turn in his son. A wife could turn in her husband, and so forth. Experience under title III of NARA has shown that this provision has not met the expectations of its advocates. If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially if he is committed or has not been arrested for any crime.
>
> Officials at NIMH who run the NARA program have told the National Institute of Mental Health of case after case of failure with this type of commitment because the addict was intractable and simply did not want treatment. . . .

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

Mr. HICKS of Washington. I yield to the gentleman.

Mr. MURPHY of New York. The gentleman brings up a very, very serious point—and a point that needs consideration by the Committee on the Judiciary.

I used the very arguments that you stated on the floor in relation to this bill when I asked the Judiciary Committee to take the Narcotics Addict Rehabilitation Act and do away with the third-party commitment.

Mr. HICKS of Washington. The gentleman understands that these are his remarks.

Mr. MURPHY of New York. I understand those are my remarks, but what I want to do is put it in the proper perspective in relation to the Narcotic Addict Rehabilitation Act. For the gentleman's information, I was talking about title III, civil commitment of persons not charged with any criminal offense by a relative or spouse.

Mr. HICKS of Washington. That is exactly what you are talking about in your amendment; is it not?

Mr. MURPHY of New York. Of course not. The military service is to be the party that executes the commitment. This is a far cry from a husband, a father, or a brother committing a close relative. We found a great resentment by the addict against the individual who made that kind of personal commitment which hindered his treatment. But where the courts made the commitment we had much better results. And where the service will make the commitment, we will not have that personal resentment. I have documents and figures to show where NARA has been a flaming success, including those with felony convictions, involving persons who were committed under compulsion.

Mr. HICKS of Washington. I understand that an argument could be made that way. The gentleman did not make his argument that way, nor did he make it again when he inserted the same remarks in the RECORD on May 1, 1972, but was talking strictly about commitment and not the man coming in voluntarily. Dr. Lee of the Veterans' Administration made the same argument before our committee that the gentleman did, that unless the man comes in voluntarily, unless he understands what he is doing and is not forced into it, their experience is the same as you have mentioned in here, that the treatment is no good. It is the involuntary part of the thing that makes it invalid and not the fact that the third party has done it.

Mr. MURPHY of New York. That is not true. In the Bureau of Prisons study, to which I refer, of the 414 addicts who were committed under NARA, and then released to aftercare, 72 percent had abstained from drugs with 28 percent abscending or relapsing. But that was a high degree of success in that Bureau of Prisons study for the most difficult kind of addict who was forced into treatment. If I could have completed my statement in the general debate period, I think I would have clarified the argument for using this NARA approach and having the individual under some sort of compulsion.

I am not talking about using this program on every GI drug user. I am talking about the truly addicted individual, the individual who is so physically and psychologically habituated, he cannot control himself.

I refer again to the Odyssey House experience as explained by Dr. Densen-Gerber who wrote:

> During our first fews years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. That is not true. We have discovered that our greatest successes occur with those patients who are referred to us by the courts.

Mr. HICKS of Washington. May I call the gentleman's attention to his remarks in which he said that 7 percent were committed by police officers and probation officers, and that—

> The head of the entire California Narcotic Addiction Program explained that the addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

For that reason I think we should go along with the committee bill. It is the voluntariness that is going to make the treatment successful.

Mr. HAGAN. Mr. Chairman, I yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, inasmuch as the gentleman from New York (Mr. MURPHY) mentioned the hearings that were held before the Judiciary Committee, I would like to point out that, yes, Subcommittee No. 4 has held many hours of hearings on this particular subject, on amendments to NARA, and have, I think, quite generally come to the same conclusion that the gentleman from Washington (Mr. HICKS) came to. And I might say that practically all the testimony was to the effect that voluntary programs are the only way we are ever going to get anywhere.

The problem in this country today is that we have thousands upon thousands of heroin addicts who are seeking treatment, but the facilities are not available. In the city of New York a few months ago when I checked you had to wait 6 months if you were a narcotic addict to get on their waiting list, and then you were just on the waiting list.

Mr. MURPHY of New York. That is true where you are a junkie coming off the street. But if you are a serviceman, going to one of these voluntary programs or one of the other programs, they take you right in with no wait, because this House is voting $90 million for those programs. I have a list of $37 million that the HEW has already put in this program. The serviceman will go into this program. It is not a question of his waiting 6 or 8 months. Our program is something less than a flaming success in getting to the problem. We have gotten only to the addict.

If you know and have had experience with dope fiends, people hooked on heroin, you know they are not voluntarily going in, and there is no reason to permit dope addicts going out into the civilian stream and infecting the community.

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

Mr. Chairman, I think it is obvious from the colloquy that has gone before that these questions need to be put in perspective and that the Committee of the Whole on the State of the Union needs information—not scareheads; needs true results; and needs the professional opinion of those who have worked for years on this tremendous and vexing problem. Statements have been made of "military personnel by the tens of thousands who have become addicted." Some of us who have treated narcotic addictions since we were interns in Government hospitals, to say nothing of working with the Commissioner of Narcotics

during World War II and Korea, know the problems that are involved, and, of course, we know that the military derives from the militia and the civilian ranks of the United States.

However, just for the record, of all troops leaving Vietnam from June 1971 to January 15, 1972—6 months and 15 days—198,348, for example, were tested from all services. Only 6,720 were found positive. There are false positives among these groups.

Further, Mr. Chairman, reference has been made to the HUMRRO—that is, the Human Relations Research Organization—and its indication that the Department of Defense's voluntary treatment programs are ineffective or that the request for authority for a short-term extension of personnel whose term of service has expired should be denied. The HUMRRO report was conducted in late 1971, shortly after the Defense Department initiated its treatment and rehabilitation programs. The purpose of the study was to provide information upon which the Department can make improvements in its drug abuse program. I stipulate that it has done just that.

I believe it is necessary to place in perspective the statistics relating to accuracy of the civilian contract laboratories, and to do this we should go back to June 1971 when the Department of Defense first began its treatment analysis screening program for members of the Armed Forces returning from Vietnam. Never before had there been an attempt to screen large numbers of personnel for drug usage. The Department of Defense decided on this innovative approach to meet a serious drug problem, recognized among our service personnel in a theater of operations, or, indeed, in a combat zone. Some of the equipment they had used in this screening process had just been developed and had never been tested in field use prior to this time.

On a crash basis, the Department of Defense personnel, establishing laboratory facilities, began to test all military personnel departing Vietnam for rest and recuperation or returning home. By the Department's own admission there had been difficulties in accuracy during the first month of these tests, but quality controls procedures had been so well organized, these difficulties were quickly ironed out and testing continued with an extremely high degree of accuracy.

So in considering this bill today, which is the second giant step up to date, by the Department of Defense, that is the armed services attack on this problem, I rise in support of all of our committee goals, our subcommittee chairman, and what he has so skillfully said in support of his revised and clean bill as presented here. I favor it.

I do not favor those who would grab headlines or the harbingers of doom or the self-appointed people who override the jurisdiction of this committee that has worked so long and so hard, and now has issued this second report.

It should be known that after a difficult start with a most difficult problem, the Department of Defense has responded well to the challenge of the inservice drug problem; and it has done this, commendably, through proper in-house channels; that is it has done it within the military. Our subcommittee chairman, the gentleman from Georgia (Mr. HAGAN) mentioned that progress, in education, in training, professional quality, and quantity medical care, rehabilitation—and of significant importance—through an effective, on-going scientific drug detection program, part of the professional work, has wrought good results.

I would reemphasize the comments made by my colleague concerning the role of the military services in the drug treatment and rehabilitation program. The preponderance of the evidence that I have heard—and I have attended all of the meetings of the subcommittee and of the committee—indicates that all possible quality care should be accorded the members of the armed services bothered with drug problems. Those of us who have treated them for years know the three stages of drug abuse full well; of testing and experimentation, of physical addiction, and of utter dependency. We should be terrifically exercised that they receive the maximum benefit of hospital care and treatment and detoxification within their own services and returned to their principal duties depending on how effective they can be on the line of military combat.

Now, here lies the big difference—the difference in the mission of the armed services and the difference in the mission of civilian organizations to treat, detoxify and finally effect a cure on those who have experimented, those who have become addicted, or those who have become dependent.

Where extended care is necessary, the member of the armed services should be retired or relieved from active duty and transferred to a Veterans' Administration or similar facility for treatment and rehabilitation, in the same fashion as we would transfer a seriously wounded soldier, or a mentally ill patient, after maximum quality care has been furnished by the Services.

This House, Mr. Chairman, passed upon Public Law 29–255, which set up the service care has been rendered, and it has increased greatly in the past year.

This House, Mr. Chairman, passed upon Public Law 29–255, which set up the President's Special Action Office for Drug Abuse Prevention. As I understand it, that Office will be directly responsible for seeing to it that adequate facilities become available in the civilian community to treat veterans, among others, in the civilian sector.

So far as in-service maximum care and benefits are concerned, we were particularly impressed to hear from the senior military physician, the Assistant Secretary of Defense for Health and Environment, that the problem is being reversed in Vietnam, and that our people there are becoming to an increasing extent "anti-drug." It is not the "in" thing to experiment anymore.

These are encouraging signs of a positive reaction to the service programs which are devoted to the drug problem, from amnesty to final treatment, and I am proud of those results.

Certainly this bill that we have before us today is a good way to go, to which all the professionals in the military programs agree. But with the existing efforts and the provisions of this bill, I firmly believe we can entrust the overall program to the services. Indeed, we have heard recently that the President's Special Action Office is pleased with the progress in the Defense Department and may apply what has been learned there in drug programs to the awesome tasks that lie ahead in the civilian sector—yes, even in the area of greater New York.

Mr. Chairman, I believe strongly that this bill will give the Department of Defense that strength necessary to press forward with its efforts and we trust to provide a good foundation for collateral efforts in our civilian programs across the land.

Now, I recognize the large number of separate measures that have been introduced by my colleagues in this Chamber with a variety of remedies that I know have been put forward honestly and with intent to do something about the awesome problem that was reportedly infecting all of the military services a year ago. Much of this action was taken at a time when the problem was new—new to the services and new to the Congress and new to the committee and new to the Nation. There were false starts. There was exaggeration. And there was minimizing.

There was exaggeration of the extent of the problem by some who officially or unofficially visited and reported on the drug situation in Vietnam.

On the other hand, some in the military tended to minimize the impact of drug abuse, which further frustrated efforts to establish the facts. At any rate, you know now as well as we members of the committee do, that through scientific testing programs we are arriving at the degree of positive drug identification far below some of the early estimates based upon polls and sheer speculation. Through all of this, key command and dedicated leadership in the services have been working diligently, as we heard today, and as we heard from the chairman of the subcommittee, and as you can read in the report. We need not turn the primary military medical missions into a vast drug rehabilitation program. That is one job that the Veterans' Administration has. We need not attempt to force treatment over an extended period of time through military regulations or perverted conscription.

This body has already seen enough of the Military Services Training Act and individual replacements being used instead of Ready Reserves and Guard units. This body already acted on that facet of drug treatment and rehabilitation in creating the President's Special Action Office and in passing unanimously the bill out of the Veterans' Affairs Committee, H.R. 9265 pertaining to that portion of the treatment which belongs to them.

Again, let me emphasize, Mr. Chairman, not only as a colleague of yours, but as a member of the medical profession, I can assure you that all the fine professional evidence we examined was most convincing in support of this measure, and I urge its passage.

Mr. HAGAN. Mr. Chairman, will the gentleman yield 2 minutes to me?

Mr. HALL. I will be glad to yield 2

minutes to the chairman of the subcommittee.

Mr. HAGAN. Mr. Chairman, I just want to say to this House, as we wind up this bill on drug abuse, that never in my 12 years in the Congress have I worked with a more dedicated, able, hard-working group of men than I have on this Special Committee on Drug Abuse in the Military. I want to thank the gentleman from Missouri (Mr. HALL), for the fine work, as our doctor member of the committee, that he has done. I appreciate his remarks here this afternoon.

At this time I want to pay tribute to our members, Messrs. HICKS, WHITE, NICHOLS, HALL, HUNT, YOUNG and our counsel, Mr. HOGAN. No men could have had a harder working group of men with them on any subcommittee than we have had on this committee. I thank you very much.

Mr. HALL. Mr. Chairman, if I had known what the chairman was going to say I would not have yielded him so much time. On behalf of the entire committee and staff I express sincere appreciation to the chairman.

I now yield to the gentleman from Connecticut (Mr. STEELE) 2 minutes.

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 12846, which authorizes an identification, treatment, rehabilitation, and prevention program for drug dependent members of the Armed Forces.

This legislation provides legislative authority for the major drug identification, treatment, rehabilitation, and prevention program launched by the Armed Forces in June of 1971.

Of the first 86,000 servicemen given urinalysis tests in Vietnam, 5.15 percent were shown to have used opiates, within 24 to 72 hours of being tested. In addition, Dr. Jerome Jaffe, the Director of the new Special Action Office of Drug Abuse Prevention, estimated that another 10 percent of the 86,000 men tested used heroin intermittently, thus confirming the seriousness of the drug epidemic in Vietnam at that time.

Since June 1971, the VA has opened 32 new drug treatment centers and the Armed Forces and the VA together have provided basic drug treatment and rehabilitation services to over 30,000 men.

Urinalysis testing and the provision of basic treatment to every identified drug abuser have combined with the continued troop withdrawal from Vietnam, tighter military security against drug pushers, and improved education programs to significantly reduce the hard drug problem within the military.

Mr. Chairman, the armed services have made major progress against the drug problem within the military through an innovative, crash program. The civilian community has much to learn from the military, especially in the area of identification and commitment providing treatment and rehabilitation services to all identified drug abusers.

A major remaining weakness in the existing military drug program is the lack of adequate linkage between in-service and civilian drug treatment and rehabilitation programs. I continue to believe involuntary commitment is a partial answer to this problem for certain categories of drug abusers. However, with or without involuntary commitment, it is essential that a sharply increased effort be made to insure that military drug abusers in need of further help are effectively referred to and enrolled in VA or other civilian drug treatment and rehabilitation programs for continuing care after discharge.

I have discussed this problem at length with the Defense Department and believe the Department of Defense is attempting to take corrective action. I believe it is essential that the subcommittee give the most careful continuing scrutiny and surveillance to the Defense Department's efforts to solve this problem.

Mr. MURPHY of Illinois. Mr. Chairman, I rise now to offer my support to H.R. 12846, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972. While I applaud the committee's thoroughness and timeliness, I take issue with committee members who charge that the first reported estimates of drug addiction among American servicemen were grossly exaggerated.

Dr. Jaffe admitted that the results of the first urinalysis tests administered to returning GI's showed that 5 percent of those tested were hard drug users. He further noted that at least an additional 10 percent were occasional users of drugs.

I regret that certain committee members fool themselves and attempt to fool others by playing the percentage game with figures. Further, I suggest that the Special Subcommittee on Alleged Drug Abuse change its title to the Special Subcommittee on Drug Abuse, for no one in his right mind can deny that drug abuse exists today in the armed services.

We must be sure that no alternatives are overlooked in our search to help the men who are addicted. Last year more than 12,000 addicts were helped under the terms of the 1966 Narcotics Rehabilitation Act and the average treatment of these patients was 8 months. We cannot overlook our responsibility to these men and we cannot allow half-hearted attempts to sentence these men to a life of drug addiction. We must not be afraid to recognize the seriousness of the problem and to act boldly.

The heroin addict is somewhat like an alcoholic in that they are both suffering from a disease. We should recognize that fact and act accordingly. We should provide the necessary facilities to help addicts beat the habit and rejoin society as useful and productive citizens.

I trust the committee will continue to monitor the programs initiated by this legislation and that the Defense Department will continue to acknowledge the problem of drug addiction in the services and work closely with the Congress to promote new approaches for the rehabilitation of addicts.

Again, I commend the committee for its work, but am appalled by certain committee members who use the term "scarehead" to refer to House Members who first brought this problem of drug addiction to the attention of the American people. The sooner they realize the problems of Vietnam are different from those we faced in World War II and Korea, the sooner we can begin to work together toward viable solutions to these problems.

Mr. EDWARDS of California. Mr. Chairman, I rise to express my strong opposition to the amendment that will be offered by the gentleman from New York (Mr. MURPHY).

As chairman of the subcommittee of the House Judiciary Committee that currently has jurisdiction over the Narcotics Addict Rehabilitation Act, I am strongly convinced that the amendment is totally inconsistent with both the proper medical principles for the treatment of narcotics addicts and with basic concepts for civil liberties. In that regard, I would like to emphasize that the amendment is not only opposed by the administration, but is also strongly opposed by the American Civil Liberties Union.

Extensive hearings held by my subcommittee, as well as comprehensive investigations of drug treatment programs conducted by the General Accounting Office, have, I believe, conclusively demonstrated that the extension of civil commitment is not the answer to the treatment needs of addicted veterans. In fact, the evidence indicates that civil commitment is a failure and should be restricted rather than expanded.

Civil commitment has led to the inefficient use of resources because of its dismally poor record of success in the treatment of narcotics addiction. Civil commitment, of course, is not itself a method of treatment. It is only a process intended to provide motivation for those addicts who would otherwise not enter into or remain in a treatment program. The large question is whether motivation can be externally imposed. Most of the expert testimony my subcommittee received answered that question with a resounding "No."

Mr. Chairman, the amendment is based on the false assumption that addicted veterans do not want treatment. The long waiting list for voluntary treatment programs indicates a great unmet desire on the part of addicts for treatment. We have received much testimony that throughout the country voluntary programs have become so popular that as soon as a new multimodality clinic opens, a new waiting list is created from addicts who voluntarily seek treatment. At the present time there is neither sufficient staff nor funding to meet the demand for voluntary treatment programs. It is, therefore, a mistake, in my opinion, to expend further Federal resources on civil commitment programs, as the amendment would do, when voluntary programs do not have sufficient space to meet the existing demand.

The civil liberties questions raised in regard to civil commitment dovetail with the questions raised by treatment professionals about the efficiency of civil commitment as a means of forcing an unwilling addict into a treatment program.

Civil commitment is constitutionally valid only if the commitment results in effective treatment for the condition which justifies the commitment. If confinement in an institution through civil commitment does not result in effective treatment, the addict's position becomes indistinguishable from that which was held unconstitutional as cruel and un-

usual punishment in *Robinson* v. *California*, 370 U.S. 660 (1962). Unless the addict is being treated, he is merely being kept under confinement—he is being punished, and, therefore, his civil commitment has no constitutional validity.

Mr. Chairman, I believe the proposed amendment arises from legitimate frustration with the failure of the Department of Defense and the Veterans' Administration to adequately provide for the treatment of the addicted veteran. But it is wrong to meet this problem by proposing a massive new civil commitment effort which will compel the addicted veteran to be treated, even against his will. We should closely examine the wisdom of extending the Federal Government's power of compulsory confinement over addicted veterans who have committed no Federal crime.

Mr. Chairman, we should reject the amendment because it will not work. Civil commitment has not worked in the past and there is no reason to believe it will provide the means of achieving effective treatment for the addicted veteran. Compulsory treatment through civil commitment has the appearance of an easy answer to the national crisis of the addicted veteran. We should go slowly, however, lest in our zeal to help the addicted veteran we repeat the mistakes of the past and create a legal framework which will be as counterproductive to effective treatment as was incarceration under the old narcotics criminal statutes.

Mr. DERWINSKI. Mr. Chairman, I am especially interested in H.R. 12846 since I am a cosponor of H.R. 9230, which was introduced on June 17, 1971.

We must provide programs for military addicts which will give them a chance for recovery; therefore, I am supporting the three amendments being offered today which are consistent with the bill I previously cosponsored.

Mr. PODELL. Mr. Chairman, I want to express my support of the amendments offered by my distinguished colleague (Mr. MURPHY) to H.R. 12846, a bill to establish a program for drug dependent members of the Armed Forces.

Unfortunately, H.R. 12846, the administration's bill, would just reinforce the inadequate and outdated narcotics rehabilitation procedures currently used by the military. These procedures have failed us in the past and will fail us in the future.

On the other hand, the amendments would work because they follow the course of enlightened rehabilitation programs that I have fought for and we have enacted for civilian addicts. Passage of these amendments would begin a military equivalent of the narcotics addict rehabilitation programs. By so doing, we would treat the 19-year-old drug addict who for some reason did not serve in our Armed Forces.

Indeed, the administration bill is deficient in several respects.

The Nixon bill provides only a very short time for treatment. It treats only those few addicts who volunteer for treatment. It provides treatment to military addicts, but still forces them to take part in military operations. It continues the lifetime criminal stigma that many veterans have had—namely a dishonorable discharge.

Mr. MURPHY's amendments would treat hard core military drug addicts under the civilian Narcotics Addict Rehabilitation Act—NARA—and let the military handle those men who just experiment with drugs. The military addicts would be given a physical disability discharge—not a dishonorable discharge. Both current and past addicts would be recognized as having medical, not criminal, problems.

The shortsightedness and voluntariness of the Nixon program would be replaced by long term, compulsory treatment.

Finally, the military justice system would be brought into line with civilian law. The military addict would not be punished more severely than the civilian addict.

Mr. Chairman, as a result of the tragic activities in Indochina, 5 million young men—many inductees—have been exposed not only to the horrors of war, but to an unlimited supply of drugs. Many of these men became addicts. As part of our withdrawal from Indochina, we should make sure that these casualties of the war are properly treated and rehabilitated.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today in support of my distinguished colleague JOHN MURPHY's amendment package to H.R. 12846, a bill to establish a drug abuse treatment program for servicemen.

The Murphy amendments have three main objectives; first, to provide a physical disability discharge and mandatory civil committment under the Narcotic Addict Rehabilitation Act; second, to allow review and revision of past dishonorable discharges based on the use or possession of narcotics; and, third, to bring military penalties for drug-related criminal offenses in line with civilian penalties.

At this time, Mr. Chairman, I would also like to commend my colleagues and friend, Hon. MORGAN MURPHY of Illinois for his deep concern for the veteran drug addict. In 1971 MORGAN MURPHY introduced several bills, chiefly H.R. 9060, to institute rehabilitation assistance on both the VA level and the civil level for the addicted veteran. Legislation similar to H.R. 9060 is incorporated in the amendments before the House today.

Mr. Chairman, drug addiction is a symptom. It is a symptom of a serious psychological disability—a mental disease. It is a means of escape. It is a latent or sometimes overt attempt to commit suicide.

There are no quick cures for the drug addict. And, certainly, there are no quick cures for our national drug problems. We, as legislators, must provide programs for addicts that best fit the disease. Voluntary programs simply do not work. We have seen ample evidence of this. It is part of the addict's disease to reject treatment. He is our responsibility, particularly if he is a member of the Armed Forces. We must be sure that he receives treatment, if for no other reason than to curtail the spread of drug addiction in the United States.

We must also make the punishment fit the "crime." I repeat, drug addiction is a disease. By dishonorably discharging the veteran for his addiction we do nothing but put him out on the street. In a sense, we deliver him to the civilian drug culture.

We have a rare opportunity with the veteran addict. It is a relatively simple procedure to discover his addiction and to commit him for treatment. If we do not realize our full responsibility to addicted veterans we are committing a crime no less lethal than his own.

Mr. Chairman, the Murphy amendments are vital to the success of this veteran drug abuse legislation. I strongly urge all of my distinguished colleagues to support these amendments.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 12846, a bill to authorize treatment and rehabilitation programs for drug addicted members of the Armed Forces. This legislation amends title 10 of the U.S. Code to provide the authorization needed by the Department of Defense to establish new programs to control addicts.

This legislation is of particular interest to me because of my past efforts to strengthen programs in this area. As a Member of the Defense Appropriations Subcommittee I have been concerned with the growing problem of drug addicts among servicemen. On June 29, 1971, I chaired hearings on the subject of drug addiction among returning Vietnam veterans and heard testimony from various veterans groups, including the United Veterans, the Disabled American Veterans, the Catholic War Veterans, the Jewish War Veterans, the Veterans of Foreign Wars and the American Legion and from Government officials. (See note.) During these hearings and in preparation for them, I worked closely with Queens County District Attorney Thomas Mackell who have been a leader in efforts to expand new and local programs for addicts. District Attorney Mackell has proposed use of surplus naval vessels for veterans drug treatment centers and I have supported his proposal.

The authority given to the Department of Defense under H.R. 12846 include authority to establish testing programs for drug dependency. In addition, the legislation authorizes the Department to require treatment of drug-dependent servicemen up to 30 days beyond their termination of service. Most important, the legislation exempts those drug-dependent servicemen from dishonorable discharge.

I also plan to support an amendment to be offered to H.R. 12846 by my colleague from New York, Mr. JOHN MURPHY, which would expand this past provision to allow review of previous dishonorable discharges based on the use of narcotics. I believe this legislation is an important part of our national commitment to curb drug abuse and I urge my colleagues in the House to vote for H.R. 12846.

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 12846. The thrust of

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NOTE.—Figures made available by the Veterans' Administration indicate that 907 drug patients have been treated, with an additional 101 others undergoing inpatient care.

this bill is to strengthen drug-oriented discovery and rehabilitation programs within our armed services. This is a laudable effort and one which I fully support.

However, I believe that a review of military drug codes would result in a significant improvement in our policies toward drug abuse. The military code presently does not cover a number of the substances, including LSD, frequently used and abused by our servicemen. The code differs significantly from the civilian penalties which this Congress approved in 1970. I believe that the penalty system should be made compatible with the civilian regulations contained in the Comprehensive Drug Abuse Prevention and Control Acts.

Mr. MONAGAN. Mr. Chairman, it was over a year ago that the problem of drug abuse in the military first came to light, and triggered an outburst of concern by the Nation for GI addicts and for the communities to which they would return after discharge. Citizens and legislators alike declared the problem to be "urgent," and proposed various treatment programs to deal with the new and deadly enemy, narcotics. The press wrote weeks of front page stories, television produced special reports, and letters poured in asking for immediate action.

Ironically, now when a military drug treatment has finally come to the House floor, this sense of urgency has disappeared. The general population have moved on to other problems, and are no longer interested in GI drug statistics. The media have also dropped the subject, and provide only minimal, or sometimes no coverage of the latest developments in this area. The House itself has postponed action on this legislation for many weeks to take up more "important" legislation. The plain fact is that the great immediacy of the drug crisis, which all once shared, no longer exists in the Nation's consciousness.

Unfortunately, the problem of drug abuse in the Armed Forces still exists. It exists in the persons of the thousands of GI's who have already been discharged into civilian society without proper treatment; it exists with the GI drug users still in the service but who will not be rehabilitated before discharge, and it exists in those veterans who previously received less-than-honorable discharges for drug abuse.

I would not deny that the armed services have made considerable progress in the war against drug abuse. Initially the military would not even admit that a drug problem existed. Today, the services have extensive urine screening procedures, improved treatment programs, and a new attitude toward the drug user, and they deserve our commendation for these steps.

At the same time, nagging questions remain unanswered. For example, the urinalysis test, which is the military's sole criterion of success, has often been challenged by expert civilian toxologists on its validity as a means of drug detection. Similarly, while the number of clinically confirmed positives on announced urinalysis tests has dropped steadily, the number of positives for unannounced tests has moved consistently higher. What these statistics suggest is that GI drug users having "dried out" to pass the urinalysis screening, are returned to civilian life as potential civilian users. How many of these soldiers actually surface on the other side as addicts is impossible to say. Nevertheless, the number who slip by without proper treatment could be significant. One can legitimately raise the question of whether the heroin epidemic has actually been turned around in Vietnam, or is merely being transferred to the civilian sector.

The fate of GI drug users who are detected, or who turn themselves in under the amnesty program, also relates to this question. Under present policy, the GI receives up to 30 days of treatment prior to his discharge, and he is then "put in touch" with a civilian program for treatment on a voluntary basis. For those GI's who are not heavily dependent on narcotics, and who are lucky, this brief period of treatment will be enough. Back in a normal environment, with family, and away from Vietnam, these men might never look for another fix.

For the more frequent user, however, the story can and often does end quite differently. For this man, a once-over-lightly treatment program will cure neither his physical nor psychological dependence on heroin, but will serve only as a drying out period. This GI will receive a discharge which makes him eligible for Veterans' Administration or other civilian treatment. However, he cannot now be required to enter these programs. He must enter treatment voluntarily.

Both commonsense and experience tell us that this approach is unrealistic. The hard-core addict does not look for the first Veterans' Administration hospital; he looks for a fix. He does not seek a doctor, but a pusher. During 1971, the number of administrative discharges solely for drug abuse totaled around 9,500, and was an increase in every branch of the service over the previous year. Again the inference is that the military may not actually have reversed the drug epidemic, but may merely have transferred the burden of drug abuse to the civilian sector.

One need only look at the experience which the Army itself has had with the voluntary approach to realize its inherent deficiencies. When the drug problem first came to light, the Army made help available to drug users on a voluntary basis. However, of the 4,440 soldiers found using hard drugs between July 1 and September 10 of last year, only 23 volunteered even for short treatment. Because of this failure, Dr. Jerome H. Jaffe, Director of the Special Action Office of Drug Abuse Prevention, was forced to announce in late September that the Army would now require narcotics users to take mandatory treatment prior to discharge.

Because H.R. 12846, the bill before us today, also relies on the concept of voluntarism, it will merely perpetuate the inadequacies of the present approach. Unless any law is stronger and includes some form of compulsory treatment, I will be unable to support the committee bill.

H.R. 12846 does give the Armed Forces the authority to retain GI drug users for 30 days of mandatory treatment beyond their scheduled discharge. Once again, however, this is an unreasonably short time for effective treatment. Those addicts who represent the greatest potential burden to society will not be cured in this short period. They will be released with no legal control over them.

The answer to this problem is, of course, compulsory treatment. On May 10 of last year, I introduced a program of compulsory treatment, which I believe would be far superior to the approach of H.R. 12846.

In brief, my bill, H.R. 8216, would:

First. Establish a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitation.

Second. Prohibit any person from being tried for a narcotics offense if he voluntarily agreed to undergo treatment recommended by the Drug Corps.

Third. Prevent the discharge of addicted servicemen until judged "free of habitual dependence" by competent medical authorities.

By placing full responsibility for treatment of drug abuse on the military services themselves, this proposal would terminate the current policy of sending addicts back into society to become a greater burden upon themselves and their fellow citizens. Servicemen would be treated in the service itself, where addiction is more easily identifiable, and where the addict can be kept under legal control. The heavy user would not be allowed to take home an expensive habit, to be caught in the unending cycle of drug and crime. He would be treated mandatorily, through a retention which in itself might prove to be sufficient inducement for self-rehabilitation. I recommend that the House adopt this, or some other form of compulsory treatment.

One other area which H.R. 12846 neglects is that of past less-than-honorable discharges given for drug abuse. Since the military drug problem first came to light, the Armed Forces have slowly come to the attitude that drug abuse is to a great degree an illness rather than a crime. Accordingly, the services no longer give undesirable and dishonorable discharges for drug abuse. However, before this policy was instituted, thousands of GI drug users were separated under less-than-honorable conditions. Today, they suffer the consequences, and will continue to suffer unless their discharges are reviewed and updated in line with today's more progressive attitudes.

It was to remedy this situation that last July I introduced legislation establishing a Military Drug Abuse Review Board to review and possibly upgrade all less-than-honorable discharges received for drug-related reasons. Since that time, Secretary of Defense Melvin Laird, has issued two directives which in effect carry out the purposes of my legislation. Under these directives the Department of Defense now permits appeals of all less-than-honorable discharges for drug use and possession. These appeals will be reviewed through the established review procedures, and will permit upgrading of discharge status where warranted.

In carrying out the provisions of my

discharge review legislation, these directives represent a vital corrective step forward for those men who are now suffering under a discharge policy which has long since been discarded. I commend DOD for these actions which will allow many men to again lead normal lives.

At the same time, I would suggest that review of these cases by DOD be automatic rather than on the basis of an appeal by each individual serviceman who is affected by the new orders. Many of those affected will learn of the new directive through the news media or from veterans organizations. However, others will not hear of the new directive, and will continue to go through life with the stigma of a dishonorable drug discharge, unaware that they can now appeal the ruling.

This problem can be overcome through an automatic review of all discharges which fall under this new order, regardless of whether the veteran himself applies. Because the committee bill is silent on this subject, I am hopeful that the House will amend the bill to require these reviews. Only in this way shall we assure that all those eligible under the new order get a fair review and upgrading.

Mr. RANGEL. Mr. Speaker, it is not a moment too soon that Congress is now responding with needed legislation to treat the continuing drug problem in the Armed Forces. When I speak of the military drug problem, I refer not to the hashish problem in Germany, but the far more dangerous heroin epidemic not only in Vietnam, but also Thailand, the Philippines, and Okinawa.

As you may be aware, between 700 and 1,000 metric tons of illicit opium—over one-half of all illicit opium produced in the world today—is produced each year in Southeast Asia. The overwhelming bulk of this opium poppy is cultivated in the Golden Triangle, the border regions where Thailand, Burma, and Laos meet. Burma alone harvests over 400 metric tons annually. Although heroin is plentiful in Saigon, the opium poppy from which it is derived, is not grown in South Vietnam. Heroin, and morphine base, is instead regularly smuggled in from Laos and Thailand. Among our soldiers is is a common practice to mix a quarter gram of this 96 percent pure heroin with the tobacco from a regular cigarette and to smoke it as a so-called "skag joint," passing it around the way a marijuana joint is passed around in the United States.

Just how many of our soldiers are drug dependent is not really known. One earlier congressional study estimated that between 10 and 15 percent of all our troops in South Vietnam were addicted to heroin. The House Armed Services Committee, reflecting the efforts of the Pentagon to deflate the scope and depth of the problem, suggests that the January 1972 tests showing only 2.3 percent of the soldiers as drug dependent, is more accurate. This figure is probably too low. It is common knowledge that about 30 to 60 days before our men are ready to come home, they get off drugs so they can pass the tests and not be delayed. Then, too, often it is known ahead of time when a check is coming up. Thus, when there was no advance warning, the Pentagon has admitted that some 5.2 percent of those tested showed positive on the urine test. But regardless of whether it is 5 percent or 15 percent, the fact remains that suitable treatment and rehabilitation programs are desperately needed in the military.

Suitable programs are already underway for treating the less serious active-duty drug abuser, but the serious psychologically disturbed abuser is still given band-aid type treatment with no meaningful effect or is summarily transferred or discharged. The military refuses to address itself to the real problem and that is that our men feel that we have fought for 10 years in Vietnam and sacrificed over 50,000 men when the average South Vietnamese villager only wants a water buffalo and some rice paddies. The ordinary peasant does not care whether he gets it from us or from the Communists. Our men, then, lack a sense of value concerning the worth of the job they are called upon to perform. Frequently, they are also just plain bored. Drugs make job dissatisfaction go away and make the time pass more quickly. Of course, it is not realistic to expect that Congress by a stroke of the pen can legislate away the problem.

Today's legislation makes some attempt at least to cope with the problem. Briefly, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972 requires each member of the Armed Forces on active duty to take a urine test for determining drug dependency.

Under section 1062(a)(2), it leaves with the Secretary of Defense the responsibility of prescribing policies for each branch of the Armed Forces to encourage drug dependent soldiers to voluntarily come forth and seek treatment. Section 1062(b) requires persons to undergo treatment and care if they are found to be drug dependent. If the drug dependency is found to exist by a test given near the time of separation, section 1062(b) gives the military the authority to hold the man 30 days beyond his term of service for the purpose of treatment. Sections 1063(b) and 1063 (c) provide that time spent while undergoing treatment would not generally be counted as time lost and that pay for that period would not ordinarily be forfeited. Finally, under section 1063(a), the bill exempts from disciplinary action or discharge except under honorable conditions any soldier who turns himself in or is found to be drug dependent by the urine test.

Actually, this legislation codifies what the Pentagon has already started doing. The Pentagon's efforts have largely come as a result of public prodding after the news media exposed the extent of drug dependency among our Vietnam veterans and after two task forces, earlier convened, were not able to make much headway.

While this legislation is good, it is not enough. There are several vital omissions. I am hopeful that the Armed Services Committee in the Senate will consider the following provisions which were contained in my bill, H.R. 10868, but which the House Committee failed to include:

SECTION 1065. CONFIDENTIALITY OF CERTAIN INFORMATION.

No member of the armed forces on active duty who is drug dependent may be subjected to disciplinary or other punitive action under chapter 47 of this title as a result of information given by him in seeking or receiving treatment and rehabilitation services under section 1062 of this title and no such information divulged by him in medical confidence may be admitted into evidence against him, without his consent, in any disciplinary or punitive proceeding under such chapter. Absolute medical confidentiality shall be preserved with respect to such information unless medical authority determines that the member is a danger to himself or to others. When a specialized job classification or the pay advantages directly related to such classification have been withdrawn from a member who has sought assistance for his drug dependence because medical authority has determined that in the performance of the responsibilities of the job the member will constitute a danger to himself or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and his treatment and rehabilitation progress. Any member of the armed forces who is drug dependent and seeks treatment and rehabilitation services for that dependence shall be afforded every opportunity to be restored to useful military service.

The purpose of this provision is to fill the gap left by section 1062(a)(2) of the committee bill which merely leaves the matter to the discretion of the Secretary of Defense.

Under current military practice, there is no guarantee that doctor-patient communications be privileged. The Pentagon's official position is that it is far more important that they have a complete idea of the mental and physical condition of the soldiers than to encourage drug users to seek treatment. As a result, the fear of prosecution on the basis of information the drug user divulges to the doctor has not really been overcome by the guarantee of amnesty established in current military programs, nor is it likely to be overcome by the assurances under section 1063(a) or section 1062(a)(2) of the bill.

My provision, had it been adopted by the House Committee, would have relieved the drug dependent member of the Armed Forces of his fear of prosecution and yet at the same time would not have prevented the information he divulges from being used to temporarily suspend him from a status such as flying status where he would be a danger to himself or to others.

Today's legislation is also inadequate because, while it deals with those drug users who voluntarily seek help, it omits any consideration of offenders who are caught but who need the same rehabilitation.

It is unfortunate that the House Armed Services Committee failed to include in its bill the following provision:

SECTION 1066. SUSPENSION OF CERTAIN COURT MARTIAL PROCEEDINGS.

(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) shall establish a program under which any member of the armed forces on active duty who has been charged with the commission of any offense under

chapter 47 of this title involving the use or possession of a controlled substance shall be accepted for treatment and rehabilitation under section 1062 of this title.

(b) In the case of any member who is accepted for such treatment and rehabilitation, the prosecution of such member for any offense referred to in subsection (a) of this section shall be suspended upon his being so accepted and for so long as he complies with the conditions of such treatment and rehabilitation. Upon the certification of medical authority that (1) such member has completed his treatment and rehabilitation under section 1062 of this title, or (2) such member is satisfactorily participating in such treatment and rehabilitation at the end of his term of service or immediately before his separation, all charges with respect to any such offense against him shall be dismissed. If any member to whom this section applies fails to comply satisfactorily with the conditions of treatment and rehabilitation prescribed for him, he shall be released from such treatment and rehabilitation and the prosecution of any charge against him shall be resumed.

(c) The Secretary of Defense shall take such action as may be necessary to insure that the provisions of this section, and any regulations prescribed to carry out any such provisions, are uniformly applied, and strictly complied with, throughout the armed forces.

My provision would have, then, postponed the trial or disciplinary proceeding, suspended the sentence, or authorized other devices commonly used in civilian courts as alternatives or in lieu of prosecution of drug users.

I suggest that these are the minimum additions which must be made to make the legislation a valuable and necessary first step in meeting the urgency, the magnitude, and the pervasiveness of the drug epidemic among our men in uniform.

Mr. HALL. Mr. Chairman, I reserve the balance of my time.

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

The CHAIRMAN. The Clerk will read.

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 "Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972".

SEC. 2. Title 10, United States Code, is amended as follows:

(1) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are each amended by inserting the following new item:

"54. Drug Dependency Treatment and Rehabilitation Program..... 1061".

(2) Part II of subtitle A is amended by adding the following new chapter after 53:

"Chapter 54.—DRUG DEPENDENCY TREATMENT AND REHABILITATION PROGRAM

"Sec.
"1061. Definitions.
"1062. Identification and treatment of drug dependent members.
"1063. Exemption from disciplinary and other legal consequences.
"1064. Strength accounting for drug dependent members.

"§ 1061. Definitions

"For purposes of this chapter, 'drug dependent' means a state of physical or psychic dependency, or both, arising from the use of a controlled substance (as defined in section 802(6) of title 21).

"§ 1062. Identification and treatment of drug dependent members

"(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy)—

"(1) may prescribe regulations requiring each member of the Armed Forces on active duty to be examined to determine whether that member is drug dependent; and

"(2) shall prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily.

Treatment and rehabilitation services may include assignment to and treatment in a hospital or other facility equipped for the accommodation of drug dependent persons; inpatient and outpatient health services; educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services. Subject to subsection (b), the armed forces may provide treatment and rehabilitataion services to members who are determined by medical authority to be drug dependent. Such treatment and rehabilitation services may be administered either by the Department of Defense, or by one or more of the following: the Department of Health, Education, and Welfare; the Veterans' Administration; or other responsible agencies; under such agreements as the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) and the heads of those agencies may make.

"(b) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the armed forces without his consent. Notwithstanding any other law, the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may retain a drug dependent member on active duty without his consent, for a period of not more than thirty days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

"§ 1063. Exemption from disciplinary and other legal consequences

"(a) A member of the armed forces is not subject to disciplinary action under chapter 47 of this title (Uniform Code of Military Justice) or discharge under other than honorable conditions, solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services under section 1062 of this title. Such a member, however, shall remain subject to the laws and regulations governing the conduct of members of the armed forces.

"(b) Whether time spent by a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title should be counted as time lost under section 972 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"(c) Whether section 802 of title 37 concerning forfeiture of pay should be applied to a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"§ 1064. Strength accounting for drug dependent members

"Under regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy), a member of the armed forces on active duty who is receiving treatment and rehabilitation services as a drug-dependent person under section 1062 of this title shall be excluded in computing the authorized strength of his armed force.

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

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

There was no objection.

COMMITTEE AMENDMENTS

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

The Clerk read as follows:

Committee amendment: Page 5, line 13, after the word "is" add "retained on active duty beyond the end of his term of service or the date of separation for the purpose of"

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: On page 5, after the word "under" add "subsection (b) of."

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I have an amendment at the Clerk's desk together with conforming amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Murphy of New York on page 4, between lines 5 and 6, insert the following:

"§ 1063. Disability separation for drug dependent members; civil commitment

"(a) As used in this section—

"(1) The term 'hospital of the Public Health Service' means any hospital or other facility of the Public Health Service especially equipped for the accommodation of drug dependent persons, and any other appropriate public or private hospital or other facility available to the Secretary of Health, Education, and Welfare for the care and treatment of drug dependent persons. The Secretary of Health, Education, and Welfare is authorized to contract with the Administrator of Veterans' Affairs, under such terms as may be mutually agreeable, to make Veterans' Administration facilities available for the treatment of persons committed under this section.

"(2) The term 'treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the drug dependent person by correcting his antisocial tendencies and ending his dependence on any controlled substance (as defined in section 802(6) of

title 21) and his susceptibility to dependence on any such substance.

"(b) If the Secretary concerned determines that a member of the armed forces on active duty is unfit to perform the duties of his office, grade, rank, or rating because he is drug dependent, the Secretary is authorized to retire, discharge, or separate, as appropriate, such member from active military service on the basis of physical disability.

"(c) Not less than 30 days prior to the date on which any member is to be retired, discharged, or separated from active military service pursuant to subsection (a) of this section, the Secretary concerned shall file a petition with the United States attorney for the district in which such member will be separated from active military service, or with the United States attorney for the district within which the permanent home of record of such member is located, requesting that such member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. The Secretary shall not file a petition with respect to any member if the Secretary determines that such member has voluntarily filed, or will file, within the 30-day period before his expected date of separation from active military service, a petition with the appropriate United States attorney requesting that the member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. Any petition filed by the Secretary concerned or a member under this section shall set forth the name and address of the member with respect to whom the petition is filed, the scheduled date of his separation from active military service, and the facts or other data on which the Secretary bases the separation of such member from active military service by reason of drug dependence.

"(d) The provisions of sections 302(b) and 302(c), sections 303 through 316, and title IV, of the Narcotic Addict Rehabilitation Act of 1966, shall apply in the case of any person with respect to whom a petition is filed under subsection (c) of this section in the same manner and to the same extent as if such petition had been filed by a narcotic addict or a related individual under section 302(a) of such Act, except that the term 'narcotic addict' as used in such provisions of such Act shall for purposes of consideration of, and commitment and treatment pursuant to, petitions filed under subsection (c) of this section be deemed to mean a person who is drug dependent within the meaning of section 1061 of this title.

"(e) If the Secretary concerned determines, on the basis of medical and other relevant information available to him, that any member of the armed forces on active duty who—

"(1) is drug dependent; and

"(2) either—

"(A) has been charged with,

"(B) is being tried for, or

"(C) is serving a sentence imposed for, the commission of any offense under the Uniform Code of Military Justice involving his personal use or possession of any controlled substance,

would benefit more from treatment pursuant to subsection (d) of this section than from imprisonment; the Secretary may suspend all criminal proceedings against such member or his term of imprisonment, as the case may be, and take appropriate action to discharge and commit such member under such subsection (d) for treatment. No discharge for disability may be finalized under subsection (a) of this section, however, before and unless such member is accepted for such commitment and treatment. In any case in which a former member successfully completes a program of treatment pursuant to subsection (d) of this section, the Secretary shall take such action as may be appropriate to expunge from all official military records all data relating to his arrest, charge, trial, conviction, sentencing, and imprisonment with respect to such offense.

"(f) Notwithstanding any other provision of law, the retirement, discharge, or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

And on page 1, between lines 4 and 5, strike out

"1063. Exemption from disciplinary and other legal consequences.

"1064. Strength accounting for drug dependent members."

and insert the following:

"1063. Disability separation for drug dependent members; civil commitment.

"1064. Exemption from disciplinary and other legal consequences.

"1065. Strength accounting for drug dependent members."

And on page 4, line 6, strike out "§ 1063." and inserting "§ 2064.".

And on page 5, line 8, strike out "§ 1064." and insert "§ 1065.".

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendments be dispensed with, since it is merely a recitation of conforming amendments.

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

There was no objection.

Mr. WIGGINS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California (Mr. WIGGINS) reserves a point of order.

The gentleman from New York (Mr. MURPHY) is recognized in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, unfortunately during the colloquy I did not have the time to read a statement by one of the really successful drug rehabilitation programs that is located in my city, and I am quoting from a letter sent to me by Dr. Judianne Densen-Gerber. To bring emphasis to the amendment that I have offered, I wish to point out that, in reference to working with drug addicts, she said:

During our first years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself, this is not true. We have discovered our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict, he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all) enrolling in a methadone program, or going through a 21-day detoxification program.

The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizable habit, to one which, after three weeks, can be more easily supported.

This amendment, gentlemen, is directed at the hard-core heroin addict and is not concerned with the entire range of drug-addicted servicemen.

In the debate we had great eulogy poured on the military services for their approach to work in the drug rehabilitation field. I visited 13 military bases in the United States. I visited Dix House, which is the half-way house at Fort Dix. I visited Fort Meade's half-way house and Fort Bragg's half-way house, and the Navy-wide center at Miramar, San Diego. I visited the Air Force-wide center at Lackland Air Force Base in Texas. We found the full range of military addicts in those programs, but none of these programs addressed themselves to the treatment of the hard-core addict, to which my amendment addresses itself. We found this type of addict—the hard-core addict—in the Dix half-way house, in the Fort Meade half-way house, and in the other military programs we inspected. This type of addict became interested in going into the treatment for many reasons—because the CID was on his trail, because he was pushing, because he wanted to "deadbeat" his military duty, or just because he was an addict and he wanted to get away from things and actually get some help.

In every one of those houses we found a free flow of narcotics. That is one of the main problems of the service approach to treating a heroin addict.

The services cannot treat heroin addicts. The commander of the First Army said to me that the heroin addict is a "cancer that must be removed from the military services," and I say the military has no place in the rehabilitation of a drug addict. Get him out of the service, but do not just throw him on the streets of my city or your city or your town or community. Put him in a program, trigger him into a program, where he can receive proper treatment. My amendment offers the triggering mechanism that will put him into an effective program.

The GI addict today will not go voluntarily to the Veterans' Administration. We have 447 veterans at our three VA Hospitals in New York City under treatment today. Why only 447 veterans out of an estimated 40,000? Because they will not go to the VA. When I asked a Vietnam veteran, a Silver Star winner, why he would not go to the VA, he told me:

The VA is not responsive to me. The VA is a bureaucracy. The VA is made up of middle-aged men. They are all over 50 years of age, and when we go in to get some help, they are not able to help us.

You will find black servicemen going into the VA for treatment. They do not believe them.

In my earlier remarks I said the addict is more likely to respond to a civilian program, but he will not go into a program which has a military structure such as the VA or the other military programs. The First Army Commander said to me, "We do not have the military psychiatrists to deal with this problem, and yet the service still gives it to me."

I finally got one general's attention when I brought an addict into his office myself and I said, "Tell your story."

This young draftee had his hand broken by a sergeant because he was an addict and he had repeatedly gone AWOL from the service. I took him into the general's office, and when he heard his story the general almost had tears in his eyes. I said, "General, I am giving him to you to rehabilitate."

I said to the young man, "Tell the general how much Government property you stole keeping your addiction alive." He told the general who was duly flabbergasted.

Mr. Chairman, we found at Fort Bragg, N.C., that a half million dollars worth of military property was stolen in the first 6 months of last year. The CID was so good it often got the property back before the military even knew it had been taken.

There is no place in the military for the addict. That same young man who told his story to the general at Fort Dix was offered everything the military had at its disposal for his treatment. Upon my request they put him in the hospital for detoxification. They then sent him to Dix House for treatment. But he was a.w.o.l. before they knew it and every time he was brought back he went a.w.o.l. again.

Finally, the third time he came to my office for help, I sent him to a civilian program in the Bronx where he was finally rehabilitated. And then we had to face the problem of his discharge.

I said to the general, "How will you handle his discharge?" The general did not know. The service did not know. This young man was rehabilitated in a civilian program he went into because I put him into it. I said to him, "You are going in or you are going back into the service." And he went and he conquered his problem.

This is a form of third party commitment. I think the military has a responsibility to the civilian community of America not to put an addicted heroin user back on the streets to push drugs in that community.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. WIGGINS. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against the pending amendment on the ground that it deals with a subject matter which is not within the jurisdiction of the Committee on Armed Services in two particulars.

The bill under consideration, Mr. Chairman, amends title 10 of the United States Code, and provides for a comprehensive scheme of treatment and rehabilitation of those on active duty in the armed services. It is confined to those on active duty in the armed services. The amendment now pending, Mr. Chairman, on the contrary, provides for the involuntary commitment of people who have been discharged from the armed services. It is true that the petition must be filed within 30 days of separation, but if the petition be granted, then that individual as a civilian is subjected to up to 42 months of involuntary commitment in a Public Health Service hospital. Legislation in this field, Mr. Chairman, as it deals with veterans, should properly be before the Committee on Veterans' Affairs.

A second ground of nongermaneness, Mr. Chairman, is that the amendment of the gentleman from New York amends by necessary implication the Narcotic Addict Rehabilitation Act which is a subject properly before the Committee on the Judiciary. That act provides that petitions may be filed either by an individual for himself or by certain related individuals. This amendment, however, provides that a new class of petitioner be authorized, namely the Secretary of Defense. That is an important and significant departure from the act and constitutes an amendment by necessary implication of a piece of legislation not properly before the Committee on Armed Services.

Mr. Chairman, I urge that the point of order be sustained.

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

Mr. MURPHY of New York. I do, Mr. Chairman.

A point of order has been raised on the germaneness of my amendment No. 1 to H.R. 12846. I object strongly to this procedure for many reasons.

H.R. 12846 promises to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces. Through careful research and documentation, submitted to the Armed Services Committee and the Judiciary Committee, I have shown that the program as outlined by the administration will not meet the goals set forth in the legislative intent of the bill.

For those who have been involved with the treatment of drug addicts and drug-dependent persons, it is a hard fact that there is more to rehabilitation than a skimpy 30 days in a hospital and a tablespoon of methadone a day. For a seriously addicted GI, treatment and rehabilitation sometimes involves confinement and certainly involves the expertise of psychitarists, psychologists, physicians, social workers' and others over a period that exceeds 30, 60, or even 90 days. It takes 15 months—on the average—for a hard-core addict to even be released into society. A comprehensive program of treatment certainly requires supervised aftercare in the community and should include educational, social, psychological and vocational services, and corrective and preventive guidance and training. The administration bill does not provide this kind of service although they promise to "rehabilitate" the addict.

My amendment does all of these things.

I offer this amendment as an expansion of the administration's program.

No one should argue that drug addiction is a physical disability. This concept is not new to the U.S. Congress. In 1961 the U.S. Supreme Court came to that conclusion in the case of Robinson against California when it decided that it was "cruel and unusual punishment" in the sense of the eighth amendment to treat as a criminal a person who is a drug addict. In 1966 when Congress passed the Narcotic Addict Rehabilitation Act, we put into law the concept of the drug addict as a person who is sick and who is in need of treatment rather than criminal incarceration. My point in mentioning this is that the Congress has for 6 years treated the drug addict as a sick person. The courts have come to that conclusion, and it is time that the military came to the same conclusion, offering the addict the care and treatment he deserves. Through the mechanism of defining the drug addicted serviceman as physically disabled we are able to provide him the care he needs through the already established network of Federal programs that can be made available to him.

Through this mechanism we can remove the lifelong stain on his record, which now prevents him from obtaining meaningful employment and acceptance in his community.

I do not think that these ideas deviate from the concepts set forth in the administration bill. That bill goes in the same direction. Section 1063(a) of the administration bill takes that same approach when it says that a member of the Armed Forces is not subject to disciplinary action or discharge under other than honorable conditions, solely on the basis that he is determined to be drug dependent. I believe that this terminology is correct and in keeping with the overall objectives of both the bill as reported and my amendment.

Section (e) of my amendment No. 1 is an extension of the overall attempt by this legislation to offer humane, realistic and successful rehabilitation to drug dependent servicemen. This section is not mandatory. It offers an alternative that leaves the way open to the Secretary of the service concerned to device that if a young man who has committed a drug offense would benefit more from treatment than incarceration, it is there for him to offer it. Certainly in some cases our society would benefit from this type of an approach. And in the final analysis, the purpose of this bill is to offer treatment and rehabilitation for drug dependent members of the Armed Forces.

Finally, I reiterate—I am not taking anything away from the administration bill. I am offering a change to make this piece of legislation more workable. And I am offering the chance to bring into being what the administration bill offers, but cannot deliver in its present configuration.

Furthermore, I had asked that the bill be taken off suspension for the purpose of offering these amendments. My testimony before the Rules Committee when they granted a 1-hour rule for consideration of the bill here today had the intent of these amendments in that testimony.

For those reasons, I believe that the amendment is germane.

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

Mr. HALL. Mr. Chairman, I should like to be heard on the point of order.

Mr. Chairman, I would support the point of order under rule XVI, section 796, which states in part under (b):

> A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And continues elsewhere:

> Thus, the following are not germane: . . . to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law other than those dealt with by the bill . . .

I submit, Mr. Chairman, that this amendment by our friend from New York also violates rule XI, section 722, not only insofar as it violates the jurisdiction of committees of the Congress and adds additional duties thereunto but also with respect to overlapping jurisdiction of at least four and possibly five of the Cabi-

net departments downtown; particularly the jurisdiction not only of the Committee on Veterans' Affairs in the House and in the other body, but also of the Veterans' Administration itself; and it prescribes new duties on the Secretary of the Department of Health, Education, and Welfare; on the Surgeon General of the United States of the U.S. Public Health Service, including the commissioned corps; on the Department of Justice; on the White House; and NARA or the Narcotics Addict Relief Agency therein.

On page 7863 of the hearings there is an interesting colloquy to which anyone may refer in support of the jurisdiction of the Committee on Veterans' Affairs.

I hope that the Chair will sustain the point of order because of the simple intent of this bill as the second stride in inservice care of those who are experimenters, addicts, or "hooked" on narcotics as well as the experimental drugs.

The CHAIRMAN (Mr. HENDERSON). The Chair is prepared to rule.

The gentleman from California makes the point of order that the amendment offered by the gentleman from New York (Mr. MURPHY) is not germane to the bill H.R. 12846. H.R. 12846 would authorize the Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard, to: First, require each member of the Armed Forces on active duty to be examined for drug dependency; second, provide treatment and rehabilitation services either in a military facility or in another facility run by a Federal agency such as the Public Health Service or Veterans' Administration, upon referral of those members on active duty; and third, require active duty members to undergo treatment for drug dependency, including 30 days beyond term of service.

The amendment offered by the gentleman from New York would provide, in addition to the treatment program in the committee bill, an alternative program under which the Secretary would be authorized to discharge or separate, drug dependent members from the service, and then to petition the appropriate U.S. attorney to seek admission of such discharged member in a Public Health Service hospital. The provisions of the Narcotic Addict Rehabilitation Act regarding involuntary commitment of narcotic addicts would apply to such discharged members. The facilities for the treatment of such committed persons are the same facilities as those referred to under the referral procedure in the committee bill.

On December 15, 1937, Chairman McCormack ruled that to a proposition to accomplish a certain result by one method—through the use of a governmental agency—an amendment proposing to accomplish that result by another closely related—through the use of another governmental agency—was germane (RECORD, page 1572–89).

The Chair feels that in the instant case, the purpose of both the committee bill and the amendment is the same, namely, to provide a program of treatment for drug dependent persons in the Armed Forces. The committee bill suggests two basic methods for accomplishing that purpose, either treatment in a military facility or referral to another Federal facility. The amendment, while providing a separate commitment procedure for placing drug dependent persons in a Federal facility, nevertheless would require the use of the same facilities suggested in the committee bill, and would provide a third method of treatment to the two approaches carried in the committee bill.

For these reasons, the Chair holds that the amendment is germane and overrules the point of order.

Mr. HICKS of Washington. Mr. Chairman, I rise in opposition to the amendment for the same reason that occurred a moment ago in the general debate.

At the time that H.R. 9305, which subsequently became the bill that we have before us today, was brought before the committee, it was a part of a package. You may recall that the President gave his message on July 17, 1971, regarding drug abuse, and H.R. 9264, the bill creating the Special Action Office for Drug Abuse, was immediately brought to the Committee on Interstate and Foreign Commerce. At the same time the bill we are considering here today was also taken to the Defense Department. The Committee on Veterans' Affairs considered and passed H.R. 9265, the Serviceman's, Veterans', and Ex-Serviceman's Rehabilitation and Drug Treatment Act, and the same now languishes in the other body. All of them taken together have been made a part of the system of treating the veterans or the servicemen for drug abuse. The gentleman from New York (Mr. MURPHY) has certainly made a diligent study, and I have checked many of the things he has done in this field. He is to be admired and commended. Nonetheless I feel he is in error in forcing or attempting to push his amendment to force involuntary treatment. That is thought so by most of our officials. Dr. Jaffe heads the Special Drug Abuse office. He has a letter on this matter which you may find in the hearings saying that the involuntary commitment method should not be used.

Dr. Wilbur, the Assistant Secretary of Defense for Health and Welfare, also sent this letter dated June 7, 1972, to our subcommittee chairman which says in part:

> Notwithstanding our deferral to the Director of the Special Action Office in this matter, we would expect that civil commitment procedures would have an effect on our Department of Defense programs for treating drug abusers. The majority of our drug abusers are identified in one of two ways. They either turn themselves in for assistance or they are detected through our urinalysis screening program. The individuals whom we identify vary from the experimenter to the casual user to the frequent user. Rarely do we find a serviceman who has reached the stage of acute addiction that is frequently encountered in the civilian sector. Our entire program is based upon early identification. If our service members believed that identification as a drug abuser could lead to long-term civilian commitment after separation, we could expect few to voluntarily identify themselves and we could also expect that most drug abusers would go to great lengths to avoid detection through our urinalysis screening program.

And, he goes on for a couple of more sentences.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield to me at that point?

Mr. HICKS of Washington. I shall yield to the gentleman when I have completed my statement.

Dr. Lyndon E. Lee, Jr., Assistant Chief Medical Director for Professional Services and Director of Medicine and Surgery of the Veterans' Administration, in the colloquy with the gentleman from Texas (Mr. WHITE) in the committee hearings stated as follows:

> You are implying, sir, what we should do is force that man to remain in the hospital for therapy. Prior to the time you came in, we indicated that our experience over the years has proved this to be an inadequate and unsuccessful means of treating people. They need a voluntary approach, rather than an involuntary servitude, as you stated here.

Further, Dr. Lee, in response to another question stated as follows:

> Those who would submit themselves to treatment voluntarily, we would have some hope for. Those who are there under one or another type of restriction, either military or civilian commitment, I think are in large measure, as has been proven before, a lost cause before we start under that circumstance.

The gentleman from New York in the material that he inserted in the CONGRESSIONAL RECORD both on June 30, 1971, and in May of this year quotes figures from the State of California where it says that only 4 percent of the addicts were turned in by relatives while 7 percent were committed by probation or police officers. While California has experienced little success with the commitments made by relatives, it has experienced even less success with those turned in by police or probation officers. In the latter instance addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

Therefore, Mr. Chairman, I oppose the amendment.

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

(By unanimous consent, (at the request of Mr. MURPHY of New York) Mr. HICKS of Washington was allowed to proceed for 2 additional minutes.)

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

Mr. HICKS of Washington. I yield to the gentleman from New York.

Mr. MURPHY of New York. How does the bill which the gentleman is supporting handle this case? For example, the man is in the military service and he is shooting heroin in order to get out. He becomes addicted in order to get out of the service. What do you do with him?

Mr. HICKS of Washington. The bill, as is provided, and as the gentleman from New York knows, provides that the military can do one of several things. However, one of the things they can do if they feel that a man is shooting just to get out of the service, they can treat him as a criminal or they can treat him with help. I assume what we are going to do from now on is to treat him with help.

Mr. MURPHY of New York. What kind of help is he going to be treated with?

Is he going to be put out in 30 days and told to go into a voluntary program?

Mr. HICKS of Washington. As Dr. Lee says, they will keep him for 30 days and try to dry him out, and if the man can be persuaded that it is in his best interest and if the service becomes convinced that he is responding to treatment, the man can stay on. If they do not become so convinced, the man will not stay in the military service. The same thing will occur as occurs in civilian life and the sort of thing that is happening in New York, and the sort of thing which the gentleman from New Jersey (Mr. HUNT) talked about where they are not having success.

Mr. MURPHY of New York. This bill is going to create the "needle draft dodger." In other words he is going to get out of service because he is "shooting up." We had better put some muscle into this bill and the amendment which I have proposed would isolate not only that voluntary "shooter upper" but it would also isolate the heroin addict and he would have to go into a rehabilitation program as a result of the adoption of this amendment, and it will stop this type of draft dodging.

Mr. HICKS of Washington. Why did the doctors oppose the amendment?

Dr. Jaffe, Director of the Special Action Office for Drug Abuse Prevention;

Dr. Wilbur, Assistant Secretary of Defense—Health and Environment;

Dr. Lee, Assistant Chief Medical Director of the Veterans' Administration.

All these men with their years of expertise opposed involuntary commitment beyond 30 days.

The gentleman's amendment should be rejected.

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

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

Mr. Chairman, in listening to the discussion between the two gentlemen who have just preceded me, I might point out to the gentleman from New York that the Uniform Code of Military Justice will handle those persons who do this sort of thing willfully in an effort to escape military service.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield for a question?

Mr. HUNT. I shall yield to the gentleman when I have completed my statement.

As I understand it, the gentleman from New York is telling the members of the committee that he would propose an amendment to this bill. The amendment, as I understand it, is not an amendment at all, but a new bill, an entirely new bill, that should have been introduced as such and not as an amendment for the voluntary or involuntary commitment of a military member, similar to that provided in NARA.

If I read the CONGRESSIONAL RECORD correctly, the same gentleman from New York told us that the involuntary commitment and drug treatment programs are really a failure and that he would propose certain amendments to existing law that would do away with involuntary commitment.

That is a matter of record in the CONGRESSIONAL RECORD.

Indeed, the gentleman quoted certain individuals, supposed experts in the area, who universally condemn involuntary commitment.

We are talking of voluntary commitment, as the gentleman knows. H.R. 9265, the Veterans' Administration bill, also covers that matter. It has already passed this House. Unfortunately for us it and many other vital issues languish over there in the other body.

I spent most of my adult life in the field of narcotics detection and prevention. I know a little bit about narcotics—and not from what I read in books—and not from the sob sisters—but from actual experience.

It has been my experience that men and women who seek drugs and who become involved in drug addiction are persons who, at the most adverse times—when small things begin to bother them and when they become too weak to cope with what they have on hand or when something disturbs them or when they seek enjoyment, or for other factors—resort to the use of drugs as a means of escape.

Drugs come in several categories: The nonaddictive or non-habit-forming drug or the addictive type of drug.

In my entire career—and I handled a narcotics squad in the southern part of the State of New Jersey for the State police for a number of years and worked very closely with the Bureau of Narcotics and Dangerous Drugs—we conducted many raids. I have talked with more drug addicts than anybody in this House. I have never yet found one addict who addicted himself to heroin because he wanted to escape from the military service. I doubt that such a situation as this will ever occur.

Another thing that disturbs me about the gentleman's amendment is that the benefits that this man can get might be the same as those a man who lost a leg in the service might receive. He might be geting some benefits from his self-induced habit.

The amendment in my estimation should be defeated today because it encroaches upon a good bill that we have worked very hard for. It overlaps into the jurisdiction of several departments and imposes an intolerable burden on the Veterans' Administration.

I am quite sure that the members have worked on this committee so very diligently and, as was pointed out by the chairman, the gentleman from Georgia (Mr. HAGAN), know quite a little bit about what they are talking about insofar as the armed services are concerned.

I do not know of any way that the Army can commit a man to an institution for treatment after he has been discharged from the service. If there is a way, will someone kindly tell me? We have before us today a bill that simply prolongs the existing service commitment only 30 days for the purpose of detoxification—and the gentleman from New York by his own admission knows that 25 days is the required time for detoxification. Anybody who is in the narcotics field knows that detoxification is not always the answer, but it can get them back to a normal state. If they have still a need for heroin, if they cannot keep away from heroin, which is the most highly addictive drug the world has ever seen, none can do it for them.

I do not care what you say—if you put a man in incarceration and keep him there and say, "We are going to keep you here until you are cured of the drugs." This is a ridiculous assertion and will never bear fruit.

(By unanimous consent, at the request of Mr. MURPHY of New York, Mr. HUNT was granted 1 additional minute.)

Mr. MURPHY of New York. I would like to refer to the statement which the gentleman made concerning one of these addicted veterans receiving any remuneration from the services. From this statement and in fact everything he has just said, I can only assume he did not read the amendment and is unfamiliar with the history of NARA and all of the studies and documents I have referred to in support of my amendment.

Paragraph (f) of this amendment states, and I quote:

> Notwithstanding any other provision of law, the retirement, discharge or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

So we do not give him any monetary benefit if he is a GI addict. What we do offer is treatment for his addiction and a chance to be returned to society the same way the Government found him, drug free. But I would like to say this about detoxification because the gentleman did not bring it up.

It takes 21 days.

Mr. HUNT. Twenty-five days, sir.

Mr. MURPHY of New York. Twenty-one days or 25 days—in that area. In these days many addicts will say, "Thanks for detoxifying me because now I can go back to a cheaper habit and get the same high for less money."

Mr. HUNT. You are so right. Whether he is committed voluntarily or involuntarily, when a man of that type does not stay off, he is going to wind up in a pine box.

Mr. WHITE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. WHITE. Mr. Chairman, I am a member of this subcommittee. It worried me throughout our discourse that we did not have some hold on these men after they were discharged. It is apparent that the Army does not have the facilities to do this job of treating the addict other than the holding of them for 30 days in order to detoxify them. I personally feel it is important to place these men who are discharged in some civilian community, institution or facility in order to give them further treatment. Otherwise they are going out on the street and they are going to rob and commit other crimes in order to support their habit.

Therefore, Mr. Chairman, I will support the amendment in order to hold those men in the hope that we can remove them from this habit and restore them to productive life.

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

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

Mr. GROSS. How long do you propose to hold them?

Mr. WHITE. I think that would be up to the doctors who are examining these men or following the course of their treatment and recovery.

Mr. GROSS. And where would you hold them? In Veterans' Hospitals?

Mr. WHITE. I suppose. I think this does provide——

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

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

Mr. MURPHY of New York. I think the gentleman is exactly correct. These persons, after a hearing, after all of their rights are protected, would be referred to a treatment center, depending upon the type of drug addiction or dependency they had, because they fall into different categories. They then would go in, and in the period of time they are in this treatment program, the psychiatrists involved would evaluate them. If after 4 months in the opinion of the psychiatrists they can be discharged, or if they believe in 6 months they can be discharged, they can then be discharged. If they need longer therapy, they are kept in longer, but this gets to the problem that the gentleman from New Jersey brought up. You can rehabilitate an addict but it may take time, and the time varies depending upon the addict.

Just this morning I had a man who spent 14 months in Vietnam call on me. He had been decorated and had been wounded on the battlefield. He was in my office a.w.o.l. again because he is an addict. What do I do with him? Let us do something to help that veteran.

Mr. GROSS. How did he become an addict? Who made him an addict?

Mr. WHITE. Let me say this in my available time. The fact is this man is sick. Like any other sick person, he needs treatment. If you discharge him after 30 days, he will go out on the streets and commit crime. I think we owe it to these people to restore them back to citizenship.

Mr. GROSS. Is this the only illness of which that can be said?

Mr. WHITE. This is the kind of illness that leads to crime.

Mr. GROSS. What is that?

Mr. WHITE. This is a craving type of illness that leads to crime.

Mr. GROSS. Let me ask another question. What is all this indefinite, undetermined program going to cost the taxpayers of this country? When you start the operation of a program of this kind, you are talking about a great deal of money.

Mr. WHITE. It will cost the taxpayers a great deal less than it would otherwise for the damage to individual citizens who are robbed and whose property is destroyed and damaged, and even the murder of some.

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

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

Mr. MURPHY of New York. Thirty-seven million dollars is being spent in these programs right now.

Mr. GROSS. How much more do you want to increase it?

Mr. MURPHY of New York. Here is a list. The University of Missouri is getting $745,662 in this program where we are taking addicts and rehabilitating them. I think I could properly pull out a reference to the University of Iowa, where there are Government-related programs. There are programs in Georgia. I can find many programs in California, as the gentleman knows. I have Illinois all over the place. I have Connecticut. Here is the Missouri Office of Mental Health, another $277,000. These are the programs that they should be triggered into, and not in the VA, where they will not go voluntarily.

As I said, 23 out of 4,400 in 3 months went voluntarily to the VA.

Do not put these heroin addicts on the streets when they come from the military service, whether they obtained their heroin addiction in the service or whether it predated that service. I am talking only about a portion of the military drug abusers. The rest of the people can take care of a significant number, but do not put an addict back on the streets of our towns.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, I have the privilege of having served as a member of the Special Subcommittee on Drug Abuse in the Military, and as a member I have had an opportunity to visit with and listen to a number of people concerned about this problem.

I would like to compliment the gentleman from New York for I know there is sincerity in his effort, but I question the validity and the effect of his effort.

As I see it, the thrust of the amendment is to provide for involuntary commitment of military members who are drug dependent using the Narcotic Addict Rehabilitation Act of 1966 as a vehicle.

During the course of almost 2 years of committee inquiry into the military drug problem, we have made various inquiries and heard a great deal of testimony concerning commitment for treatment. Almost universally—and particularly from qualified professional physicians—we have been told that unless the person wants to be rehabilitated, the task is next to impossible. Such is the opinion, for instance, of the Assistant Secretary of Defense for Health and Environment, Dr. Wilbur—a medical doctor; such is the opinion of Dr. Jerome Jaffe, chief of the President's Action Office—a highly qualified medical doctor with much experience in the treatment of drug problems. Similar opinions come from Dr. Lee of the Veterans' Administration, and many others.

Mr. Chairman, I hope our colleagues will pay close attention to the following quotations:

> If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially—

Now hear this—

> if he is committed or has not been arrested for any crime.

Another quotation, Mr. Chairman, is:

> Civil commitments by a relative or a third party constitute "the most difficult cases to handle in treatment." . . . because they are put in against their will. . . .

Then we have this quotation:

> Total experience in the United States with civil commitment by a relative or third party has not been successful. . . .

Mr. Chairman, the interesting feature of the latter quotations I have just stated is that they come from Representative JOHN MURPHY, of New York, published in the CONGRESSIONAL RECORD on May 1, 1972. In fact, the gentleman from New York felt so strongly about it that this is a repetition of the same material which appeared in the CONGRESSIONAL RECORD on June 30, 1971.

Mr. Chairman, this amendment is before the House today sponsored by a Member who tells us that involuntary commitment under NARA is unsuccessful, but nevertheless we should foist it upon the Department of Defense.

The long and the short of it all, in my opinion, Mr. Chairman, is that we must listen to the professionals in deciding what legislation is best for the members of our military. With all due respect, I believe the Members will agree there is no room in this program for the prescriptions of amateur physicians or psychiatrists.

I urge upon this committee the rejection of the amendment and passage of the committee bill as introduced.

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

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, the remarks the gentleman referred to were my remarks before the Judiciary Committee where we dealt with third party commitment by relatives or close friends in a civilian setting. We have found there was tremendous resentment on the part of the addict for those close relatives or friends who committed them which hinders efforts at treatment. Where the commitment is by an authority such as the court or a State agency, there is a detached commitment, the resentment is not there, and the hinderance to treatment is absent. That was the type of involuntary commitment we were talking about in that context. It is not related to the point of the amendment here today.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman in the case of the addict who is committed, whether he is committed by a third party or by a court, or whether by the military, in his mind he has been involuntarily committed, and I believe the gentleman's earlier statements are true, that it is anything but helpful and beneficial to his rehabilitation.

Mr. MURPHY of New York. Where the court commits him, he is going to go either to the penal institution or to the drug rehabilitation program.

Mr. YOUNG of Florida. I understand that, but I am saying in his mind he has been committed against his will. I do not think the addict pays too much attention to why he was committed against his will, or who was responsible for it. He is in there against his will, and that is creating the situation the gentleman mentioned.

Mr. MURPHY of New York. There is simply no comparison between a wife committing her husband and the Secretary of the Army binding over an addicted soldier to the Departments of Justice and Health, Education, and Welfare after days of physical and psychological study. To say that the addict pays no attention to who committed him or why, is not within the framework of today's knowledge of the affliction of drug addiction.

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

(On request of Mr. MURPHY of New York, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

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

Mr. YOUNG of Florida. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. Go to Lexington, Ky., or to Fort Worth. Fort Worth was really a drug rehabilitation center. Come up to the incarceration factories we have in New York and New Jersey. Go into those factories and find out who the addicts are. Fifty percent of them are veterans.

How did they get there? They went out and committed crimes to get there. They did not go there on a civil commitment provision. They went in because the courts put them there.

That is what is involved when I say we should do something today, and if we do not take care of the veterans we will throw them out on the streets where they will be picked up for the commission of crimes and their lives further ruined. We have an obligation to do something about those "hooked" GI heroin addicts who are being put back on the streets.

Mr. YOUNG of Florida. I suggest there is nothing in this bill, or in favor of the amendment or in opposition to the amendment, which would throw veterans out on the street against their will.

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

Mr. YOUNG of Florida. I yield to the gentleman from New Jersey.

Mr. HUNT. In response to the remarks about Lexington, Lexington was a voluntary commission hospital. The people were not committed to Lexington behind bars.

In New Jersey, we have many places where people are being rehabilitated. An examination of the records in New Jersey will not indicate the fact that these men contracted the drug habit while in the armed services.

We have many cases of addicts in the United States starting at age 12. I am quite sure that nobody ever entered the armed services at age 12.

We have so many today who are being treated, in that teenage problem of drug abuse.

If the gentleman can show me boys and girls, young ladies of 14 or 15 or 16 years of age, who could have contracted a drug abuse problem in the armed services, then I will agree with the gentleman from New York.

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

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. WIGGINS. I wish to associate myself with the remarks of the gentleman in the well. His points are all well taken. This amendment should be defeated, Mr. Chairman.

Mr. Chairman, I oppose the amendment offered by the gentleman from New York (Mr. MURPHY) on several grounds.

Using a "back door" approach, this proposal would make fundamental changes in the operation of title III of the Narcotic Addict Rehabilitation Act of 1966, involving significant modification of the underlying philosophy of that act, which is the principal Federal statute in the area of rehabilitation of narcotic addicts.

For the first time, someone other than the patient himself or a close family member would be authorized to initiate civil commitment proceedings under title III, thus redirecting the thrust of that title from a voluntary treatment program to an involuntary one. Also for the first time, the scope of title III would be expanded from treatment of narcotic addicts only, to treatment of persons with any type of drug dependence problem.

Neither of these steps should be taken without a thorough inquiry into its likely consequences, in terms of the actual benefit or detriment to the patients who are supposedly to be rehabilitated.

Subcommittee No. 4 of the Committee on the Judiciary began just such a study last June concerning the effectiveness of various methods of treating narcotic addiction and other drug dependence problems, whether or not the patient happens to be a serviceman. The testimony which we have received from many acknowledged experts in the field of drug abuse treatment, from both in and out of the Government, casts considerable doubt on the actual utility of involuntary civil commitment as a treatment modality for most addicts or drug dependent persons.

This amendment, then, may very well have the unintended effect of pushing the Federal effort to rehabilitate drug-dependent servicemen in precisely the wrong direction, notwithstanding the sincerity and commendable motivations of its proponents.

It should be noted that Dr. Jerome H. Jaffe, Director of the President's Special Action Office for Drug Abuse Prevention, has conveyed to our subcommittee his own opposition to the proposed amendment.

Mr. Chairman, while these matters are still undergoing rigorous scrutiny by our subcommittee, including consideration of all relevant factors applicable to servicemen and nonservicemen alike, the House should not act precipitously and prematurely by chartering the particular course set forth in this amendment for the rehabilitation of addicted and drug-dependent servicemen.

I urge my colleagues to vote the amendment down.

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

Mr. Chairman, there have been some remarks made which I certainly do not intend to let pass, which imply that nothing is being done in the veterans hospitals in the drug field.

We have 36 centers in our VA hospitals. This Congress put in, I believe, $14 million or $16 million to implement those centers.

The President called a group in privately and pointed out there were nine different agencies working on drugs.

Up here in the Congress there are four or five committees working on drugs.

Mr. Jaffe, the so-called czar of the drug program, has been a part of placing a stop, a wet blanket, on the veterans program. We are not entirely satisfied with the veterans program, but that is not the fault of the Veterans' Administration.

It is a voluntary program. There are some ways of involuntary commitment. But if there could be a better place to work in treating veterans than in the VA hospitals, I do not know where it could be, and there is plenty going on in the VA hospitals today.

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

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. I wanted to bring this up, Mr. Chairman, because I know of your intense interest in veterans and in the Veterans' Administration and the whole range of programs which have been set up for the veterans. I envision the use of the VA in my amendment when there are good programs available. But let me point out a few things. After spending a lot of time in going over the history of the efforts to obtain VA treatment for the New York addicts, there were the usual horror stories. There was one deathly sick addict who turned up at the Addict Services Agency on a Friday afternoon, and the staff made an emergency call to the VA drug facility. They were told that the following Tuesday was intake day, to bring him in then. In New York judges are many times forced to put a decorated veteran in the Tombs because the VA does not accept patients after 4:30 p.m.

I went to the VA in Baltimore, to go over the program there. The director of the hospital asked me not to come to the hospital. I asked "Why?" and he said, "Because we are not ready to show you anything. We are in no shape to do anything."

But in the Baltimore VA outpatient program, the "Jaffe program," what do we have? It is methadone. And I agree with my distinguished colleague that Dr. Jaffe has given our addicted servicemen a low priority.

I talked with a veteran who has been on methadone for 2½ years. He said to me, "Congressman, where do I go from

here?" He does not go anywhere from methadone.

My amendment offers programs that the administration bill does not have access to, which can treat and rehabilitate the veterans. We had, as I pointed out, 447 veterans in the VA program in New York.

Yet we have an estimated 40,000 "hooked" veteran GI addicts in New York. The VA cannot take them. They will not voluntarily go to the VA.

That is why the approach in my amendment is necessary.

Mr. TEAGUE of Texas. Mr. Chairman, the gentleman from New York without question has done much work on this bill traveling the whole country. I have done it too. In the last few months I have been to the hospital in Walla Walla, Wash., to the hospital in Salt Lake City, Utah, Denver, Colo., and Texas. I think our program is working fairly well, and it gets back to the point of involuntary versus voluntary. In 90 percent of the cases it is a voluntary program, but I certainly do not want the House to get the impression that nothing has happened in this bill because there is a lot happening.

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

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. MURPHY of New York. I do not mean to imply that the Veterans' Administration is not doing everything it can, given the way it is structured, to do something for veteran addicts. My concern is that the voluntary aspect of the administration approach dooms it. You are not going to cure a heroin addict who has been put out of the service and simply referred to the Veterans' Administration. He just will not go there. And I do not think Congress should pass legislation throwing him out into society.

Mr. HALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. I think it has become increasingly obvious that the committee itself has traveled indeed around the world, and visited posts, camps, and stations in all branches of the military service—to say naught of extended hearings—in arriving at this bill, which is the second of its reports in over 3 years. I do not believe in unsubmitted amendments by self-appointed instant or declared experts. The present results in the services indicate significant progress is being made in the drug abuse prevention and treatment field and, indeed, the rehabilitation field. The Army now has 33 treatment centers across the United States where patients may be sent. In addition to that, the Navy and Marine Corps have facilities and the Air Force at Lackland Air Force Base has facilities. In addition to what the distinguished gentleman from Texas (Mr. TEAGUE) said, the Veterans' Administration has been in the forefront of this highly publicized medical treatment and rehabilitation area. At the time of the subcommittee hearings 32 centers were open for drug treatment with an annual capacity of over 6,000 patients. Maybe it is not enough to take care of the situation of hard core addicts in New York or the greater metropolitan area of megalopolis here on the northeast coast, but I submit that they did not all derive from the military service. Quite the reverse. I know of no taxpayers' obligation to commit these people on an involuntary and probably an unconstitutional basis, and adding on conscriptions for additional service. We have had many red herrings run across the table here. We have had the question of disability separation brought up. The heroin addict who might shoot his main line in order to be discharged. We have people who shoot themselves in the calf or the foot so they can get disability discharges. There is an existing adequate military code of conduct and a code of military justice for handling these kinds of cases, and these will derive as a function of command.

As I said in my statement in general debate, the command is taking care of this situation, and indeed the noncommissioned officers and men in the squad room are doing the same.

Mr. Chairman, the major thrust of this bill is to make it possible for the military to assure the civilian population, no man who is actively using drugs within a 30-day period will be sent back to civilian life to become a burden on the civilian community. This is the second giant stride in that direction. Of course, 30 days is an arbitrary period of time. In 3 weeks they begin to approach some degree of saying that the man has an option. It is his rationale, and thinking. By the time you get to 4 weeks, or 30 days, you have the general feeling at least the people who have returned to civilian life have an option as to whether or not they want to continue drug use, or lead a more sociably acceptable life. We do not intend to discharge until they are detoxified and wrung out. The committee assured itself of the maximum benefit of inservice hospital quality care in this regard.

DISABILITY SEPARATION

Was considered and just do not believe we go so far as to provide for disability separation for a self-induced condition. Now, if a concurrent psychiatric problem exists, then under present law, the person may be eligible for consideration for disability separation by reason of any neuropsychotic condition contained in the rating schedules. There are many, many other worthy cases that should be considered also if drugs are to create an exception to the rules relative to line of duty—misconduct considerations where discharge for physical disability is concerned.

DO NOT DISCHARGE UNTIL "CURED"

Whatever the illness or other physical problem, there comes a time when the maximum available inservice care is reached, and then the prudent course is to transfer to V.A. or other similar facility. This is what is done with all military members who may have a requirement for long time treatment, and one who is drug dependent should be no exception. In effect we are saying that we should give this man the same opportunity as the seriously wounded soldier, the paraplegic or the mentally disturbed: Maximum inservice medical care then transfer to the veterans administration or similar agency for prolonged care.

I believe that the Defense Department's record of significant accomplishment in a short time period is a testimony to their willingness to carry out the concepts embodied in the President's overall program. At the present time, we have the full cooperation of the military. What we now need is the support of the Congress to obtain the full legislative authority of H.R. 9503—H.R. 12846—and H.R. 9264.

When I asked Dr. Lyndon B. Lee, Jr., the assistant chief medical director for professional services, Department of Medicine, and Surgery, Veterans' Administration during our hearings if he was confident that with H.R. 12846 and H.R. 9264, we will have all the mechanism we need to insure needed treatment to the individual, including holding for the requisite number of days for continued rehabilitation and adjustment, he responded as follows:

I am paid to be a rational skeptic, so my answer is "yes," with reservations. I think we need these bills, and that is the thrust of our testimony, in order to do what we now know is best, or think is best for these people, while we very carefully evaluate what we are doing to see whether the answer to your question is we need additional latitude, support, or other things.

But as we look at the circumstances now, we are confident that these will give us what we think we need now.

You, Dr. Hall, are well aware, I am sure, but perhaps it is necessary to remind some of the others that addiction is made up of at least three different components. One is a simple habit of taking something periodically, and that is not addiction. The second item is tolerance to whatever it is the man is habitually taking, and some few—none of us here—have on occasion taken a drink of alcohol. When we did it first, it had quite an effect, and then our tolerance developed, and now it takes two or three to get the same effect, and that is habituation, with tolerance, and of course neither of these constitute addiction.

It takes a third aspect, and that is so-called dependence, physiologic need in the body for a particular substance. Addiction, then is made up of habituation, tolerance, and dependence.

Now, we are in the position in the detoxification period of decreasing so-called dependence, and bringing these men down to where habits and tolerance still exist, but at least it is manageable in a further psychotherapeutic approach to the man, and if the military can detoxify these men, which takes approximately 7 days—maybe a little more—perhaps a little less, depending on the degree of their habit and the techniques by which you do it, then we can carry on in the psychosocial rehabilitation. That takes a long time, and that is the major thrust and the major need, sir.

This represents only a small portion of the preponderance of testimony by experts before our subcommittee that supported our bill.

Our subcommittee carefully considered a longer period of time—to include up to 60 days—but after careful consultation with the executive branch decided

on the 30-day period. There is, of course, a real constitutional question of involuntary servitude or impress into service.

The proposed amendment would appear to require a service member to be involuntarily committed in the civilian sector for treatment and rehabilitation.

I think it is most important, Mr. Chairman, that we do what is necessary to remind others that addiction is made up of at least three different components; that is, of the experimenters, of the addiction, and then of dependency. This is not greatly different from the alcohol abuse problem. But we must also point out that the House has passed H.R. 9265, that we have passed a general narcotics act, and we have provided for civil commitment of any veteran or ex-serviceman under the jurisdiction of the Administrator of the Veterans' Administration. These proceedings would be available in the inservice Narcotic Addiction Rehabilitation Act of 1966.

In summary, Mr. Chairman, we should get on with the business of the committee and pass H.R. 12846, without amendment, because it is the vehicle for improving the present military programs addressed to the addict problem.

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

Mr. Chairman, I rise in strong support of the pending amendment.

I think we had better be a little more calm in our deliberations about this terrible problem of drug addiction.

I do not want to get into a debate as to what bills we have passed and what programs we have in existence today, because I would, by the same token, ask for the results of those programs and to ask a question—do we have fewer addicts today than we had a year ago, 2 years ago, or 5 years ago?

I think we all know what the answer would be. But, rather, I think it is incumbent upon us as Members of this highly deliberative body to work in every area that we can in order to bring about the elimination and, certainly, the reduction of drug addiction.

We talk about 30 days as an arbitrary figure but 30 days does not register in a positive tone in my voice because I am looking at the veteran, and I am addressing myself to the veterans because if it is so prevalent among veterans when they return they then create a climate and market for the youngster to follow. This is a grave problem.

However, what I feel strongly about is that we have taken our fine young men out of our society. They have been willing to be drafted or they have volunteered and submitted themselves to the armed services, but in the process we, the public and, perhaps, the Congress and, certainly, the Armed Forces are the guilty ones for being so negligent as to make it possible for these veterans to acquire this drug, and created the conditions, namely, the war, that caused him to want to use drugs.

I think we owe it to that veteran, to that young man that we took out of society, to return him to the same society that he came from in the same manner, not as a drug addict, not as a potential criminal, not as a person who is hooked for life, and not as a person who will be endangering the lives of others as well as his own.

I think these are the important things that we must recognize—that we have been derelict in our handling of the problem, that we have submitted these men, under trying circumstances as members of the Armed Forces, and, therefore, that we ought to keep the control and supervision of these men and do all that we can for them until they are free of the addiction.

Mr. Chairman, as I know addicts, no one voluntarily goes into a rehabilitation program. If so, the percentage is very small. It is those of us who have the strength to encourage them who must set up guidelines and protective devices so they can rid themselves of this dread disease. I see no other way.

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

Mr. METCALFE. I yield to the gentleman.

Mr. MURPHY of New York. In response to the gentleman from Missouri, my staff 2 weeks ago spoke to a commander of one of the most highly touted military drug programs on the west coast, the Navy-Marine program at Miramar, San Diego, Calif. He described how these hard-core addicts "ruined his program."

Although he was highly enthusiastic over the success of the program with the experimenters, he said, "what are we going to do with these hardcore so and so's—should we leave them in the program to infect the others (and potentially destroy what little success we do have) or should we just get rid of them?"

He was asked, "Would you return these untreatable hard core addicts back to duty since you have no success with them?" He replied. "certainly not, we work with them for 30 days as best we can and then discharge them. We give them a reference to a VA hospital or local treament center." He was asked, "based on your experience with this type of addict, do you believe they seek help after being discharged?" He answered, "probably not for a year or so—if ever."

That is an analysis of the inservice treatment program from a man who runs the Navy-Marine Rehabilitation Center in California.

Mr. METCALFE. Mr. Chairman, I know that my colleagues here in the House of Representatives know the tragedy of drug addiction, whether its victims are civilians or military personnel.

There are, however, a few points about drug addiction which I feel could appropriately be enumerated at this time, since we are now engaged in a debate on the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972, providing for 30 days of treatment for military addicts, followed by a voluntary program run by the Veterans' Administration.

The first point that I would like to make is that it is totally unrealistic to assume that an addict can properly be treated and cured of his addiction in 30 days. Most experts in the area of drug rehabilitation agree that no program for drug rehabilitation is complete unless it contains some psychiatric and social service counseling—services which certainly cannot be effectively carried out in a short 30-day period.

The second point to be made is the complete inability of the so-called hardcore addict to be rational enough to submit to a voluntary drug rehabilitation program. What must be clearly pointed out is that the addicted person is both emotionally and physically ill; his one objective is to satisfy his craving for the drug to which he is addicted. Once that has happened, he is generally content to merely to sit back and enjoy his satisfaction. We must realize that drug addiction is a powerful deterrent to rationality.

The lack of rationality by persons addicted to, or under the influence of narcotics, also makes it unrealistic to assume that he can carry out his duties as a military personnel, even while he is being treated.

For these reasons I, therefore, support the Murphy amendments which will first, provide a physical disability discharge to addicted servicemen; second, allow review and revision of past dishonorable discharges based on the use of possession of narcotics; and third, bring military penalties for drug-related criminal offenses in line with civilian penalties.

I feel very strongly that these amendments must be passed in order to make H.R. 12846 an effective piece of legislation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. MURPHY).

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, pursuant to House Resolution 995, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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

Mr. HAGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 1, not voting 109, as follows:

[Roll No. 198]

YEAS—322

Abourezk	Flowers	Mazzoli
Adams	Foley	Meeds
Addabbo	Ford, Gerald R.	Metcalfe
Anderson, Calif.	Ford, William D.	Mikva
Anderson, Ill.	Forsythe	Miller, Ohio
Andrews, Ala.	Fountain	Mills, Ark.
Annunzio	Fraser	Mills, Md.
Arends	Frelinghuysen	Minish
Ashbrook	Frenzel	Mink
Ashley	Fulton	Minshall
Aspin	Fuqua	Mitchell
Aspinall	Galifianakis	Mizell
Baker	Garmatz	Mollohan
Baring	Gaydos	Montgomery
Barrett	Giaimo	Morgan
Begich	Gibbons	Mosher
Belcher	Gonzalez	Moss
Bennett	Goodling	Murphy, Ill.
Bergland	Grasso	Murphy, N.Y.
Bevill	Gray	Myers
Biaggi	Green, Oreg.	Natcher
Blatnik	Green, Pa.	Nedzi
Boggs	Griffin	Nelsen
Boland	Griffiths	Nichols
Bolling	Gross	Nix
Bow	Grover	Obey
Brademas	Gubser	O'Konski
Bray	Gude	O'Neill
Brinkley	Hagan	Passman
Broomfield	Haley	Patman
Brotzman	Hall	Patten
Brown, Mich.	Hamilton	Pelly
Brown, Ohio	Hammer-schmidt	Pettis
Broyhill, N.C.	Hanley	Peyser
Broyhill, Va.	Hansen, Wash.	Pike
Buchanan	Harrington	Pirnie
Burke, Fla.	Harvey	Poage
Burke, Mass.	Hastings	Poff
Burlison, Mo.	Hathaway	Preyer, N.C.
Burton	Hays	Price, Ill.
Byrne, Pa.	Hébert	Purcell
Byrnes, Wis.	Hechler, W. Va.	Randall
Byron	Heckler, Mass.	Rees
Cabell	Heinz	Reid
Camp	Henderson	Reuss
Carey, N.Y.	Hicks, Mass.	Rhodes
Carlson	Hicks, Wash.	Roberts
Carney	Hogan	Robinson, Va.
Carter	Holifield	Rodino
Cederberg	Horton	Roe
Chamberlain	Hull	Rogers
Chappell	Hungate	Roncalio
Clancy	Hunt	Rooney, Pa.
Clausen, Don H.	Ichord	Rosenthal
Cleveland	Jacobs	Rostenkowski
Collier	Jarman	Roush
Colmer	Johnson, Calif.	Rousselot
Conable	Johnson, Pa.	Roy
Conover	Jonas	Roybal
Conte	Jones, Ala.	Runnels
Corman	Jones, N.C.	Ruppe
Cotter	Jones, Tenn.	Ruth
Crane	Karth	Ryan
Culver	Kastenmeier	Sarbanes
Curlin	Kazen	Satterfield
Daniel, Va.	Keith	Saylor
Daniels, N.J.	Kemp	Scherle
Danielson	King	Schmitz
Davis, Ga.	Kluczynski	Schneebeli
Davis, Wis.	Koch	Schwengel
Dellenback	Kuykendall	Scott
Dellums	Kyl	Sebelius
Denholm	Landgrebe	Seiberling
Dennis	Landrum	Shipley
Dent	Latta	Shoup
Derwinski	Lennon	Shriver
Devine	Lent	Sikes
Dickinson	Link	Sisk
Donohue	Lloyd	Skubitz
Dorn	Long, Md.	Slack
Dow	Lujan	Smith, Calif.
Downing	McClure	Smith, Iowa
Drinan	McCollister	Smith, N.Y.
Dulski	McCulloch	Snyder
Duncan	McDade	Spence
du Pont	McFall	Staggers
Edwards, Ala.	McKay	Stanton, J. William
Edwards, Calif.	Macdonald, Mass.	Steed
Eilberg	Madden	Steele
Erlenborn	Mahon	Steiger, Ariz.
Esch	Mann	Stephens
Evans, Colo.	Martin	Stratton
Fascell	Mathias, Calif.	Stubblefield
Findley	Matsunaga	Sullivan
Fisher	Mayne	Symington
Flood	Meeds	Talcott
	Metcalfe	Taylor
	Mikva	Teague, Calif.
	Miller, Ohio	Teague, Tex.
	Mills, Ark.	Terry
	Mills, Md.	Thomson, Wis.
	Minish	Tiernan
	Mink	Udall
	Minshall	Ullman
	Mitchell	Van Deerlin
	Mizell	Vander Jagt
	Mollohan	Vanik
	Montgomery	Veysey
	Morgan	Vigorito
	Mosher	Waggonner
	Moss	Waldie
	Murphy, Ill.	Wampler
	Murphy, N.Y.	Ware
	Myers	White
	Natcher	Whitehurst
	Nedzi	Whitten
	Nelsen	Widnall
	Nichols	Wiggins
	Nix	Williams
	Obey	Winn
	O'Konski	Wolff
	O'Neill	Wyatt
	Passman	Wydler
	Patman	Wylie
	Patten	Wyman
	Pelly	Yates
	Pettis	Yatron
	Peyser	Young, Fla.
	Pike	Zablocki
	Pirnie	Zion
	Poage	Zwach
	Poff	
	Preyer, N.C.	
	Price, Ill.	
	Purcell	
	Randall	
	Rees	
	Reid	
	Reuss	
	Rhodes	
	Roberts	
	Robinson, Va.	
	Rodino	
	Roe	
	Rogers	
	Roncalio	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Roush	
	Rousselot	
	Roy	
	Roybal	
	Runnels	
	Ruppe	
	Ruth	
	Ryan	
	Sarbanes	
	Satterfield	
	Saylor	
	Scherle	
	Schmitz	
	Schneebeli	
	Schwengel	
	Scott	
	Sebelius	
	Seiberling	
	Shipley	
	Shoup	
	Shriver	
	Sikes	
	Sisk	
	Skubitz	
	Slack	
	Smith, Calif.	
	Smith, Iowa	
	Smith, N.Y.	
	Snyder	
	Spence	
	Staggers	
	Stanton, J. William	
	Steed	
	Steele	
	Steiger, Ariz.	
	Stephens	
	Stratton	
	Stubblefield	
	Sullivan	
	Symington	
	Talcott	
	Taylor	

NAYS—1

Monagan

NOT VOTING—109

Abbitt	Edmondson	Miller, Calif.
Abernethy	Eshleman	Moorhead
Abzug	Evins, Tenn.	O'Hara
Alexander	Fish	Pepper
Anderson, Tenn.	Flynt	Perkins
Andrews, N. Dak.	Frey	Pickle
Archer	Gallagher	Podell
Badillo	Gettys	Powell
Bell	Goldwater	Price, Tex.
Betts	Halpern	Pryor, Ark.
Biester	Hanna	Pucinski
Bingham	Hansen, Idaho	Quie
Blackburn	Harsha	Quillen
Blanton	Hawkins	Railsback
Brasco	Helstoski	Rangel
Brooks	Hillis	Rarick
Burleson, Tex.	Hosmer	Riegle
Caffery	Howard	Robison, N.Y.
Casey, Tex.	Hutchinson	Rooney, N.Y.
Celler	Keating	St Germain
Chisholm	Kee	Sandman
Clark	Kyros	Scheuer
Clawson, Del	Leggett	Springer
Clay	Long, La.	Stanton, James V.
Collins, Ill.	McClory	Steiger, Wis.
Collins, Tex.	McCloskey	Stokes
Conyers	McCormack	Stuckey
Coughlin	McDonald, Mich.	Thompson, Ga.
Davis, S.C.	McEwen	Thompson, N.J.
de la Garza	McKevitt	Thone
Delaney	McKinney	Whalen
Diggs	McMillan	Whalley
Dingell	Mailliard	Wilson, Bob
Dowdy	Mallary	Wilson, Charles H.
Dwyer	Mathis, Ga.	Wright
Eckhardt	Melcher	Young, Tex.
	Michel	

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. de la Garza with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Evins of Tennessee with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Kee with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Coughlin with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Thone with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Sandman with Mr. Keating.

Mr. Moorhead with Mr. Harsha.

Mr. Leggett with Mr. Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Betts with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. Biester.

Mr. Alexander with Mr. Hansen of Idaho.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Hawkins with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Railsback with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhardt with Mr. Stuckey.

Mr. Kyros with Mr. Casey.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9580, DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS

Mr. CABELL submitted the following conference report and statement on the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles:

CONFERENCE REPORT (H. REPT. No. 92-1123)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5-316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that

the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

SEC. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcements of its laws relating to traffic (including parking violations).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The text of both the House bill and the Senate amendment was identical except with respect to two provisions. The House bill and the Senate amendment authorized the Commissioner of the District of Columbia to enter into an interstate agreement with the Commonwealth of Virginia and the State of Maryland relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself. The Senate amendment required the Commissioner to obtain the approval of the District of Columbia Council. The House bill did not require such approval. The Conference substitute eliminates the requirement of such approval.

The Senate amendment contained a provision which authorized the Commissioner of the District of Columbia, with the approval of the District of Columbia Council, to enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations). The House bill contained no such provision. The Conference substitute contains the language of the Senate provision other than the requirement of approval by the District of Columbia Council.

The conferees wish to emphasize that the authority given to the Commissioner of the District of Columbia to enter into interstate agreements under the Conference substitute is discretionary. The word "may" was used advisedly so as to indicate that it is solely in the discretion of the Commissioner to decide whether he enters into the interstate agreements.

It is the belief of the conferees that the Commissioner should enter into the interstate agreement relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself only if, at the same time, he enters into the interstate agreement authorized by the Conference substitute relating to the provision of mutual assistance in the enforcement of laws relating to traffic (including parking violations). In the opinion of the conferees, if such action is taken, it should result in a net revenue gain to the District of Columbia rather than a revenue loss.

The conferees accepted, as a conforming amendment, the Senate amendment to the title of the House bill.

JOHN L. MCMILLIAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

THE TRAGIC DEATH OF JOHN MARTIN EDMONDSON, SON OF HON. ED EDMONDSON

Mr. ALBERT. Mr. Speaker, I cannot begin to tell my colleagues how shocked and saddened I was at the news of the tragic death, in a motorcycle accident, this past Friday, of John Martin Edmondson, son of our distinguished colleague and friend, ED EDMONDSON.

Tad, as he was affectionately known to his many friends and those of us in the Oklahoma Congressional Delegation who watched him grow to manhood, had graduated from Northeastern Oklahoma State College, Tahlequah, Okla., just last year and was to be married on June 23. After graduation, he worked with the Oklahoma State Department of Institutions, Social and Rehabilitative Services helping disadvantaged children. His death is the second personal loss for the Edmondson family in recent months. His uncle, former Oklahoma Governor and U.S. Senator J. Howard Edmondson, died unexpectedly last November.

Tad will be dearly missed by those of us who knew and loved him, and Mrs. Albert and I join in extending deepest sympathies to ED, his wife June, and their children, Jim, Drew, June, and Brian. They have lost a wonderful son and brother. It does not seem real that such a fine young man should have been snatched away so early in life.

Because of Tad's interest in children, I think it is very appropriate that the family has asked that in lieu of flowers, contributions to his memory be made to the Children's benefit fund, care of John Hannah, First National Bank, Muskogee, Okla. 74401.

Mr. STEED. Mr. Speaker, I want to join in expressing the most heartfelt sympathy to our friend Congressman ED EDMONDSON and his family in the tragic loss they have sustained.

John Martin "Tad" Edmondson, the 22-year-old son of the Congressman and Mrs. Edmondson, lost his life Friday in a motorcycle accident near Muskogee, Okla.

"Tad" Edmondson was a young man of great promise and public spirit whom many of us have known for his entire life. Only recently he had graduated from Northeastern State College in Oklahoma, and he had been actively taking part in his father's campaign for the Senate. His fiance, Miss Verna Elizabeth Winburn of Muskogee, was seriously injured in the same accident.

A tragedy of this kind is beyond understanding. Our thoughts and prayers are with ED and June Edmondson and their four surviving children.

Mr. JARMAN. Mr. Speaker, I join in expressing deepest sympathy to our friend and colleague ED EDMONDSON and his family. We are all saddened by the death of his son Tad.

Tad was a fine young man with the promise of a bright future. His death is a tragic loss to all who knew him. Our thoughts and prayers are with June and ED and the EDMONDSON family.

Mr. CAMP. Mr. Speaker, our hearts are with our colleague, Mr. EDMONDSON, today as he attends the funeral and burial of his son, John Martin Edmondson.

Many of us here had the pleasure of knowing John Edmondson. Most of us knew him by his nickname, Tad. He was 22 years old and just beginning a promising and productive life when a tragic accident ended his life early Friday morning.

Tad was a graduate of Muskogee High School and Northeastern State College at Tahlequah, Okla. He had worked helping people as an employee of the Oklahoma State Department of Welfare and, upon his death was working full time in his father's campaign for the U.S. Senate.

Tad was engaged to Verna Winburn, a Muskogee elementary schoolteacher who was also a graduate of Northeastern State College. Invitations had already been mailed out for a garden wedding on June 23.

Mr. Speaker, this Nation has lost a fine young man and Mr. EDMONDSON has lost a loving son. Let us pray for ED and June and their family and wish them strength to bear this sorrow.

Mr. MATSUNAGA. Mr. Speaker, it has been said by sages of yore that a man never knoweth real pain until he has lost his son. It has also been said that any loss is greatest felt when it cometh at a time wholly unexpected. Being struck by a combination of these truths, our dear friend ED and Mrs. Edmondson must be numb with inner pain upon the accidential loss of their son John.

While I realize that no words or acts of any mortal being can possibly assuage the grief with which they must be overcome, I wish to join my colleagues in expressing my heartfelt condolences to my distinguished friend from Oklahoma, ED EDMONDSON, and his bereaved family. I pray that the Good Lord may grant unto them some acceptable meaning to their tragic loss, so that they may look with new hope into the future.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD on this tragic happening.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, on behalf of the chairman of the committee, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill—H.R. 12846—just passed.

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

There was no objection.

MALDISTRIBUTION OF FEDERAL SCHOOL FUNDS BY THE INDIANA STATE ADMINISTRATION

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

Mr. MADDEN. Mr. Speaker, I noticed that the so-called revenue sharing plan legislation, sponsored by the administration, and reported out of the House Rules Committee 2 weeks ago, has again been removed from the House agenda for this week. This makes the second postponement of this highly controversial legislation.

One of the unfortunate features of the revenue sharing experiment is that Federal tax dollars will be allocated to the States to be distributed under the control and jurisdiction of the Governors.

No doubt other States have undergone the same regrettable experience that exists in Indiana where a most highly congested part of the State—the Calumet industrial region—located 160 miles from the State capital has in the past, in similar distribution tax programs, been the neglected "orphan boy."

Often the areas in the most need for the distribution of tax dollars on various Federal and State programs are the recipients of the least. No doubt the same neglect and weakness of these programs will exist under the revenue sharing as exists under other programs and particularly the distribution of school funds.

Nick Angel, treasurer of Lake County, Ind., in the highly industrial area of Indiana and one of the leaders in expansion of college school facilities, makes a similar complaint on the neglect by the State government of colleges and schools now being centered on branch colleges in industrial Lake County in northwest Indiana.

Mr. Speaker, I ask unanimous consent to include with my remarks the following letter I received from Nick Angel, Lake County Treasurer, setting out the maldistribution of school funds in Indiana.

TREASURER LAKE COUNTY,
Crown Point, Ind., May 25, 1972.

The Honorable RAY J. MADDEN,
House of Representatives,
Washington, D.C.

DEAR RAY: Once again, while our colleagues in Indianapolis continue to play favorites with the disbursement of federal grants, needed programs in Lake County and Northwest Indiana face extinction from inadequate and discriminatory funding. The six colleges in our area have, for the past several years, sought the ways and means of extending their resources to meet the growing needs of our area. Due to funding limitations from the General Assembly and selfish competition from the downstate campuses, it was difficult for our campuses to move meaningfully into the areas of Community Service and Continuing Education. Finally in 1970, with the help of Title I grant under the Higher Education Act of 1965, the campuses of Purdue University Calumet, Purdue University Westville, Indiana University Northwest, St. Joseph's Calumet College, St. Joseph's College, and Valparaiso University formed an association for community service called the Northwest Consortium.

As you know, the purpose of this grant program is to provide a vehicle for the university faculty expertise to move out of the "ivory tower" and help in finding solutions to pressing community problems. The Northwest Consortium, since its inception two years ago, has more than fulfilled the mandates of Congress implicit in this legislation.

The Consortium, having been funded for the past two years, and after having put a great deal of effort into developing an ongoing program, found its funds unexpectedly discontinued this year.

A Title I Advisory Committee was appointed by the Indiana Higher Education Commission to review proposals and to select those worthy of funding. This committee included five representatives from Indiana colleges including Ball State, Indiana University, Bloomington, Evansville College, Purdue Lafayette and Indiana State, and two public representatives from Indianapolis. Strangely, all the money went to institutions with representation on the committee, with the exception of Vincennes which received a small grant, and I believe possible conflict of interest should be investigated.

I have enclosed some documentation of the program and accomplishments of the Consortium. I would appreciate your guidance in seeking ways to continue this sorely needed and worthwhile project.

What I am trying to say is that Federal Funds administered by self-serving State agencies do not find their way to where the need and the urban problems are the greatest.

Sincerely yours,

NICK ANGEL,
Treasurer of Lake County.

THE RAPID CITY, S. DAK., FLOOD

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

Mr. ABOUREZK. Mr. Speaker and Members of the House, I returned last night from 2 days in Rapid City, S. Dak., which is my home, observing the flood disaster there.

I have lived in South Dakota all of my life and have never seen a disaster of that magnitude, including a flood I witnessed in Japan while I was serving in the Navy there during the Korean war period.

There are about 1,500 people unaccounted for at the present time. Well over 200 bodies have been found. Friends and relatives have been searching the bodies that have been found. So many are unable to find who they are looking for that I fear the death toll will rise well above 500.

The damage to private and public property in the Rapid City area has been so extensive that I believe the estimated figures of $100 million in damage is far too low and may well run as high as $200 million.

When I arrived in Rapid City Saturday morning the situation was one of almost total confusion, numbness, and shock. However, the magnificent efforts of the city officials, National Guard, Air Force personnel and civil defense volunteers brought a degree of organization to the disaster that has resulted in a well organized search, rescue, and relief effort. The people of the Black Hills area have demonstrated their resilience, their toughness of character, and their willingness to remain united in the face of a horrible tragedy.

I saw with my own eyes people digging out their own homes without tears and without panic, people who had seen their own children, friends and neighbors swept away by the water. Some of those bodies have appeared on the list of confirmed dead.

The stories of heroism and tragedy add to the shock, such as the National Guardsman who managed to hold on to the arm of a 12-year-old girl with one hand and his truck with the other until the force of the water swept both of them away to their death or of the policeman who single-handedly made his way to a nursing home to successfully evacuate some 75 elderly people who would have been helpless in the face of the water only a few minutes later. Three of those elderly did lose their lives. And the horrifying screams of a woman, a tourist, who was evacuated to Mount Rushmore, but who had lost all of her children in the flood waters.

But the recovery operation is continuing in spite of the trauma and it is for that reason that I am making this report to my colleagues. Water purification is not working, no sanitation facilities. The people of the Rapid City area desperately need the help of the U.S. Congress and as soon as I am able to determine where the gaps in Federal assistance are, I intend to ask this Congress for that help. The Office of Emergency Preparedness has authority and funding to rebuild public facilities. But the existing loan programs I believe are insufficient. Providing a loan to someone whose business, job an dhome is totally wiped out is simply not enough. The multiplier effect of unpaid mortgages on homes that no longer exist as it is applied to banks and savings and loan institutions make economic disaster almost a certainty for the entire area. Add to that the loss of business in general and, of course, what is worse, the loss of one's family and friends and there can be no question but that the Congress should assist those innocent people who must go on living now that the immediate tragedy is past.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Califor-

nia (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on May 22 I was in New York City attending a United Nations seminar and missed two rollcall votes.

On rollcall No. 166 on H.R. 6788, to establish mining and mineral research centers, I would have voted "yea." On rollcall No. 167 on H.R. 11627, to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, I would have voted "yea."

On May 30 I was in my district on official business and missed rollcall No. 173 on H.R. 9669, to amend the Subversive Activities Control Act of 1950. Had I been present I would have voted "yea."

On June 1, rollcall No. 182 on H.R. 13018, the Public Broadcasting Act of 1972, I would have voted "nay." On rollcalls No. 181 and 180, on an amendment to H.R. 13018 that sought to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972, I would have voted "yea." On rollcall No. 179, on an amendment to H.R. 13018 that would prohibit the corporation from conducting voter polls or public opinion surveys pertaining to Federal, State, or local elections, I would have voted "yea." On rollcall No. 177, on an amendment to H.R. 13018 that would prohibit the corporation from making grants and entering into contracts with any corporation or institution who pays their officers, employees, or performers over $42,500 per year, I would have voted "yea." On an amendment to H.R. 13018 that sought to reduce the authorization to $40 million for fiscal year 1973 and delete the authorization for fiscal year 1974, rollcall No. 178, I would have voted "yea."

Also on June 1 on rollcall No. 183 on H. Res. 965, authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva, I would have voted "yea."

POLICE MANPOWER ACT OF 1972 INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 60 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing the Police Manpower Act of 1972, a proposal which creates a totally new role for the Federal Government in the fight against crime. Crime continues to be a problem of staggering proportions because we have failed to realize that there must be a balanced effort in all areas of the criminal justice system. We have concentrated on the long-range objectives of eliminating the disorders and inequities which breed crime, while much of our short-range effort has resulted in little more than the squandering of large amounts of money on unnecessarily sophisticated machinery and gimmickry. The evidence, however, is overwhelming that the Federal Government should be spending its funds on increasing the number of policemen in high-crime areas, for the single most important short-range factor is the police officer, and the best and most basic way of doing something about the crime problem is to put more policemen on the beat.

The bill I am introducing today is designed to do that. It would authorize $2 billion per year for 6 years to provide assistance to local law enforcement agencies to underwrite the costs of recruitment, training, and salary for a total of 140,000 additional police officers, a figure which would represent a national increase of about 40 percent in police manpower levels.

Briefly, the bill calls for a program in which individual communities would be offered, in order of severity of crime problems, a federally financed analysis of the local crime problems and law enforcement needs. The Law Enforcement Assistance Administration of the Justice Department shall award Federal funds in accordance with, and contingent upon adherence to, the findings and recommendations of these studies. The objective shall be the optimization of the employment of existing local law enforcement resources, with the provision of Federal assistance to meet local deficiencies. Such an approach is the best way to significantly reduce crime in the shortest period of time, ensuring the maximum return on both local and Federal crime-fighting expenditures. A more detailed presentation of this proposal follows:

DETAILED EXPLANATION OF THE POLICE MANPOWER ACT

Crime is one of our Nation's fastest growing industries. Between 1960 and 1970 the U.S. population increased by 13 percent. Crime, as defined by the Federal Bureau of Investigation, soared by 176 percent. In economic terms, the magnitude of the problem is indicated by a recent estimate that the cost of the crime burden now exceeds 5 percent of the gross national product. The total annual cost of crime—both losses due to criminal activity and the costs of fighting crime—now matches the combined 1970 sales of our three largest corporations, General Motors, Standard Oil of New Jersey, and Ford Motor Co. The annual cost of crime exceeds the combined Federal per capita expenditures for fiscal year 1972 for all of the following functions and purposes: housing, and urban development, education, health, agriculture, and rural development, and natural resources and environment.

But such figures and comparisons provide a very crude yardstick at best. We can tabulate the business and property losses, the medical and insurance expenses, and we can estimate such tangible costs for the crime that goes undetected and unreported, but we cannot measure the very significant intangible costs of criminal activity. We cannot measure the costs of suffering, fear, and the loss of faith in our social and governmental systems. Yet these costs are very real.

I am introducing today the Police Manpower Act of 1972. The purpose of this legislation is to dramatically increase the number of police officers throughout the country as quickly and nonbureaucratically as possible. The legislation would provide $2 billion to pay, train, and equip an additional 140,000 policemen, a number which represents a national increase of approximately 40 percent in police manpower levels. The program established by this bill would be administered by the Law Enforcement Assistance Administration of the Justice Department. Briefly, the procedure would be as follows: Starting with those cities with the highest crime rate, LEAA will ask all communities with a population of at least 10,000 whether they wish to qualify for funding, under this program. Upon local acceptance the LEAA would arrange for a team of consultants to perform a complete and exhaustive analysis of the crime, the law enforcement efforts, and related factors within the particular community. To be determined by such investigation would not only be those areas in which there exists deficiencies to be alleviated by Federal assistance, but also recommendations for the optimization of the employment of existing local resources.

The completed studies would be reviewed by the LEAA and Federal funds provided in accordance with, and contingent upon adherence by the community and its law enforcement agency to, the recommendations and findings of the analyses. For example Federal funds could be tied to the rearrangement of existing local law enforcement resources such as the consolidation of local programs, the redeployment of patrols in accordance with crime patterns, the adoption of more efficient administrative procedures, or any other measures which would maximize the return on both the local and Federal expenditures. No local funding of the studies and programs will be required; however, beyond compliance with the recommendations of the studies, participating communities will be required to maintain both their levels of contribution toward law enforcement and their standards of operation. This program is to be a supplement to, rather than a replacement for, local crime fighting efforts. The initial authorization for the program will be 6 years during which the LEAA wil continue to maintain close liaison with the involved communities to provide continuing assistance in implementation and coordination, and to permit reevaluation as needed.

Obviously, the success of this program is to a large degree predicated on the quality of the studies to be performed. Great care has been taken in the provisions of this legislation to insure that the resulting reports shall be of high caliber. The areas and factors to be considered and evaluated have been carefully spelled out to provide the LEAA with a detailed format for its teams of analysts in order to yield a thorough and accurate picture of the problems and needs of the communities studied.

From the bill, the organization and details of these studies are as follows:

First, the planning studies shall consist of:

Identification of deficiencies and proposal of solutions including recommenda-

tions for optimization of allocation of existing resources;

Determination of the extent of assistance required; and

Development of a time and budgetary schedule for the needed implementation.

Second, the methodology of the planning study shall include the following:

Extensive interviews and discussions with members of the law enforcement agency, and consultation outside of the agency with citizen groups, community government personnel, and other governmental agencies, to include those State, regional, and local agencies affected by and contributing to law enforcement within the community;

Inspection of facilities and equipment;

Review of recorded data and documents; and

Actual field observation of the agency.

Third, the following analytical method shall be utilized:

Examination of present practices;

Examination of past practices where applicable to existing operation and administrative situations;

Consideration of outstanding contemporary practices conducted elsewhere;

Consideration of alternatives and constraints; and

Development of specific implementation programs, to include rankings by priority.

Fourth, the planning study shall include the following:

Examination of crime and police problems in the community, police manpower and material resources, and community attitudes and resources, including contribution and inputs by agencies of the State and other units of general local government where applicable;

Evaluation of the existing organizational structure;

In-depth review of existing administrative and managerial procedures, including planning operations, direction, and supervision, internal inspections and control techniques and devices, fiscal management operations, and community relations;

Analysis and evaluation of allocation and distribution of line, staff, and administrative personnel by time, function, and area;

Examination of existing personnel management systems and procedures including recruiting and selection practices, promotion procedures, performance training and education activities, evaluation practices, training and education activities, salary structures, working conditions, employee relations, and disciplinary procedures;

Examination of existing operational procedures including analysis and evaluation of patrol, traffic, investigative, and vice control operations;

Analysis and evaluation of the agency's technical communications system, to include radio, telephone, teletype, and complaint recording and dispatching;

Analysis and evaluation of records management activities including investigative, identification, arrest and administrative records-keeping practices, report processing, and information retrieval and storage;

Analysis of service functions including custody of persons and property, building space utilization, and adequacy and maintenance of equipment;

Any other matters relating to the efficient administration of law enforcement within the jurisdiction;

Analysis of adequacy of the local funding of law enforcement; and

Analysis of local manpower resources and the projected effects of this program.

This format is modeled after that employed by the International Association of Chiefs of Police, a public service organization which has often conducted detailed studies of crime problems and law-enforcement needs for individual cities, and whose studies enjoy wide respect for their comprehensiveness and quality.

This program would be administered by the LEAA of the Justice Department; it would, however, be distinct from that agency's other programs and projects and would have, under the provisions of my bill, a supervisory/appellate council consisting of representatives from various public interest groups. The functions of this Police Manpower Assistance Council would be to certify the consultants who are to perform the studies, and to exercise general oversight, as well as to arbitrate and resolve any disagreements which may arise between the participating communities and the LEAA.

No one will disagree that crime is a problem of staggering proportions. The need for relief is of the utmost urgency. The American people are afraid and angry. In November of 1970 a Harris survey reported that:

> The number of Americans who are apprehensive over rising crime rates in their own home areas has increased in three years from 46 to 62 percent. By a lopsided 82 to 12 percent margin most people in the country do not believe that the law enforcement system really discourages crime.

Thus we see an erosion of faith in the mechanism which is supposed to protect our citizens; this faith is a critical element in the success of any effort to combat criminal activity. A 1970 study of crime in Oakland, Calif., argued;

> It can be authoritatively stated that the amount of reported crime is strongly influenced by the citizen's trust in the effectiveness of the local police agency.

Another Harris survey in July 1971, indicated that 55 percent of the people were more worried about violence and safety than they had been in the previous year. Unless we take quick and effective action to restore the credibility of our law-enforcement system we shall face the growing crisis of a public alienated from the very criminal justice system which is supposed to provide protection and safety, a public which feels increasingly pressured to engage in potentially disastrous efforts of private protection through personal firearms and vigilante activity.

In May of 1970 a Gallup poll determined that Americans view crime as the No. 1 domestic issue, ahead of pollution, unemployment, and poverty. When Life magazine polled its readers in January of this year on the problem of crime, it received 43,000 responses, the summary of which should shock as well as enlighten—78 percent sometimes feel unsafe in their own homes; 80 percent in big cities are afraid in the streets at night; 43 percent of families were crime victims last year; 41 percent say their police protection is inadequate; and 70 percent indicated that they would pay higher taxes for better protection.

But it is not necessary to increase taxes to fund this $2 billion police manpower proposal. Through tax reform or by eliminating waste in other Government programs, such as defense spending, we could easily pay for this vital program. The need and demand for decisive action cannot be denied; there is a clear public mandate, a responsibility which must be met.

There may be some who would challenge the logic of combating criminal activity through increases in police manpower. But it is not difficult to demonstrate that if existing resources are optimally employed, an increase in the number of officers will reduce criminal activity and provide significantly better protection for citizens. Properly administered, this legislation will provide safeguards against wasteful expenditures. In fact, it is quite possible that the problems in some communities can be met primarily through a redistribution of existing law enforcement resources without the need for large Federal supplements.

Often, one hears talk of two general approaches to the problem of crime reduction; the first emphasizes prevention of crime through the correction of the social and economic disorders believed to be the underlying factors in criminal activity, the second stresses control through a larger and more efficient criminal justice system. Unfortunately, these broad strategies are often confused as diametrically opposing alternatives. Rational examination of the problem reveals that these strategies must be taken together as complementary components of any successful effort to reduce crime. To call for increased police manpower is not to contradict the theories and evidence supporting the argument for greater efforts to reduce the disorders and inequities which breed crime. But it must be realized that such effort are of necessity long-term in scope, for these underlying causes of crime cannot be eliminated overnight. It is obvious therefore that short-run strategies must be developed and supported. We cannot ask our citizens to passively endure the rising crime burden while we wait for the achievement of our long term objectives.

The rationale of the bill I am introducing today rests on the presumption that the most important factor in the short-run battle against crime is police manpower. When we turn to examination of individual communities we find that there is strong evidence that increased police manpower will lead to a significant reduction in crime.

New York City, for example, has performed numerous experiments to determine the nature of the relationship between police presence and the level of criminal activity. A pioneer effort in 1954 in their 25th Precinct saw a 55.6 percent decrease in felonies. This was accom-

plished in an area with an extremely high-crime rate by an approximate tripling of police patrol presence. A more recent effort reported by the New York Times in November of last year saw "a drop in reported street crime such as robbery and auto theft" resulting from a "40 percent increase in the number of patrolmen assigned experimentally to a Westside Manhattan precinct—the 20th."

Oakland, Calif., reversed a long trend of annual increases of better than 10 percent in their crime index and posted a 6 percent decrease for 1970 through increased police manpower. Police Chief C. R. Gain stated that:

A definite correlation between police manpower levels and crime has been observed in Oakland.

In Sacramento, the rate of increase in serious crimes fell from 21 to 3 percent over a year—1970–71—in which there was a 10-percent increase in police manpower. Chief William J. Kinney reported that:

This added manpower appears to have had an effect on both the crime rate and on felony arrests.

In Alexandria, Va., an experiment was performed in February of 1969 to determine the effects of police presence on the frequency of serious crime. The results, provided by Capt. Carl Dutzman, showed a citywide decrease in serious crimes of 8 percent, with burglaries down 13 percent, and robberies decreasing an impressive 57 percent. The cost of this program was approximately 700 manhours, or $2,755. The report concludes that:

The only factor to which the changes could be attributed was that of additional manpower deployed in high crime areas during those times when certain offenses were most likely to occur.

In April of 1971 the New York Times reported that:

A survey of cities where serious crimes declined last year shows that the reduction generally was achieved through a substantial increase in the police force and through new social and anticrime efforts.

The Department of Justice has recently released a summary of crime trends for cities over 100,000 in population. The LEAA data reveals that the 20 largest cities posting significant decreases in crime—.3 to 13.5 percent, average 6.5 percent—in 1970 and 1971, increased the number of police protection employees in 1970 over 1969 by an average of 7.4 percent. The six cities showing 1971 over 1970 crime decreases of greater than 10.0 percent—range 10.3 to 13.5 percent, average 11.8 percent—increased their police protection employees by an average of 10.1 percent. The police departments of a sampling of those cities posting decreases were contacted to verify the above computations. The results were substantiated, and the police chiefs unanimously stated that all of them had employed efforts to increase the level of police patrol presence as a central element of their crime fighting strategy.

To the surveys and statistics should be added the professional opinions of those who must deal with crime on a day-to-day basis. My staff made inquiries of the police chiefs and commissioners of a representative sampling of our major metropolitan areas, soliciting their comments and ideas on the general problem of law enforcement and the specific issue of police manpower. Their uniform response was that their most critical need was for resources to increase their police patrol activities.

For instance, Raymond L. Hoobler, chief of police for the city of San Diego, replied:

We are presently studying the possibility of a direct correlation of police manpower and the crime rate. Preliminary indications are that the increased presence of patrolmen has a deterrent effect on certain "preventable" crimes; that is, residential and commercial burglaries, and crimes against persons in public places. The calls for police services are increasing at a higher rate than the population and the numbers of police officers are not keeping pace with the population. It is becoming increasingly difficult for the local tax base to provide needed public services including law enforcement and justice administration.

Bernard L. Garmire, chief of police for the city of Miami, stated:

There are few, if any, municipal police departments in this country that have sufficient personnel. Many departments enjoyed a degree of temporary success in coping with the crime situation by implementing impact programs; programs designed to reduce certain kinds of crime at certain times. Unfortunately because of lack of manpower, these cannot be sustained for any length of time and their long range effect may be worse than had there been no such effort.

Our Nation's Capital merits special attention. Washington has long suffered under the reputation of having a particularly bad crime problem, but the last few years have provided significant evidence that this trend has been reversed. FBI statistics show that Washington enjoyed a 13.3-percent decrease in crimes in 1971 over 1970, and a 18.5-percent decrease over 1969. Since late 1969 the monthly average of crime index offenses has fallen from almost 6,000 to slightly over 4,000. During this same time period the number of police officers has risen from under 4,000 to approximately 5,000, a 25-percent increase. While pointing out that there were numerous factors involved in this decrease in criminal activity, Chief Jerry Wilson stated that:

There is, undoubtedly a correlation between police strength and the incidence of crime—crime did decline once the police strength increased above a certain plateau.

If no one is to attack crime through the variable of police manpower, one must first derive a reasonable and workable framework for the distribution of resources. One of the most important aspects of the proposed program is its capability of delivering these resources, Federal assistance, to those areas in greatest need, with a minimum of redtape. In the past, Federal funds for local law enforcement have been allotted on the basis of crime indices or by a simple per capita approach. Both methods can result in a potentially disastrous waste of resources. The former provides no guarantee that the funds will be applied optimally for the programs most needed, and the latter simply scatters the money in a shotgun manner with no guarantee that it will be applied in the areas most in need. Similarly, the bloc grant approach, regardless of its formula basis, has demonstrated that it provides no assurance that the Federal assistance will reach those areas with the greatest crime problems, nor that the types of assistance transmitted will be compatible with the particular needs and existing systems of these communities.

Indeed, the bloc grant has yielded a serious disadvantage unforeseen by the architects of the LEAA. As pointed out by the Advisory Commission on Intergovernmental Relations, the bloc grant:

Has created tensions between federal officials and state planners over the appropriate amount of federal authority in administration of—such a—program. Although the goals of the bloc grants include simplification of intergovernmental relations and reduction of federal dominance, the law enforcement program is complex because each of the major participants strive to gain or maintain control over the allocation of funds.

Such tensions are not confined to the Federal-State arena. As B. Douglas Harman of the American University argues:

One of the most important political dimensions of this bloc grant program is the cross pressures generated by State and local public interest groups.

Obviously, all of these proliferating interest groups and agencies share the common objective of providing greater citizen protection, but the end result has been a formidable labyrinth of superfluous bodies thwarting the flow of requests and funds, and greatly dulling the impact of the general program. We cannot ask the public to be patient with its burden while such factions squabble over jealously guarded prerogatives.

The structure of the proposed system in the bill I am introducing today, through its exhaustive studies of the individual communities, would insure that assistance would be focused on the areas of greatest need and that such assistance would be tailored to the particular requirements of the communities involved. And, most importantly, it would insure that such assistance would be provided with a minimum of delay.

The program is also designed to avoid another pitfall which has plagued past efforts by Federal agencies to aid local law enforcement; namely, the attempts to "formulize" the process of manpower determination. The classic approaches to manpower determination are comparisons of police per population ratios, and comparisons of crime rates. Both methods have serious disadvantages. In a paper prepared for the Department of Justice, John E. Agnell of Michigan State University points out that determination of required police manpower levels by comparison of police per population ratios: First, ignores community differences such as social and economic conditions, geographic and population characteristics, culture and customs of the people, and the characteristics of the courts and other agencies involved in the processes of criminal justice; second, assumes equal competency on the part of the officers of the departments being compared; third, assumes equal organizational and ad-

ministrative efforts; and fourth, accepts the implication that the average ratio, or the ratio of another city, is sufficient for the department under consideration. On the other hand, Mr. Angell continues, to base manpower determination on comparison of crime rates is to: First, overlook other aspects of police duties, such as service functions; second, overlook the fact that crime statistics can be manipulated even without the user being dishonest or in violation of procedures; and third, taken as a single variable, manpower cannot be said to have a constant, predictable rate of return in terms of effect on crime.

The report concludes that, before any efforts are made to determine the need for additional manpower, those making policy decisions must reassure themselves that men, money, and material are presently being used in a manner that makes the maximum contribution to the attainment of the objectives of the law enforcement agencies. Only after this is established can the leadership make a realistic, objective assessment of the proper amount of manpower required.

By carefully investigating not only the deficiencies but the employment of existing resources as well, with a view toward the optimization of such, my proposed program will avoid the problems outlined above.

The second point is related to the first. Under my bill the lines of communication between the LEAA and the local communities would be significantly improved. Having responded to the initiative by the LEAA, the community would remain in constant and direct communication with that agency through a team of consultants. Past programs have had their impact dulled by their organization, which called for communication through intermediate levels of bureaucracy. It is not disputed that such an arrangement has some coordinative advantages, but it has also yielded very significant disadvantages in terms of delay and distortion, through modification, both of requests and funds as they work their way up and down the bureaucratic hierarchy.

It should be pointed out that such criticism does not represent a denigration of the objectives and basic philosophy of the LEAA. The Federal Government can and must play an active and vital role in the campaign against crime. What I am challenging is the wisdom and efficacy of the LEAA mechanism as it has evolved over the last several years. No other Government agency has grown so rapidly in terms of appropriated funds. If such measures serve as an adequate barometer of congressional concern, no one can doubt the sincerity of our commitment to the fight against crime. Yet the return on this investment has been appallingly meager. The level of criminal activity continues to rise, matched only by the rising public indignation at our failure to provide relief.

LEAA appropriations have risen from $60 million in its first year to over $675 million for the current fiscal year. Yet a recent investigation by the Legal and Monetary Affairs Subcommittee has shown that the LEAA has "had no visible impact on the incidence of crime in the United States," and found that the agency's programs "have been characterized by inefficiency, waste, maladministration, and, in some cases, corruption." The central issue is the apparent inability of the current system to deliver appropriated funds to the local crime fighting agencies, and to use those funds for the purposes specified within the programs. "Considerably less than 25 percent of the action grant funds dispursed to subgrantees has been spent to fight crime." Speaking on this problem last November, our distinguished colleague, JAMES V. STANTON of Ohio, stated:

> The LEAA program has not worked . . . The pipeline for Federal assistance funds is so clogged with redtape that much of the money is stuck there, and in fact has been stuck in the pipeline for a year or two or even more. If money leaving Washington is intercepted at the State capitals, becoming unspeakably tardy in reaching the cities where most of the crimes are being committed, then what good is the money? . . . Much of the money is not being channeled, even when it finally does reach the end of the pipeline, to the areas most afflicted by crime. The fact is that the Law Enforcement Assistance Administration—a new bureaucratic structure that was needed—has in turn spawned hundreds of new intrastate "regional" bureaucracies that definitely are not needed—a whole new layer of government interposed in many States between crime-ridden metropolitan areas and the State governments that have the responsibility for pushing Federal funds into the cities.

A streamlining of communication would not contradict past philosophy, for the Comptroller General has ruled that:

> There is ample authority in the Safe Streets Act for the LEAA to dispatch discretionary funds directly to the cities.

This discussion should not be construed to mean that regional and State agencies should have no role in the local effort to fight crime. On the contrary, such agencies provide considerable inputs to local law enforcement, and such factors must be considered in the evaluation of the local problems and requirements. The proposed program would simply insure that the communities would receive assistance in the form needed as quickly as possible.

The final point is of a slightly different nature. An average increase of 40 percent in police manpower levels represents an increase in demand which will have profound effects on the market for police officers. Simple economics tell us that such a change in demand could bring either a reduction in quality or an increase in price. This legislation contains provisions to safeguard against possible erosion of the standards of police appointments. One would expect then that the impact will be felt through a generally rising level of police salaries. In July 1970 Time reported that the average patrolman's maximum weekly pay is only about $149. Beyond the very credible arguments that the current wage levels for these public servants are insufficient remuneration for the services provided and the hardships endured, one should recognize that very real public benefits will result from higher police salaries. Such increases will yield both an improvement in police morale, and an increase in the general respect for the profession of law enforcement, factors which will facilitate the recruitment of qualified officers. Such effects can only have a beneficial impact on the problem of crime reduction.

If one is unmoved by the current price tag of $50 billion for criminal activity, let me remind him that there is ample evidence that this figure will continue to grow at a staggering rate. The final report of the National Commission on the Causes and Prevention of Violence reported that of the 9 million serious crimes recorded by the FBI in 1968, only 12 percent resulted in the apprehension of a suspect, and a mere 6 percent resulted in conviction. If one takes the very conservative estimate that recorded crime represents only one-half of the total level of criminal activity, the arrest and conviction rates shrink to more frightening lows. Why is crime such a large and growing industry? Simply because it pays, and pays very well. As economist Gary Becker points out, the criminal by and large is not a moral deviate; he is an individual who rationally weighs the costs and benefits of his activity, and we have done very little to dissuade him. To fight crime we must raise the price of such activity. This, of course, means a concerted effort in all areas of the criminal justice system. But what good are tougher laws, more efficient courts, and better corrections if the rate of apprehension stands at 12 percent or less?

The front line in our fight against crime is the patrolman on his beat. Time and again it has been shown that these men are the crucial factor not only in the successful apprehension of criminals, but in the area of prevention, of discouraging would-be criminals from undertaking such action. In a report for the Brookings Institute, Charles B. Saunders observed that:

> The number of police have, in fact, grown steadily in recent years, but only as fast as the general population. Over the past decade, the ratio has remained at 1.7 officers for every 1,000 persons. However, the continued growth of urban populations, mounting crime rates, and social unrest will require an increase in the ratio of police to citizens.

Commenting on the rising governmental interest in law enforcement, he continues:

> Because the crime control act of 1968 reflected the traditional faith in equipment and technology as the means to affect crime statistics, it could create unrealistic expectations and actually divert attention from the central problem of police personnel. On the other hand, federal initiative to improve police manpower . . . could usher in a new era for law enforcement. It will not be easy to face up to the personnel deficiencies . . . but the time is at hand for the national administration to do so if it is to deal responsibly with the mounting public concern over law and order.

Concern over crime is, of course, not new. We have heard the rhetoric and the slogans such as "the war on crime." But no amount of "get tough" rhetoric and carefully manipulated statistics can hide the fact that "the war on crime" is not being won. We can take little comfort in the fact that last year serious crime increased by only 6 percent. And glowing reports of "cautious optimism" do not

camouflage the frustration and fear which continues to mount for our private citizens.

The President said in a message a year ago last March that:

I think it is clear that LEAA has assumed a vital and effective role—but I believe it can and must be made more effective.

While we may challenge the President on the actual effectiveness of the current program, we all agree that more must be done. And we, as Members of Congress, can wait no longer for leadership on this problem. We must take the initiative, for crime cannot be fought with patience and rhetoric.

We should not look upon the policeman as a panacea for our social ills. But he is an effective weapon in the fight against crime, and the need is definitely there. One may question the size of the proposed commitment; $2 billion per year is a very large sum of money. It would represent a rough 25-percent increase in total public expenditures to fight crime. But in light of the current $50 billion total cost of the crime burden, the proposed sum is modest. If the program succesfully restores the credibility of our criminal justice system and the faith of our citizens in their government, it is a bargain.

The legislation I am introducing today is designed to accurately determine the needs and requirements of our individual communities, and to provide relief in the quickest and most efficient manner. This legislation represents a tremendous step forward in clearing away the obstructions which have hampered past efforts and focuses our attention on one of the most important factors in the fight against crime.

We all look forward to the day when the principles of equality and justice have become fact and when our society has been purged of the ills and inequities which breed crime. More policemen will not, of themselves, eliminate these problems, but they will serve to break the vicious circle in which crime and social ills reinforce one another, moving upward in a costly spiral.

A STABILIZATION TRUST FUND

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, 5 years ago, I proposed for the first time in our country, that we create in this country a new device to control inflation and deal with recession. I called this device the National Economic Stabilization Trust. Just a few days ago, the Chairman of the Federal Reserve Board advanced an idea that was strikingly similar to my proposal.

I suggested that a special trust fund be created which would be used solely for the purpose of economic stabilization. It would be readily available to dampen the fires of inflation and it would also be available to shore up the economy in the event of recession. It would be a device which might enable us to have full employment without inflation, and which should enable us to avoid recession as well. I simply do not believe that throwing millions of people out of work, or imposing economic controls, is the only way to fight inflation. Nor do I believe that combating inflation can be done only through tax gimmicks or ad hoc spending plans.

I think that we need a new economic tool—the national economic stabilization trust.

My proposal is simple, understandable, and practical.

The idea is to have a standby taxing authority. In times when the economic indices indicate the threat of inflation, the taxing authority would be activated. The amounts collected through this tax would be credited against the accounts of taxpayers, and they would receive a fair rate of interest on these deposits. It is a forced savings plan, which would be activated only when the economy shows danger of overheating. When the danger has passed, the Treasury would be authorized to return the deposits to the taxpayers together with the earned interest that has accumulated. These returns could be arranged so that no sudden surge of money became available, and thus avoid the threat of new inflationary pressures. Alternatively, if recession threatened, the Treasury could release all or a substantial part of the trust so that the economy would receive a powerful stimulus.

My plan would not only soak up excess demand, as would any anti-inflation tax, but it would also be a powerful deterrent to the development of the so-called inflationary psychology. The plan would set forth in law the triggering points—either inflationary or recessionary signals—which would either activate the tax or release the trust funds. Finally, people would get their money back in any case; the Treasury would hold no contribution beyond a predetermined number of years.

It is time to look at this idea seriously.

Chairman Burns is correctly concerned that the sudden release next year of the immense amounts of overwithheld income tax, at a time when he expects the economy to be expanding rapidly anyway, will create an enormous surge of inflationary pressure. He believes that to combat this the Treasury ought to offer special, high interest bonds to taxpayers who are due refunds, in the hope that people will elect to make this investment rather than take their money and spend it.

At this point, his idea may be the only tool available. However, I think that it is much more practical to establish a fiscal tool that would be made specifically for the purpose of creating economic stabilization. There is no need to resort to ad hoc tax or spend schemes, which in any case might be activated too late to do any good. There is a need to develop a coordinate fiscal and monetary system so that economic strategies can be freely developed and implemented at the optimum time.

My plan would allow economic policy to be conducted on a continuous, coordinated basis, with both fiscal and monetary tools readily at hand. People would know what the danger signals are, and would know what policies will be used to meet economic dangers. There would be less reason to expect inflation and less reason to fear recession.

I commend Chairman Burns for his foresight and concern. I earnestly suggest that his thoughts be examined, and that my proposal be considered as a readily acceptable, fully workable, and much needed plan to develop the kind of economic stabilization program that we really need—a program that does not depend on tax and spend gimmicks, does not require resort to stifling, unfair controls, and does not leave the whole economic strategy to chance. My plan fulfills a badly needed national requirement. Now, after years of frustration and failure, I believe it is time to give it a chance.

I first proposed this in a letter, detailed and setting forth the basic structure of my suggestion in 1967 after President Lyndon Johnson had recommended tax legislation to the Congress. But Chairman WILBUR MILLS and his committee were adamant in not even being willing to have hearings on this Presidential tax recommendation. I felt then that this was almost irresponsible on the part of Congress and that we had the responsibility of acting. I then wrote the chairman and every member of the committee. But, unfortunately, I met the same fate as the President.

No serious consideration was ever given to any but the eventual mess the committee and Congress finally approved in 1968—the celebrated surtax. The rest is history.

My plan, I am convinced, was needed and was workable in 1967—and it is needed and workable today. I hope some serious consideration is given—though, frankly, this is an election year and I know what this means.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON BANK SUPERVISION AND INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, I would like to announce today that on June 19, 20, and, if necessary, the 21st, the Bank Supervision and Insurance Subcommittee of the Committee on Banking and Currency will hold hearings on proposed legislation. It is my hope that the subcommittee can begin markup on the legislation immediately upon the conclusion of the hearings.

If any Member is interested in either providing a statement to the subcommittee concerning his or her position on the legislation, or testifying during our hearings, it would be appreciated if you would make your interest known at your earliest convenience.

At this time, the proposed legislation is in the form of committee prints, the text of the legislation is a section-by-section explanation of the provisions of the legislation.

H.R. ——

A bill to provide for State taxation of insured banks, to provide full deposit insurance for public units, to amend title IV of the National Housing Act concerning the ninety-day decision period with respect to acquisitions in connection with savings and loan holding companies, and to amend title IV of the National Housing Act with respect to third party loans made by subsidiary insured institutions of savings and loan holding companies

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

TITLE I—STATE TAXATION OF INSURED BANKS

SHORT TITLE

SEC. 101. This title may be cited as the "State Taxation of Insured Banks Act".

DECLARATION OF POLICY

SEC. 102. Recognizing that the several States should be allowed the greatest degree of autonomy in formulating their tax policies, the Congress finds that the national goals of fostering an efficient banking system and the free flow of commerce among the States will be furthered by clarifying the principles governing State taxation of federally insured commercial banks. While protection should be provided against taxes on intangibles or other taxation that would discriminate unfairly against such banks generally or against out-of-State banks, national banks should be subject to taxation on the same basis as those that are State chartered. Application of taxes measured by income or receipts, or other "doing business" taxes, in States outside the home State should be deferred until such time as uniform and equitable methods may be developed for determining jurisdiction to tax and for dividing the tax base among States.

AUTHORITY FOR STATES TO TAX NATIONAL BANKS

SEC. 103. For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.

TAXATION BY STATE WHERE PRINCIPAL OFFICE IS LOCATED

SEC. 104. A state or political subdivision thereof may impose on any insured commercial bank having its principal office within the State any tax that is imposed generally on a nondiscriminatory basis throughout the jurisdiction of the taxing authority, except that no tax may be imposed on intangible personal property owned by any such bank. The prohibition against taxation of intangible property shall not apply to taxation of the beneficial owner of property held by such a bank in a fiduciary capacity. Interest on obligations of the United States may be included in determining the income of any such bank for purposes of taxation authorized by this section.

TAXATION BY OTHER STATES

SEC. 105. The legislature of a State may impose, and may authorize any political subdivision thereof to impose, the following taxes on any insured commercial bank not having its principal office within such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

(1) sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

(2) taxes on real property or on the occupancy of real property located within such jurisdiction.

(3) taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

(4) taxes on tangible personal property located within such jurisdiction.

(5) license, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

(6) payroll taxes based on persons employed in such jurisdiction.

DEFINITIONS

SEC. 106. For the purposes of this title—

(1) The term "insured commercial bank" means any bank the deposits in which are insured under the Federal Deposit Insurance Act other than a savings bank or mutual savings bank as defined in that Act.

(2) The term "intangible personal property" includes any mortgage, bond, note, share of stock, warrant, currency, coin, check, credit card, credit card account, deposit, contract, account receivable, judgment, or other evidence of a claim on another.

(3) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

REPEALER

SEC. 107. Section 5219 of the Revised Statutes (12 U.S.C. 548) is repealed.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

SEC. 201. (a) The Federal Deposit Insurance Act is amended—

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (i) of section 7 (12 U.S.C. 1817(i)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2)(A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured for the full aggregate amount of such deposit.

"(B) The Corporation may limit the aggregate amount of funds that may be deposited in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its assets."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724(b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured members referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d))" and

(3) by adding at the end of section 405 (12 U.S.C. 1728), the following new subsection:

"(d)(1) Notwithstanding any limitation in this subchapter or in any other provisions of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured for the full aggregate amount of such account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets."

(c) Subsection (c) of section 207 of the Federal Credit Union Act (12 U.S.C. 1787) is amended by—

(1) inserting "(1) after "(e)",

(2) striking out "For the purposes of this subsection," and inserting in lieu thereof the following "Subject to the provisions of paragraph (2), for the purposes of this subsection,", and

(3) adding at the end thereof the following:

"(2)(A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available for the account of any one depositor or member, in the case of a depositor or member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Panama Canal Zone, or of any territory or possession of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and

lawfully investing the same in a credit union insured in accordance with this title in the Commonwealth of Puerto Rico, the Panama Canal Zone, or any such territory or possession, respectively;

his account shall be insured for the full aggregate amount of such account.

"(B) The Administrator may limit the aggregate amount of funds that may be invested or deposited in any credit union insured in accordance with this title by any depositor or member referred to in subparagraph (A) on the basis of the size of any such credit union in terms of its assets."

TITLE III—NINETY-ONE-DAY DECISION PERIOD WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

ACQUISITIONS

SEC. 301. (a) Section 408(e)(1)(B) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(1)(B)) is amended by adding at the end thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

(b) Section 408(e)(2) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(2)) is amended by inserting immediately after the second sentence thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

TITLE IV—THIRD PARTY LOANS

THIRD PARTY LOANS

SEC. 401. Section 408(d)(4) of title IV of the National Housing Act (12 U.S.C. 1730a(d)(4)) is amended—

(1) in the proviso thereof by striking out "a wholly owned" and inserting in lieu thereof "an", and by inserting "wholly owned by such insured institution or by such insured institution and any other insured institutions" immediately after "affiliate service corporation"; and

(2) by striking out "would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof" and inserting in lieu thereof the following: "if such property on the security of which such loan, discount, or extension of credit is made has not been at any time owned, legally or beneficially, by the savings and loan holding company which controls such insured institution or by any affiliate of such holding company (other than such service corporation)".

H.R. 15437

A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no insured bank, insured institution, or insured credit union shall—

(1) refuse to honor any check drawn upon the Treasury of the United States, or upon any State, any political subdivision of any State, or the District of Columbia, upon presentation of such check by the payee, together with adequate identification, on the ground that such payee does not maintain an account with such bank, institution, or credit union; or

(2) make any charge to such payee for the honoring of such check.

SEC. 2. The Secretary of the Treasury shall prescribe regulations necessary or appropriate to effectuate this Act.

SEC. 3. For the purposes of this Act, the term—

(1) "insured bank" shall have the same meaning as is applied to such term in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

(2) "insured institution" shall have the same meaning as is applied to such term in section 401(a) of the National Housing Act (12 U.S.C. 1724(a)).

(3) "insured credit union" shall refer to any credit union which is insured under title II of the Federal Credit Union Act (12 U.S.C. 1751 and following).

SEC. 4. The provisions of this Act shall take effect on the thirtieth day after the date of its enactment.

SECTION-BY-SECTION EXPLANATION

Following is an explanation of the matters on which the Subcommittee on Bank Supervision and Insurance will hold hearings:

TITLE I—STATE TAXATION OF INSURED BANKS

This provision clarifies the principles relating to State taxation of Federally insured banks.

The proposed legislation provides that national banks should be taxed on the same basis as State-chartered banks, except that protection is provided against (1) taxes on intangible personal property (i.e. mortgages, bonds, notes, stock, currency, checks, deposits, accounts receivable, etc.), (2) taxes that would discriminate unfairly against insured commercial banks generally or against out-of-State insured commercial banks, and (3) taxes on out-of-State insured commercial banks measured by income or receipts, or other "doing business" taxes. The legislation provides in detail for the kinds of taxes that can be applied to out-of-State insured commercial banks.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

Federal law provides up to $20,000 insurance for each deposit maintained in Federally insured banks, savings and loan institutions, and credit unions. This provision would provide full insurance (i.e. up to the full amount of the deposit even though in excess of $20,000) where the depositor is the United States, a State, or a political subdivision of a State.

In each case, however, the provision would permit administrative limitation on the aggregate amount of funds that may be deposited by any one depositor in any such financial institution.

TITLE III—NINETY-ONE DAY DECISIONS PERIOD WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

Existing law relating to savings and loan holding companies provides that, in certain circumstances, before a savings and loan holding company, or any other company can acquire an insured savings and loan institution or another holding company, it must first obtain approval from the Federal Home Loan Bank Board. Moreover, the law provides that the Board should make its decision on any such acquisition within 90 days.

This proposed title would provide that Board approval for any such acquisition will be deemed to have been granted in any case where the Board fails to act on the application within the 90-day period.

TITLE IV—THIRD PARTY LOANS

Existing provisions of law relating to savings and loan holding companies permit a subsidiary insured savings and loan institution to make a loan, under certain limited circumstances, to a third party on the security of property which has been acquired by such third party from the institution's service corporation. Such loan is permitted, however, only if, in addition to other limitations, the property has not been purchased by the service corporation from one of its affiliates or otherwise purchased or acquired from any outside savings and loan holding company or affiliate thereof.

This title would amend the law to permit the financing of property which has been purchased by the service corporation from an outside savings and loan holding company or affiliate thereof. However, it would not permit financing in the case of property which has been in any way acquired (i.e. purchase or donated) by the service corporation from one of its affiliates.

BILL TO REQUIRE INSURED FINANCIAL INSTITUTIONS TO HONOR CHECKS DRAWN UPON FEDERAL, STATE, AND LOCAL GOVERNMENTS

This legislation would provide that no insured bank, insured savings and loan institution, or insured credit union shall refuse to honor any Federal, State or local government check on the ground that the payee does not maintain an account with such bank, if the payee can present proper identification. In addition, the legislation would prohibit the charging of a fee for cashing any such check. Finally, the legislation requires the Secretary of the Treasury to prescribe regulations to carry out the purpose of the Act.

LAWSUIT ASSISTANCE TO POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, it has recently come to my attention that law enforcement agencies are becoming increasingly concerned over the growing number of lawsuits filed against police officers for actions occurring while performing their official duties. It is my understanding that in many instances officers have been forced to rely upon their own resources in defending suits of this nature, and in many cases the proceedings have turned out to be nothing more than "nuisance" suits.

As a legislator both in the Michigan State Senate and here in the U.S. Congress I have always vigorously supported legislation designed to assist law enforcement officers in performing their difficult and often dangerous jobs more effectively. I have been observing these recent developments with growing concern, and have arrived at the conclusion that some type of aid must be made available to police officers who are forced to rely on their own resources to defend frivolous lawsuits.

For this reason, Mr. Speaker, today I am introducing legislation which authorizes the Attorney General of the United States to make grants to any law enforcement official who is a defendant in any civil action which arises out of the officer's performance of his official duties, to reimburse the officer for the reasonable costs of defending himself if he prevails in the civil action.

Mr. Speaker, I am joined in offering this legislation by my distinguished colleagues from Michigan, Mr. DINGELL, Mr. NEDZI, and Mr. O'HARA. At this point

I would like to insert the text of this bill into the RECORD:

H.R. 15427

A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized to make grants to each law enforcement officer who is a defendant in any civil action, arising out of the performance by such officer of his official duties, if such law enforcement officer should prevail in that civil action, to reimburse such officer for the reasonable costs of investigation and legal fees incident to such civil action.

SEC. 2. As used in this Act, the term "law enforcement officer" includes attorneys general, prosecuting attorneys, chiefs of police, sheriffs, constables, and their subordinates.

SALUTE TO EDUCATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, in most of our Nation, the school year has ended. Recognition that public education is perhaps one of America's greatest legacies to her young citizens, and indeed to her own future, of course should not and does not end with the summer recess of classes. If anything, the recess and this month's salute to education program being sponsored by the National Education Association offer us the opportunity to reflect on what has been accomplished in the pursuit of learning in 1971–72.

This past school year, the number of students in America's public school systems rose almost 341,000 from 1970–71 levels to a combined elementary-secondary total of just over 48.2 million. Meeting this student increase was the jump in the number of classroom teachers, particularly in our secondary institutions where instructors' ranks swelled by an additional 19,000 from the year before. Also showing a marked increase was the number of men entering teaching at the public elementary and secondary levels.

Total expenditures for public secondary and elementary education rose by slightly more than $3 billion in 1971–72. True, part of this increase is accounted for by the rising costs of education, the higher average salaries deserved by and paid to teachers—such salary increase for instructional staffs averaged only 4.6 percent—and the often inflationary financial pressures from other sources bearing upon school budgets. Part of the increase, however, also stems from real improvements in education techniques, expansion in educational facilities and staffs, and adoption of programs stressing the greater development of our youth, particularly those from educationally deprived backgrounds.

Yes, I believe promising strides are being taken in the field of American public education, and I take this opportunity to both salute and exhort those contributing to the progressive education effort: Take pride in the past for those great things you have accomplished; take foresight and forbearance into the future for your even greater accomplishments to come.

PROUD OF OUTSTANDING RECORD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the biography carried in the Congressional Directory about our distinguished colleague from Florida, the Honorable JAMES A. HALEY, is the shortest of any among the 12 Members of the House from our State. It shows that he was first elected to Congress in 1952 and that he has been consistently reeelected since that time. It does not reveal the fact that his election as a Democrat always has demonstrated the great confidence of his constituents in his work despite the fact that he lives in a district with strongly Republican registration. JIM HALEY'S constituents know the value of his serivces and this they wisely place above party label. His friends in the House know the importance of his work also. Congressman HALEY is recognized and appreciated on both sides of the aisle for his ability, and his sage counsel is sought by the leadership as well as the rank and file of the House Members.

We who are Members of the House have the opportunity to observe his work in the House. We know that he is a very busy man and a very effective Member of the House. Possibly there are few elsewhere who realize that as chairman of the Indian Affairs Subcommittee for almost 18 years, JIM HALEY has been one of the most active legislators in the House of Representatives. In the 92d Congress alone his subcommittee has been responsible for almost one-half of the total number of bills to be reported out of the Interior and Insular Affairs Committee. And, while most of our subcommittees have had on the average of two to three of their bills enacted during this Congress, JIM HALEY'S subcommittee has already had 14 of its bills signed into law.

My good friend and House colleague, who has represented Florida's 7th District since it was created in 1953, followed former Congressman J. Hardin Peterson from Lakeland in taking on the assignment from our delegation to the House Interior Committee. His work in that assignment over the years has gained national recognition and has provided significant benefits to his fine district and to Florida. He is one of the most highly respected Members of the House and I am indeed pleased to serve in Congress with this very distingiushed Floridan. The Florida delegation and the people of our State are proud of his outstanding record.

RURAL JOB DEVELOPMENT ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a needed and important measure which has not yet received congressional action is the Rural Job Development Act. One hundred and fifty-three Members of the House have cosponsored this bill. It is disappointing to recount the fact that it is still pending before the House Ways and Means Committee with no hearings scheduled. I am confident that the House wants action on this measure and I sincerely hope it will be possible for this to be obtained during the present session.

Recently, an excellent statement was made on this and other features of significance to the small town and rural America. It is the testimony of James A. Gavin, legislative director of the National Federation of Independent Business. It was delivered on May 2, 1972, before the House Select Committee on Small Business. It tells also of the outstanding work of the National Federation of Independent Business with 310,000 member firms across the country. It is well worth the consideration of the membership and I submit a condensed version for reprinting in the CONGRESSIONAL RECORD:

TESTIMONY OF JAMES A. GAVIN

THE RURAL CRISIS: ITS IMPACT ON SMALL BUSINESS

The economic pressures created by rural outmigration, a shrinking tax base, growing poverty and the decline of the family farm pose a serious threat to the viability of rural and small town independent business. They have created a customer drain, causing many small firms to close their doors forever. It is no quirk of fate that nearly 73% of all the business failures in the United States during 1970 occurred outside the nation's metropolitan areas.

This situation is dramatized by an NFIB member from rural Texas, who writes:

"Our area where we now live is in need of some kind of industry. I know for a fact from talking to the great majority of business people here that they are willing to work and cooperate in every possible way to bring any kind of industry into the area. . . . This rural area town needs this badly, if something is not done soon, in the next decade, I'm afraid it will not be able to survive."

In every section of the country concerned businessmen, like those in this small Texas town, are trying desperately to find a solution to the same problem. As more and more people leave the land, the economic base shrinks, forcing local businesses to tighten their belts. Margins are cut and payrolls reduced, adding the final link to the vicious cycle of decline.

Businessmen realize that their communities must change their economic base to survive, but this is easier said than done, because the same factors that caused the problem make it even more difficult to solve. Executives of corporations sometimes practice philanthropy, but they are extremely reluctant to locate new plants in depressed rural areas. Lack of transportation, an inadequate supply of trained labor and many other disabilities simply make such a move *poor business.*

SOLUTIONS: THE NEGATIVE APPROACH

The National Federation of Independent Business is, and has been for some time, deeply concerned about the plight of rural America. Over the years we have invested a good deal of time, money and effort in the search for a viable solution to this dilemma, yet, even during periods of complete frustration, we never gave up hope in the ultimate success of our cause. Because of this, we find the recent negative approach espoused by the

Commission on Population Growth and the American Future totally unacceptable.

The Commission's recommendation, contained in Part III of its Report, *Population and the American Future*, is as follows:

"In chronically depressed areas, it may sometimes be true that the prudent course is to make the process of decline more orderly and less costly—for those who decide to remain in such areas as well as for those who leave. . . . In that event, the purpose of the future investment in such area should be to make the decline easier to bear rather than to reverse it."

Although the Commission's Report qualifies this position by establishing the feasibility of economic development as a criterion, it is defeatist in attitude and extremely depressing. It makes several suggestions aimed at improving the lot of those who are forced to move to find work, which is good, but, in the same breadth, it accepts rural outmigration as an unalterable fact, which means that it has found no solution for the problem. Instead, it is content to offer halfway measures to ease the impact of dislocation, a stand that does nothing to head off the growing crisis.

Only once, when it states that, "a superior approach may be to create new jobs nearer to or within the declining rural areas," does the Report come anywhere near recognizing the heart of the problem. But, then it turns right around and suggests that this expanded employment should be concentrated, "in urban places located within or near declining areas," and that these centers should have, "a demonstrated potential for future growth," a policy which it admits, "could inadvertently produce overurbanization." "Overurbanization" is already a serious problem in the United States, so why even suggest a policy that could eventually make it insolvable?

In the Federation's estimation the Report of The Commission on Population Growth and the American Future leaves a great deal to be desired in its analysis of the rural crisis. Not only does it fail to address itself to the proper questions, but its suggestions are negative in nature and, in many instances, self-defeating. In addition, it offers absolutely no hope at all to those rural inhabitants who wish to remain on the land where they were born and raised.

POSITIVE APPROACHES

During the last few sessions of Congress, many members of both the House and the Senate have introduced bills aimed at correcting the problems of rural America. All of these proposals, from rural revenue sharing to a rural development bank, are positive in their approach and, as such, are commendable. But, all of these, without exception, simply don't go far enough. They deal with the visible symptoms of the disease, rather than with the disease itself.

A good example of this is the recently passed Rural Development Act. Its primary goal is to reduce the impact of inadequate community and social services in declining rural areas by increased funding of tested Federal programs. While this is needed to ease the hardship of rural living, it does little to attack the cause of these inequities—an insufficient and continually shrinking tax base.

The only way to accomplish this is to first, halt, and then, reverse the flow of outmigration. While this will not be an easy task, it is not impossible, and it behooves us to realize that we cannot expect an overnight change in a situation that we have allowed to develop uncontested for more than a century.

The economic base of rural America must be altered and strengthened, and we must actively seek the balanced development that is needed to make this a reality. As a first step in this direction, we must dedicate the nation's resources to the creation of steady, well-paying, jobs in our nonmetropolitan areas.

Jobs are the key. Without them, millions of young, rural Americans will be forced to move to our cities to find satisfactory employment. If we do not provide them with jobs, we will not have to worry about improving rural housing, sewerage, transportation, education and medical care, because, eventually, there will be very few residents left to take advantage of these benefits.

The creation of employment opportunities in these economically depressed areas is a difficult challenge, simply because knowledgeable businessmen are extremely reluctant to take the enormous risks involved in this type of a venture. In other words, they have to have some reasonable assurance that their efforts will stand at least a 50–50 chance of success.

Yet, even though they are presently faced with many trying obstacles, established firms are seriously considering moving to rural locations. A prime example of this trend is an electronics firm from New Jersey, employing 225 persons.

The impact of a company this size relocating in a rural town would probably mean the difference between continued decline and survival. It would create 391 new jobs, 252 new households and enough business for nine new retail establishments. Population would increase by 666, personal income by $1,341,000, bank deposits by $607,000 and retail sales by $810,000. In addition, the community's economic base and tax structure would be significantly changed, enabling it to provide more services for its residents.

The means for achieving this goal, the Rural Job Incentive or Development Act (H.R. 5190 and H.R. 5063, respectively), has been before Congress for a number of years. Its chief sponsors are Congressman Keith G. Sebelius, of Kansas, and the esteemed Chairman of this Committee, Congressman Joe L. Evins, of Tennessee.

Basically, this legislation attempts to give a new enterprise locating in rural America a reasonable chance for success. It balances the heavy risks involved in this decision with tax incentives designed to assist it through those first few critical years—a period that usually makes or breaks a new business. The logic behind its approach is based on a proven principle—that tax policy does, in fact, influence the course of business investment. With this in mind, it seem to provide a judicious blend of private initiative and public responsibility.

This approach also has the added attraction of being negligible in cost. It requires no new massive outlays of Federal tax dollars. Instead, the available evidence strongly indicates that these new businesses, along with the jobs they would create, will provide the United States Treasury with a net revenue gain. Granted, those firms that are eligible will take advantage of these tax incentives, but this should not place a drain on the Treasury, because they are now nonexistent. The Treasury cannot lose what it never had.

The bill, as now written, also provides safeguards for urban jobs. It clearly states that no company can qualify for these tax incentives if it diminishes operation or employment in an existing location by opening a branch or building a new facility in rural America.

Although this worthwhile legislation has been before the Congress for several sessions, it has just recently received the attention it merits. Almost a year ago the Federation with great success, mounted a campaign aimed at increasing Congressional awareness of the bill. To date, it has attracted the support of 198 Members of the House and 58 Senators, but, unfortunately, the Committee on Ways and Means has not held hearings as yet. We hope they will be able to do so in the near future.

NFIB, its member firms, and the small business community have long supported and shown a strong preference for the tax incentive approach to rural development, and a recent survey of the Federation's Advisory Council enforces this stand. The tabulation shows that 95% of the respondents support this legislation. In addition, 96% of them state that they would not object to the new competition created by the bill as long as new jobs came into their area. The questionnaire also explains that additional employment would probably mean higher taxes to pay for expanded community services, and, somewhat surprisingly, almost 81% answered that they felt this would be acceptable.

Mr. Chairman, we submit that America's rural businessmen are deeply concerned with the economic plight of their communities—concerned enough to willingly shoulder their share of the cost of revitalizing them. But they cannot do it alone, so we strongly urge you to recommend to your colleagues immediate consideration and passage of the Evins-Sebelius bill.

POLISH-AMERICAN CONGRESS OBSERVANCE OF MAY 3, 1791, FREEDOM CONSTITUTION

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on April 30 of this year in East Chicago, Ind., the Indiana Division of the Polish-American Congress sponsored a religious memorial observance of the 1791 Polish Constitution anniversary.

I was present at this massive gathering of Polish citizens and their friends which was addressed by Mr. Aloysius A. Mazewski, president of the Polish-American Congress and Polish National Alliance. I incorporate with my remarks the message delivered by President Mazewski on this memorable occasion:

SPEECH OF ALOYSIUS A. MAZEWSKI, PRESIDENT, POLISH AMERICAN CONGRESS AND POLISH NATIONAL ALLIANCE

I feel it would be redundant to describe to you events and persons that made the May 3rd, 1791 Constitution of the old Royal Republic of Poland possible. As an intelligent audience, you know the Polish history, and you have heard and appraised its highlights on many other occasions in the past.

Suffice it to remind us at this time, that cumulative effect of the work of the Great Diet of Four Year Duration, or "Wielki Sejm Czteroletni", and its leaders headed by the Speaker of the Diet, Malachowski, electrified the entire continent of Europe, and its call for social justice, civic wisdom and responsibility, reverberated in America.

The May 3rd Constitution of Poland was the first legislation of this progressive and far reaching kind in Europe. It has been warmly received and highly praised in the French and British Parliaments, and strongly appealed to our own Thomas Paine, the prototype of American citizen and patriot.

May 3rd Constitution was a great act of legislative, judicial and administrative reforms of Poland, which at that time teetered on the brink of chaos and moral decay.

By instituting urgently needed reforms, by giving the nation new sense of direction, by wakening the sense of responsibility that was forgotten during the Saxon misrule, the May 3rd Constitution gave Poland a new lease on life, a lease so enduring that after one century of partition and persecution, Poland emerged from world war one ruins as unified nation fully aware of its destiny.

This renovation of national spirit, the reawakening of the sense of responsibility toward the state, the seeding of democratic ideals and principles for future development—are the hallmark of the May 3rd Constitution.

And we are justly proud of this noble legacy.

It is, however, not sufficient for our historical values and directions to merely commemorate the event that gave Poland the May 3rd Constitution.

We pay homage to the authors of this great and noble document by praising the nobility of their pursuits and purposes, their sense of justice, their deep and abiding feeling for Poland's destiny.

And, noble, as these sentiments are, they are not, in themselves, a sufficient homage to those great men. I do not think they expected our praise. But I firmly believe that they expected the generations of Poles that followed them to be faithful, even onto the death, to the ideals they incorporated in the May 3rd Constitution.

It is proper and fitting that we revere their names.

But to pay really meaningful and substantive tribute to their greatness, we must apply the enduring relevancy of their work to the problems and challenges of our times.

In this context and this frame of reference, the May 3rd Constitution has a deep meaning and vital message not only to Poles. It has a universal appeal to all men who know the meaning and value of freedom and dignity of man.

It has an extraordinary relevancy to the problems and crisis of the United States of today.

It has a great lesson for the present generations of Americans.

And having these attributes, the May 3rd Constitution is truly a universal document in the annals of mankind.

It is one of the great contributions Poland made to the inception, growth and development of political and civic precepts of the Western man.

What, then is the May 3rd Constitution relevancy to our contemporary America?

Appraising it from the distance of almost two hundred years, and from the American point of view, we discover one inescapable fact, unique in the history of man.

Namely—that the May 3rd Constitution was a revolutionary document, but it embodies a revolution in reverse.

All other revolutions in the history of man were revolutions against individual tyrannies of kings and magnates, against brutal injustices, against dehumanization of the common man.

Poland's revolution was of an entirely different type.

The 18th Century Poland was the most liberal state in Europe.

While, for instance, in England at that time only about four percent of the population enjoyed enfranchisement, in Poland more than twelve percent of the population had the right to legislate at Sejmiki, at the Sejm, and the right to elect the King.

In addition to that, the spirit of tolerance was prevalent.

As a matter of fact, Poland was enjoying too much freedom for the political atmosphere and customs of the past centuries.

Thus, May 3rd Constitution, putting restrictions on freedom grown wild and irresponsible, was a revolution in reverse.

It was a revolution against too much permissiveness, too much irresponsibility in civic matters, too much demand upon the state without commensurate contributions to the welfare and viability of the state.

A situation similar to that which afflicted the 18th Century Poland, is prevailing in the United States today. It has modern trappings, but essentially does not differ from the freedom gone wild, the permissiveness, the disregard for public good that brought Poland, once the most powerful state in Europe, to the brink of dissolution and anarchy.

The ill-fated Polish Liberum Veto, the political irresponsibility of the gentry, its frivolous statements that Poland stands on misrule—"Polska nierzadem stoi",—all these national afflictions and sin find their equivalent in our America of today.

Excessive permissiveness is bring chaos to our moral precepts and rules. Irresponsibility toward the state is evident in anti-war demonstrations, in draft card burning, in insecurity on our streets, in devaluation of American spirit in our universities and colleges where teaching and scientific discipline is being replaced by the absurdity of students' demands and the meek accession to these demands by the faculty.

The vast cultural wasteland named television is distracting our mental and intellectual from real problems to showing of presentations more fitted for circuses than for enlightened public.

Hedonism, the fanatical pursuits of personal pleasures and satisfactions has its reflection in the pre-May 3rd Poland, where such platitudes as "az króla Sassa, jedz, pij i popuszczaj pasa" were the gist of social sensibilities.

Poland paid dearly for these mistakes. The renascence of the May 3rd Constitution came too late to save the 18th century generations of Poles.

Poland paid for these sins with blood and sweat, sacrifices, heroism and exiles of her best sons.

And those who died during the Kosciuszko Resurrection, during the Napoleonic wars, during the November January uprisings in two world wars,—they made both the expiation and the down payment for the future of Poland. That future in freedom, justice and self determination is not yet in sight for our generations of Poles.

But the knowledge of the May 3rd Constitution, and its message emblazoned in the hearts of whole generations of Poles, not only sustain us in these times of trials and tributions, but instill in our hearts unshakeable conviction that some day Poland will take its rightful place among the free and independent nations of the world.

And what is the message of May 3rd Constitution to us, as Poles living in the United States and as Americans of Polish origin and ancestry?

Directly to us, the May 3rd Constitution speaks that the fullness of life lies primarily in patriotic living.

To understand our land and the needs and aspirations of our people;

To participate in the solution of crisis and responses to challenges;

To observe the law of the land as the safeguard of peace, security and viable society;

And to instill in the hearts and minds of our children both the love for our land and respect for its institutions of freedom, together with a deeply ingrained sense of social and national responsibilities,—

These are the duties and obligations which the meaning of May 3rd Constitution places upon us.

And when we leave this place and this program with renewed determination and commitment to a more patriotic living, then our observance will be blessed, indeed.

And the May 3rd Constitution Observance each year will enrich the substance of our lives as Poles and Americans of Polish heritage.

PROPOSED REGULATION OF RADIO AND TELEVISION NETWORKS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to regulate our radio and television networks. I will say at once that my real concern is the state of American television, which I think has fallen far short of its responsibility to serve the public interest as most of us here conceive it. For the sake of completeness, however, the bill has been extended to cover radio broadcasting as well.

In introducing a bill for the regulation of the networks, I am fully aware that, in the last analysis, it is those who have been licensed by the Federal Communications Commission to operate the Nation's television stations who must bear the ultimate responsibility for the violence and triviality that today dominate American television. Under the Communications Act of 1934, each licensee is charged with the duty of determining what programs he will present, and each must be held to account if the programs he selects are tasteless and debase the values and attitudes of the millions of young people who watch television daily.

At the same time we all know that it is the three major networks—CBS, NBC, and ABC—that now provide the American viewing public with most of its television programing during the evening hours, which is the time when most Americans are watching their home screens. The networks have come to dominate programing simply by virtue of economics. The creation and production of programs has become so expensive that most commercial television stations look to one or another of them. The networks provide the link between the individual stations scattered throughout the Nation and the advertisers who are seeking a large national audience. If the networks did not exist, we would have to invent them, at least in our system of advertiser-supported television.

And what have the networks given the American viewer? A steady diet of violence, brutality, and sadism—to the detriment of America's youth.

I have spoken out against TV violence many times. I have introduced resolutions deploring the crime and brutality viewed by millions of children. And I have introduced bills calling on the Federal Communications Commission to put a halt to television's headlong plunge into gore. On Tuesday, March 21, I testified before the Senate Communications Subcommittee on television violence and its effects on the youth of our country. The Surgeon General followed me to the stand and confirmed what those of us in Congress knew from previous scientific research, that TV violence is harmful to children and has caused aggressive antisocial behavior on the part of large numbers of American youth. The Surgeon General announced that it is time for immediate action and that the Government should do everything in its power to make TV broadcasters stop the daily diet of crime, violence, and brutality which is fed to TV viewers including millions upon millions of children and teenagers. But he felt he was not competent to decide how

to accomplish this—he deferred to the Congress.

While this was a welcome statement by the Surgeon General, it fell far short of what is needed to stop the purveyors of TV violence. Past experience has shown that it will be a long time—perhaps never—before the TV broadcasters eliminate violence from TV. That is, unless there is a vigorous move by the Government to force them to stop. But the members of the Senate Communications Committee themselves professed frustration when it came to recommending a solution to TV violence because of first amendment considerations.

So we are faced with the same dilemma as previous Congresses. The only difference is that we now have abundant scientific evidence that violence-saturated TV causes violent juvenile behavior.

But the Surgeon General—the chief health officer of the United States—has no concrete "next step" to offer other than to try to "persuade" the networks to do better.

The powerful Senate Communications Committee has no concrete plan—legislative or otherwise—to reduce TV mayhem, other than to make a plea to the TV networks to do something.

And while all this was going on, the very TV officers who piously and sometimes tentatively offered to "do better" were locking in their schedules for next fall that are saturated with crime shows.

As I pointed out to the Senate committee, previous attempts at eliminating TV violence by relying on the "good faith" of the TV industry by several House and Senate committees, the Federal Communications Commission, and the President's Commission on Violence have been marked by failure. Failure because these groups all deplored violence on television; with varying degrees of sophistication they pointed to TV violence as a negative influence on human behavior; and, they were lulled into inaction with promises from the TV industry that there would be a diminishment of violence if the industry were allowed to "clean up its own house."

And, as of May 1972, the net result of all of this has been a lamentable cipher.

Over and above the question of whether TV violence is harmful, the networks have, for the past 18 years, assiduously violated their own codes of ethics and standards of broadcasting. In the face of an 18-year history of failure at self control, I feel it is safe to conclude that we cannot depend on the TV industry to clean its own house of TV violence.

They obviously will not.

The networks are infatuated with violence for two reasons.

The portrayal of violence is one of the easiest ways to attract an audience and most important of all, it sells soap.

And as long as we in Congress give them the option of "doing better" or making money, I am afraid they will choose the latter course.

So I have decided to introduce legislation to give the FCC the authority to regulate the networks in the area of prime time programing. The recent anti-trust suits by the Justice Department would divest the networks of their production of these shows altogether.

I am against such drastic action.

As I pointed out, given our system, the networks, and only the networks, have the capability to product quality television on a sustained basis. We need them. My bill would not take this function away from them—it would only make them produce programs more in the public interest.

The reason the networks became involved in the production and control of programs in the first place was in part due to the independent production companies, who, free from network control, gave America the quiz scandals and the constant complaint of mediocrity epitomized by the phrase, "the vast wasteland."

The Justice Department action would give prime time programing back to the people who gave us Charles Van Dooren and the three stooges. My approach would give the Government the needed authority to motivate the TV corporate officers to operate in the public interest and give the American people the quality programing they deserve and which the networks are capable of producing.

Mr. Speaker, since I began to work on this bill to eliminate TV violence we have witnessed another calamitous political assassination attempt. Had I arisen in this body 10 years ago and predicted such an event because of the permeation of TV violence and the impact of that media on our TV generation I would have found little support.

Today, in the wake of the Wallace shooting editorials and newspaper accounts across the land have pointed to the stunning impact on the minds of young and impressionable people of repetitive television violence.

The Washington Star, in a major Sunday editorial, said:

> We do not at this time favor any form of censorship to control the level of violence on television. But the networks must recognize that they have a social responsibility to monitor this aspect of their product. If enough people complain—and switch to another channel—when the gore flows too frequently, explicitly and deeply, the networks will get the massage.

While this is one example of the recognition being given to the destructive effects of TV violence on our society, the solution of simply "switching to another channel" will not solve the problem—because the other channel usually contains just as much violence.

And while I, too, am against censorship I do feel that there is a mechanism by which we can reduce the level of network TV violence utilizing the concept of program balance as now applied to broadcast licensees by the FCC. If a broadcaster's performance does not meet his promise of programing in the public interest on application to the FCC, his license is subject to revocation. Under my bill, if the networks do not meet their promises of balanced programing, they are subject to heavy penalties.

If TV violence is harmful to America's emotional health, as now appears to be the case, then certainly the broadcasting of excessive violence is contrary to the public good. And if a television broadcast license is issued with the concept of serving the public interest, then the broadcasting of excessive violence is counter to the rules and regulations under which a broadcaster maintains his license to operate.

There is no reason why these same rules and regulations should not apply to the television networks.

They are responsible for what the vast majority of Americans see every night and every day.

They are responsible for the constant flow of violence that is fed to our viewing population.

They are responsible, in part, for the violence that permeates the American culture.

They should, therefore, be held responsible for their actions and that is what I propose in my bill.

The networks will respond to what I have just said by pointing to their rating services and by saying that they are only giving the American public what it wants. I leave any quarrel there may be with the statistical sampling techniques of these rating services to the statisticians, but it seems to me that ratings are a very limited guide to what the public wants. First, they are purely quantitative. They tell you only the number of people tuned in to a particular program. They do not tell you whether viewers liked or disliked the programs they watched, or were enthralled or disgusted by them. They do not tell you whether the program was even watched or was simply background, say, to a game of bridge. Second, they can only measure against a given supply. If at a given hour all three networks are providing action-adventure programs, the meaningless or ratings as a clue to what the public really wants becomes obvious. I do not think it necessarily follows from the fact that these programs are what the public wants. The rapid growth and prominence of such groups as "Action for Children's Television"—ACT—who have campaigned to eliminate violence from children's TV programing is evidence that the opposite may be true.

But even if ratings are a fair indication of the demand of the American public in television programing, can this justify the excesses to which the networks have resorted? Can this justify all the television beatings, whippings, and murders that have assaulted our senses over the past 10 or 15 years? The answer is obvious—it cannot. I am drawn inexorably to the conclusion that the leaders of our networks have shut out imagination, variety, and creativity in television, and have given us action-adventure programs of a stultifying vulgarity instead, only out of a hunger for high ratings.

The Government obviously cannot dictate to the networks and to those who are licensed to operate broadcast stations what they shall show or what they may not show. Any such dictation would be anathema to our fundamental principle of freedom of speech. Must we then resign ourselves to these excesses? Or is there a valid legislative way to help bring

about better television programing? I myself think there is a valid way—and that is to make it possible for new program sources to become viable and to compete for the broadcast time of stations. But to obtain this sort of competition, there must be regulation of the television networks. And it with this approach in mind that I am submitting to the House a bill that would authorize the Federal Communications Commission to impose rules and regulations on the networks.

In capsule form, the bill seeks to improve television programing by enabling the FCC to foster competition among program sources and the growth of new program suppliers, and to strike at practices which restrict the general availability of programs. I want to emphasize that the bill is no more than a grant of authority to the FCC; it does not itself spell out the limitations that should be imposed upon the networks. I think we must leave it to the FCC to determine how far it shall exercise its powers under the bill. The FCC has the familiarity with the broadcasting industry and the expertise that is necessary for detailed regulation, and it has the administrative flexibility that the legislative process lacks to change rules and regulations with changing circumstances.

I am aware that the chain broadcasting rules issued by the FCC by directly binding the station licensees, indirectly bind the networks. I am also aware that a U.S. court of appeals has held that the FCC's 1970 rules on networks syndication practices and the networks' financial interest in TV programs were valid even though these rules regulated certain network activities directly. It has been argued from all this that the FCC already has sufficient power to regulate the networks. To my mind the argument is specious. For the FCC can never be sure, until a new rule is tested in the courts how far its power to regulate the networks really extends. Moreover, no scheme of regulation is meaningful without enforcement powers, and at the present time the FCC has no power to issue cease-and-desist orders or to apply the administrative fine provisions of the Communications Act against the networks. Finally, as between the networks and independent program sources, it is the networks which have the stronger economic power, and there is no way to curb this power short of taking the networks to the courts.

The Department of Justice has now done just this under the antitrust laws of the United States. I do not want to comment on the case except to say that it does not obviate my bill. For one thing, it may take years to bring the suit to a conclusion, and we do not know with what result. For another, we must recognize that in the nature of things an antitrust suit is negative in spirit. I said earlier that if the networks did not exist, we would probably have to invent them. But if we need the networks, we need them to do a better job. In the end, what it comes down to is that we must strike a balance between incentive and obligation, between reward and duty. And I think that striking such a balance—which will require the delicate restructuring of the relationships between the networks and all the other elements of the televsion industry—can best be carried out through the administrative process.

The bill I am introducing today would widen the range of programs available to station licensees in a number of ways, some of which are already familiar to us from the rules that have already been imposed by the FCC to limit the number of program hours which a network may provide an individual station each day or week—thereby making station time available to other, and hopefully new, program suppliers; to limit the financial or other beneficial interest of the networks in the programs they supply to station licensees; to deal with network practices which restrict the autonomy of the individual station and thereby limit its ability to operate in the public interest; and to deal with practices which have the effect of limiting the general availability of programs in any given area of the Nation. I think all these things will stimulate a beneficial competition among those who supply, or aspire to supply, television programs.

I have heard some critics of American television say that competition is the present source of our television evils—that when ABC entered the picture as a third network, it fed the American public a steady diet of action-adventure programs in order to attract large audiences; and that ABC's resulting success forced NBC and CBS to resort to the same low level of programing.

For myself, I think these critics are wrong when they condemn the principle of competition on the basis of the consequences that flowed from the establishment of ABC. In the end, the view we take on the question of having the widest possible competition among program sources must reflect the view we take of the American mass audience. True competition among program sources will mean that diverse types of programs will be offered, and diversity can only mean improvement in tastes and standards. We can only reject this diversity, and the possibility of improvement that it offers, if we take the view that the American mass audience is irremediably debased in its tastes and standards, that it is incapable of enjoying anything except the cheapest melodrama and the most vicious forms of brutality. But it seems to be the view of the networks, to judge by their regular schedules of the last 10 years.

While I have many hard things to say about the networks, I do not wish to imply that station licensees are all blameless. On the contrary, I am convinced that some of them flout, and without a twinge, the duty to act in the public interest that is part and parcel of every license. The bill I am introducing, by enabling more program sources to compete for station time, will provide station licensees with a fresh opportunity to choose among better and more diversified programs than are now available. If they do not, they can and should be held accountable when they seek renewal of their licenses.

Before I close, I want to reemphasize that this bill for the regulation of the networks will give the FCC no control over the content of network programs. I think the bill will permit the FCC to bring about a better balance in the program offerings of station licensees. But this is not interference with free speech; it is simply an extension of the authority the FCC has now to consider the program balance being promised when the FCC chooses between competing applicants for a station license, or to compare a station's promises and performance when the FCC passes upon an application for the renewal of a station license. On the subject of program content, the Communications Act states that the FCC shall issue no regulation which interferes with the right of free speech. That mandate—and the mandate of the first amendment—will govern the FCC in the issuance of regulations under the bill I am proposing.

Mr. Speaker, I believe strongly that the time has come for the Congress to reaffirm that the FCC must strike at network practices that restrict competition among program sources and that interfere with the duty or ability of station licensees to fulfill their statutory duty to operate in the public interest. Positive legislation of the sort I am proposing will provide this reaffirmation.

Mr. Speaker, I include a copy of the bill summary and the text of the bill at the conclusion of my remarks:

H.R. —

A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communciations Act of 1934 is amended by inserting at the end thereof the following:

"(gg) 'Network' means any person engaged in the business of supplying more than ten hours of programing per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2. Part I of title III of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"RULES AND REGULATIONS FOR NETWORKS

"SEC. 331. (a) The Commission shall from time to time, as in its judgment the public interest, convenience, and necessity may require, issue such rules and regulations with respect to networks as the Commission may determine to be necessary or appropriate to prevent or prohibit policies, practices, and activities of such networks which may have the effect of substantially lessening competition with respect to the supplying of programs to broadcast stations, or to assure that policies, practices, and activities of such networks shall not adversely affect the duty or ability of broadcast licensees to operate their stations in the public interest, convenience, and necessity. In the exercise of the foregoing and of its authority to issue rules and regulations with respect to station licensees the Commission shall have the specific authority to—

* * * * *

broadcast, and the geographical area, if any, within which the network may agree or undertake not to make said program available for broadcast by any other licensee; (C) the extent to which the licensee shall reserve the right to reject any program offered by the network for broadcast, or to cancel any program of the network after acceptance for

broadcast; (D) the extent, if any, to which the network may base the compensation to be paid to the licensee for the broadcast of a program or the broadcast or acceptance for broadcast by the licensee of any additional program or programs which are supplied or are to be supplied by said networks; (E) the extent, if any, to which the network may, directly or indirectly, limit the rates or other consideration charged by the licensee to any person placing advertising or other matter with the licensee through a source other than said networks; and (F) the extent, if any, to which the network may, directly or indirectly, limit the subject matter or content of any program or advertising to be broadcast by the licensee which is not supplied by said network;

"(2) specify the extent to which a network shall make a program available for purchase by a licensee or licensees in competition with a licensee to which said program has previously been offered by the network, where the latter licensee (A) has not exercised any right of first refusal of said program that may be granted by the Commission pursuant to paragraph 1(B) of this section within such time as may be prescribed by the Commission pursuant to said paragraph, or (B) has rejected said program, or (C) has canceled said program after acceptance for broadcast;

"(3) specify the extent, if any, to which a network may have an agreement, contract, arrangement, or understanding, express or implied, with a licensee which prevents or hinders the licensee from scheduling programs for any time period before the network notifies the licensee of the network's intention with respect to supplying programs for said time period, or which requires the licensee to make available to the network time already scheduled for another program when the network notifies the licensee of the network's intention to supply programs for said time period;

"(4) specify the extent, if any, to which a network may, directly or indirectly, have a financial or other beneficial interest in any program which the network supplies to a licensee for broadcast;

"(5) specify the maximum cumulative duration, by day or week, of the programs which a network may supply to a licensee for broadcast during each segment of the broadcast day, as determined by the Commission, with the allowance (A) that the licensee may, under rules and regulations prescribed by the Commission, be enabled to broadcast on a continuous basis programs of the network which cover or present news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special programs of the network where the Commission determines, upon application to it for such determination, that broadcast would be in the public interest.

"(6) specify the number of broadcast stations of which a network may be the licensee, or in which a network may, directly or indirectly, have a financial or other beneficial interest; and

"(7) specify the extent, if any, to which a network may represent a licensee in the sale of broadcast time for or in connection with any program not supplied by the network.

"(b) The Commission may classify each network with due consideration to (1) the type of broadcast service involved, whether AM, FM, television, or other, (2) the number and type or types of programs supplied, (3) the number of licensees to whom programs are supplied, and (4) the size and character of the area served by the licensees to which programs are supplied; and the Commission may prescribe pursuant to subsection (a) differing rules and regulations for each class of network.

"ENFORCEMENT PROVISIONS

"SEC. 332. (a) Where any network has violated or failed to observe any of the provisions of this Act or of any rule or regulation of the Commission authorized by this Act, the Commission may issue to any such network an affirmative order, or an order to cease and desist, to compel compliance by such network with this Act or with any rule or regulation issued thereunder.

"(b) Before issuing an affirmative order or a cease and desist order pursuant to subsection (a), the Commission shall serve upon the network involved an order to show cause why an affirmative order or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said network to appear before the Commission at a time and place stated in the order, but in no event less than thirty days after the receipt of such order, and give evidence upon the matters specified therein. If after a hearing, or a waiver thereof, the Commission determines that an affirmative order or a cease and desist order should issue, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons therefor and specify the effective date of the order, and shall cause the same to be served on said network.

"(c) In any case where a hearing is conducted pursuant to the provisions of this section, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission."

Sec. 3. Subsection (b) of section 402 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(9) By any network upon whom an affirmative order or an order to cease and desist has been served under section 332 of this Act."

Sec. 4. Section 503 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(c)(1) Any network which (A) willfully or repeatedly fails to observe any of the provisions of this Act or of any rule or regulation of the Commission prescribed under authority of this Act, or (B) fails to observe any final affirmative or cease and desist order issued by the Commission pursuant to section 332 of this Act, shall forfeit to the United States a sum not to exceed $10,000. Each day during which such violation occurs shall constitute a separate offense. Such forfeiture shall be in addition to any other penalty provided by this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (c) shall attach unless a written notice of apparent liability shall have been issued by the Commission and such notice has been received by the network involved or the Commission shall have sent such notice by registered or certified mail to the last known address of said network. A network so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulations prescribe, why it should not be held liable. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts, and nature of the act or omission with which the network is charged and specifically identifies the particular provision or provisions of the law, rule, or regulation or the affirmative or cease and desist order involved.

"(3) No forfeiture liability under paragraph (1) of this subsection (c) shall attach for any violation occurring more than one year prior to the date of issuance of the notice of apparent liability, and in no event shall the total forfeiture under this subsection (c) for the same act or omission occurring on successive days exceed $500,000."

SEC. 5. Sec. 504(b) of the Communications Act of 1934 is amended by striking out the words "sections 503(b) and 507" and inserting in lieu thereof the words "sections 503(b), 503(c), and 507."

SUMMARY OF THE MURPHY BILL FOR THE FCC REGULATION OF NETWORKS

The bill amends the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the networks.

Sec. 1 of the bill amends the Communications Act by inserting a new definition—that for "network" (until now never defined by the Act). A "network" is defined as any person engaged in the business of supplying more than ten hours of programming per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2 of the bill adds a new sec. 331 to the Communications Act. Subsection (a) of sec. 331 begins with a general grant of power to the FCC to issue rules and regulations with respect to networks to prevent or prohibit network policies, practices, and activities which may have the effect of substantially lessening competition in the supplying of programs to stations, or to assure that network policies, practices, and activities will not adversely affect the duty or ability of licensees to operate their stations in the public interest, convenience, and necessity. Sec. 331 (a) then goes on to enumerate certain specific powers that the FCC shall have with respect to both networks and licensees:

(1) The FCC shall have the authority to specify for all agreements between a network and a licensee (A) the maximum duration of the agreement; (B) the extent to which the network may grant the licensee a right of first refusal of network programs; and, where the granting of any such right is allowed, the maximum time for licensee acceptance of network programs, and the extent of the geographical area within which the network may agree not to make its programs available to another licensee; (C) the extent of the licensee's right to reject or cancel a network program after acceptance; (D) the extent to which the network may base the licensee's compensation for a program on the broadcast of additional network programs by the licensee; (E) the extent to which the network may control the rates charged by the licensee for non-network programs or advertising; and (F) the extent to which the network may control the subject matter or content of any non-network program or advertising.

(2) The FCC shall have the authority to specify the extent to which a network shall make a program available to licensees in competition with a licensee to whom the program has previously been offered, where the latter licensee has not exercised a right of first refusal, if allowed, has rejected the program, or has canceled the program after acceptance for broadcast.

(3) The FCC shall have the authority to specify the extent to which a licensee may option the broadcast time of its station to a network.

(4) The FCC shall have the authority to specify the extent to which a network may have a financial or other beneficial interest in the programs supplied to licensees by the network.

(5) The FCC shall have the authority to specify the maximum weekly duration of the programs that a network may furnish to a licensee during each segment of the broadcast day, with due allowance (A) that the licensee may, under FCC regulations, be enabled to broadcast on a continuous basis network programs on news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special network programs where the Commission, upon application to it, determines that broadcast would be in the public interest.

(6) The FCC shall have the authority to specify the number of stations of which a network may be the licensee, or in which it may have a financial or other beneficial interest.

(7) The FCC shall have the power to specify the extent to which a network may represent a station in the sale of broadcast time for non-network programs.

Subsection (b) of sec. 331 authorizes the FCC to classify each network, with due consideration to (1) the type of broadcast service involved, (2) the number and types of programs supplied, (3) the number of licensees served, and (4) the size and character of the area served by the licensees to which programs are supplied. The FCC may prescribe differing rules and regulations under subsection (a) for each class of network.

The last part of sec. 2 of the bill adds a new sec. 332 to the Communications Act. Sec. 332 authorizes the FCC to issue affirmative or cease and desist orders to compel networks to comply with the Act or with regulations issued thereunder. Cease and desist order provisions for licensees are already set forth in sec. 312 of the Act.

Sec. 3 of the bill amends sec. 402 of the Communications Act by adding a new paragraph to permit judicial appeals by networks from affirmative or cease and desist orders issued by the FCC under the proposed sec. 332.

Sec. 4 of the bill adds a new subsection (c) to sec. 503 of the Communications Act. Subsection (c) permits the FCC to impose administrative fines on networks (1) which willfully or repeatedly fail to observe the provisions of the Act or of regulations issued thereunder, or (2) which fail to observe final affirmative or cease and desist orders issued by the FCC under the proposed sec. 332. The amount of the fine is not to exceed $10,000 for each day of violation, with the total cumulative amount not to exceed $500,000. Administrative fine provisions for licensees are already set forth in sec. 503(b) of the Communications Act.

Sec. 5 of the bill amends sec. 504(b) of the Communications Act, which deals with the remission or mitigation of administrative fines, or include administrative fines levied under the proposed sec. 503(c).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. BOGGS) for today on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. O'NEILL) for today through June 26 on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD) for today and the balance of the week on account of continued recuperation.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD) for today and tomorrow on account of official business.

Mr. DINGELL for June 12 through June 20, 1972, on account of official business.

Mr. ALEXANDER (at the request of Mr. BOGGS) for today, Monday, June 12 and Tuesday, June 13, 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. SHOUP) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. BROWN of Ohio, for 30 minutes, on June 15.

Mr. VEYSEY, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. BEGICH, for 5 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 10 minutes, today.

Mr. FULTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALBERT (at the request of Mr. STEED), to extend his remarks immediately preceding Mr. STEED's remarks on the death of John Martin Edmondson.

Mr. JARMAN, Mr. BELCHER, and Mr. CAMP (at the request of Mr. STEED), to extend their remarks on the same subject.

Mr. MURPHY of New York to revise and extend his remarks during debate on H.R. 12846 and to include extraneous matter.

Mr. MURPHY of New York to extend his remarks in the body of the RECORD notwithstanding an estimated cost of $525.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. FINDLEY.
Mr. HASTINGS.
Mr. SCHWENGEL.
Mr. BURKE of Florida in two instances.
Mr. DERWINSKI in three instances.
Mr. BROYHILL of Virginia.
Mr. WYMAN in two instances.
Mr. TEAGUE of California.
Mr. ANDERSON of Illinois.
Mr. WYLIE.
Mr. GUDE.
Mr. HANSEN.
Mr. BROOMFIELD in two instances.
Mr. SCHMITZ in two instances.
Mr. KEITH in three instances.
Mr. PRICE of Texas.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. KASTENMEIER in two instances.
Mr. WOLFF in four instances.
Mr. SYMINGTON.
Mr. ALEXANDER in six instances.
Mr. EVINS of Tennessee.
Mr. GONZALEZ in three instances.
Mr. RARICK in six instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. MURPHY of New York in three instances.
Mr. PUCINSKI in six instances.
Mr. FOUNTAIN in three instances.
Mr. BEGICH in two instances.
Mr. REES in three instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. HARRINGTON in three instances.
Mr. EDWARDS of California.
Mr. RANGEL in three instances.
Mr. FULTON.
Mr. BOGGS in two instances.
Mr. O'NEILL in three instances.
Mr. WALDIE in six instances.
Mr. METCALFE in two instances.
Mr. EILBERG in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin; to the Committee of Interior and Insular Affairs; and

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower; to the Committee on Appropriations.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related Acts, and for other purposes.

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 13, 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:

2072. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a quarterly report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the period ended March 31, 1972, pursuant to section 720 of the Department of Defense Appropriation Act, 1972; to the Committee on Appropriations.

2073. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classi-

fication has been made of the lands in the East Greenacres unit, Prairie Division, Rathdrum Prairie project, Idaho, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 83–172; to the Committee on Appropriations.

2074. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a revised report on the total amount of assistance-related expenditures for Laos for the first two quarters of fiscal year 1972 and the expenditure figures for the third quarter, pursuant to section 505(f) of Public Law 92–156; to the Committee on Armed Services.

2075. A letter from the Assistant Secretaries of the Interior for Rural Development and Conservation and Public Land Management, transmitting a proposed combined Bureau of Land Management and Forest Service plan for the development, operation, and management of that segment of the Rogue River under the administration of the BLS and FS in Oregon which is part of the national wild and scenic river system; to the Committee on Interior and Insular Affairs.

2076. A letter from the Chairman National Transportation Safety Board, Department of Transportation, transmitting the 1971 annual report of the Board, pursuant to 49 U.S.C. 1654(g); to the Commitee on Interstate and Foreign Commerce.

2077. A letter from the Acting Administrator of General Services, transmitting prospectuses for various Federal office buildings, pursuant to 73 Stat. 480; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2078. A letter from the Comptroller General of the United States, transmitting a report on efforts by the United States to obtain agreement on the value of improvements on properties returned to the Federal Republic of Germany; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15048. A bill to amend the Merchant Marine Act of 1970 (Rept. No 92–1122). Referred to the Committee of the Whole House on the State of the Union.

Mr. CABELL: Committee of conference. Conference report on H.R. 9580 (Rept. No. 92–1123). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENNIS: Committee on the Judiciary. H.R. 10713. A bill for the relief of Wilma Juguilon Koch; with amendments (Rept. No. 92–1120). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 9256. A bill for the relief of Kyong Ok Goodwin (Nee Won); with an amendment (Rept. No. 92–1121). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama (for herself and Mr. NICHOLS):

H.R. 15419. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER:

H.R. 15420. 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. BRINKLEY:

H.R. 15421. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 15422. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

H.R. 15423. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mrs. HECKLER of Massachusetts):

H.R. 15424. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 15425. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 15426. A bill to amend the Federal Aid Highway Act, 23 U.S.C. 110 and 138 to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid; to the Committee on Public Works.

By Mr. WILLIAM D. FORD (for himself, Mr. DINGELL, Mr. NEDZI, and Mr. O'HARA):

H.R. 15427. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 15428. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY (for himself and Mr. KYROS):

H.R. 15429. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 15430. A bill to amend chapter 44 of title 18 of the United States Code to provide for the systematic registration of handguns; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 15431. 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 in Interstate and Foreign Commerce.

By Mr. MOSS (by request):

H.R. 15432. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 15433. A bill to amend section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483) to provide for beach erosion control and hurricane protection, Bal Harbour Village, Dade County, Fla.; to the Committee on Public Works.

By Mr. ROE:

H.R. 15434. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15435. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

H.R. 15436. A bill to extend the emergency unemployment compensation program for an additional 6 months, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 15437. A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government; to the Committee on Banking and Currency.

By Mr. STEIGER of Arizona:

H.R. 15438. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. TEAGUE of California, Mr. DORN, Mr. ROBERTS, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. SAYLOR, Mr. SCOTT, Mr. BARING, Mr. CARNEY, Mr. DANIELSON, Mr. DULSKI, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALEY, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HILLIS, Mr. PUCINSKI, Mr. RUTH, Mr. SATTERFIELD, Mr. WINN, Mr. WYLIE, and Mr. ZWACH):

H.R. 15439. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 15440. 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. ASPIN:

H.R. 15441. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15442. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MILLS of Arkansas, Mrs. HECKLER of Massachusetts, Mr. RODINO, Mr. HATHAWAY, Mr. DANIELS of New Jersey, Mr. MINISH, Mr. CONTE, Mr. BIAGGI, Mr. ROSENTHAL, Mr. ADAMS, Mr. HICKS of Washington, Mr. BYRNE of Pennsylvania, Mr. BLATNIK, Mr. CAREY of New York, Mrs. GRASSO, Mr. CORMAN, Mr. KARTH, Mrs. GRIFFITHS, Mr. WILLIAM D. FORD, Mr. MCFALL, Mr. GIAIMO, Mr. DONOHUE, and Mr. Moss):

H.R. 15443. A bill to amend section 203(e)(2) of the Federal-State Extended Unem-

ployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MURPHY of New York, Mrs. HICKS of Massachusetts, Mr. DANIELSON, Mr. BURTON, Mr. HARRINGTON, Mr. DRINAN, Mr. WALDIE, Mr. MIKVA, Mr. BOLAND, Mr. O'NEILL, Mr. ST GERMAIN, and Mr. TIERNAN):

H.R. 15444. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MILLS of Arkansas, Mr. RODINO, Mrs. HECKLER of Massachusetts, Mr. HATHAWAY, Mr. DANIELS of New Jersey, Mr. CONTE, Mr. MINISH, Mr. BIAGGI, Mr. ROSENTHAL, Mr. ADAMS, Mr. HICKS of Washington, Mr. BYRNES of Pennsylvania, Mr. BLATNIK, Mr. CAREY of New York, Mrs. GRASSO, Mr. CORMAN, Mr. KARTH, Mrs. GRIFFITHS, Mr. WILLIAM D. FORD, Mr. MCFALL, Mr. GIAIMO, Mr. DONOHUE, Mr. MOSS, and Mr. FRASER):

H.R. 15445. A bill to provide for a 6-month extension of the emergency unemployment compensation programs; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. MURPHY of New York, Mrs. HICKS of Massachusetts, Mr. DANIELSON, Mr. BURTON, Mr. HARRINGTON, Mr. DRINAN, Mr. WALDIE, Mr. MIKVA, Mr. BOLAND, Mr. O'NEILL, Mr. ST GERMAIN, and Mr. TIERNAN):

H.R. 15446. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 15447. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, and Mr. SCHNEEBELI):

H.R. 15448. A bill to amend section 101(1)(3) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 15449. A bill to amend the Internal Revenue Code of 1954 to provide that payments made by airlines to aircraft hijackers shall not be deductible; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.J. Res. 1225. Joint resolution to provide for the termination of hostilities in Indochina, subject to the release of all American prisoners of war and the safe withdrawal of the remaining U.S. forces from Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H.J. Res. 1226. Joint resolution providing for the designation of the second week of June 1972 as "Plumbing and Piping Industry Week"; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Con. Res. 631. Concurrent resolution expressing the sense of the Congress with respect to the establishment of peace in Indochina; to the Committee on Foreign Affairs.

By Mr. WINN:

H. Con. Res. 632. Concurrent resolution expressing the sense of the Congress that an Asian peace conference should be established under the auspices of the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 1014. Resolution calling upon Radio Free Europe to initiate radio broadcasts to the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mr. BEGICH, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DANIEL of Virginia, Mr. DONOHUE, Mr. DRINAN, Mr. EILBERG, Mr. HARRINGTON, Mr. HATHAWAY, Mrs. HECKLER of Massachuestts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. O'NEILL, Mr. ST GERMAIN, Mr. SANDMAN, and Mr. WYMAN):

H. Res. 1015. Resolution urging the President to impose export controls on cattle hides; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

398. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the massacre at Lod Airport, Israel, which was referred to the Committee on Foreign Affairs.

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. 15450. A bill for the relief of Chiu Wong (aka Roberto Sing); to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 15451. A bill for the relief of Romano Lohar; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15452. A bill for the relief of Dedrick A. Maanum; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 15453. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. MILLS of Arkansas:

H.R. 15454. A bill for the relief of Joseph P. Connolly, master sergeant, U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 15455. A bill for the relief of Donald C. Talkington; to the Committee on the Judiciary.

SENATE—*Monday, June 12, 1972*

The Senate met at 11 a.m. 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:

Gracious Father, who hast brought us to this time and place, give us a true purpose for the new world men dream about. Give us a renewed hope for the moral and spiritual renewal of the world Thou hast created. We ask not to be delivered from responsibility but to labor more responsibly and with higher wisdom for justice and peace everywhere. And for this purpose anoint Thy servants here with a full measure of Thy grace.

O Lord, look upon this good land which Thou hast given us for our heritage. Relieve and comfort those who suffer from floods or disasters of nature, and bring us all closer to one another in compassion and sympathy. May our human striving lead us to the shrine of Thine eternal love and the plan Thou hast for Thy coming kingdom.

We pray in the Redeemer's name. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 8, 1972, the following reports of a committee were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes (Rept. No. 92-842).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 7130. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes (Rept. No. 92-843).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 8, 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 PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate