Tuck, William M., Jr., xxx-xx-xxxx
Turney, Kenneth D., xxx-xx-xxxx
Tyler, Stephen R., xxx-xx-xxxx
Ullmann, Wilmer R., xxx-xx-xxxx
Urban, Eric J., xxx-xx-xxxx
Vandecar, Steven M., xxx-xx-xxxx
Verhaeghe, Timothy A., xxx-xx-xxxx
Verna, Philip V., xxx-xx-xxxx
Vernon, James N., xxx-xx-xxxx
Vonsien, Robert R., xxx-xx-xxxx
Vonworley, Warren, xxx-xx-xxxx
Walker, Cole E., xxx-xx-xxxx
Walz, Leslie I., xxx-xx-xxxx
Weaver, Donald R., xxx-xx-xxxx
Webb, Virgil H., xxx-xx-xxxx
Wehrle, John R., xxx-xx-xxxx
Weidler, James H., xxx-xx-xxxx
Weigle, Harold A., xxx-xx-xxxx
Welch, Craig J., Jr., xxx-xx-xxxx
Wells, David M., xxx-xx-xxxx
Welty, Lester F., xxx-xx-xxxx
Werner, Richard C., xxx-xx-xxxx
Wessel, Gregory H., xxx-xx-xxxx
Westenburg, Jack A., xxx-xx-xxxx
Whelan, Robert E., Jr., xxx-xx-xxxx
Wiley, John, III, xxx-xx-xxxx
Wilinski, Gregory T., xxx-xx-xxxx
Willey, Lester R., xxx-xx-xxxx
Williams, James T., xxx-xx-xxxx
Williams, James W., xxx-xx-xxxx
Willoughby, Robert B., xxx-xx-xxxx
Willoz, John L., xxx-xx-xxxx
Wilson, Robert A., xxx-xx-xxxx
Winkle, Stephen N., xxx-xx-xxxx
Wirsing, Francis H., xxx-xx-xxxx
Wolf, Edward G., xxx-xx-xxxx
Woodworth, Richard A., xxx-xx-xxxx
Yager, Thomas L., xxx-xx-xxxx
Yoder, James S., xxx-xx-xxxx
Youngblood, Robert D., xxx-xx-xxxx
Zall, Jonathan E., xxx-xx-xxxx
Zeglis, Frank T., III, xxx-xx-xxxx
Zens, Michael L., xxx-xx-xxxx
Zimmercan, Edric A., xxx-xx-xxxx
Zimmerman, Raymond C., xxx-xx-xxxx

To be second lieutenant

Mentecki, Joseph A., xxx-xx-xxxx
Simpson, Searcy L., Jr., xxx-xx-xxxx

The following persons for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code, and Public Law 92–129.

Lieutenant colonel to colonel

CHAPLAIN

Lawler, Edward R., xxx-xx-xxxx

MEDICAL CORPS

Mahon, Charles B., xxx-xx-xxxx
Neal, William R., xxx-xx-xxxx
Traynor, Joseph E., xxx-xx-xxxx

Major to lieutenant colonel

Anstead, Samuel A., xxx-xx-xxxx
Austin, John L., xxx-xx-xxxx
Barnhill, Mark D., xxx-xx-xxxx
Brannan, Daniel W., xxx-xx-xxxx
Brown, Rubert R., xxx-xx-xxxx
Chandler, Scott T., xxx-xx-xxxx
Daniel, Moncie L., III, xxx-xx-xxxx
Dooley, Floyd R., xxx-xx-xxxx
Ehrichs, Gene J., xxx-xx-xxxx
Fitzgerald, Ralph G., xxx-xx-xxxx
Flanagan, Charles A., xxx-xx-xxxx
Haglund, Ronald L., xxx-xx-xxxx
Heileman, George F., xxx-xx-xxxx
Henderson, Elgie L., xxx-xx-xxxx
Henderson, William L., xxx-xx-xxxx
Hill, Nathaniel L., xxx-xx-xxxx
Jones, Stanley, xxx-xx-xxxx
Krum, Philip L., xxx-xx-xxxx
Kuhlman, Joseph F., Jr., xxx-xx-xxxx
Lesser, Ronald, xxx-xx-xxxx
Lomazzi Gerald J., xxx-xx-xxxx
Lowry, James A. D., Jr., xxx-xx-xxxx
MacDonald, Clifford E., Jr., xxx-xx-xxxx
Maxey, William F., xxx-xx-xxxx
McDaneil, William R., xxx-xx-xxxx
Mead, Richard N., xxx-xx-xxxx
Mendelsohn, Melvin L., xxx-xx-xxxx
Miller, Floyd W., xxx-xx-xxxx
Mizinski, Adam W., III, xxx-xx-xxxx
Moore, Dun R., xxx-xx-xxxx
Obert, Jerry O., xxx-xx-xxxx
Riley, Daniel A., xxx-xx-xxxx
Rosenbarten, Jordan S., xxx-xx-xxxx
Schwertner, Harold W., xxx-xx-xxxx
Smith, Gerald W., xxx-xx-xxxx
Smith, Mark A., Jr., xxx-xx-xxxx
Smith, Ted L., xxx-xx-xxxx
Surber, James A., Jr., xxx-xx-xxxx
Tokanel, Dumiiru, xxx-xx-xxxx
Underwood, William E., xxx-xx-xxxx
Ward Lloyd C., xxx-xx-xxxx
Watson, Billie W., xxx-xx-xxxx
Whelchel, William L., xxx-xx-xxxx
Whiting, Richard E., xxx-xx-xxxx
Zimmet, Laddie L., xxx-xx-xxxx

CHAPLAINS

Jakubiak, Arthur J., xxx-xx-xxxx

MEDICAL CORPS

Sandiego, Armando G., xxx-xx-xxxx
Verwest, Hadley M., Jr., xxx-xx-xxxx

NURSE CORPS

Anderson, Patricia A., xxx-xx-xxxx

The following persons for appointment in the Reserve of the Air Force, in the grades indicated, under the provisions of section 593, title 10, United States code and Public Law 92–129, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated.

To be lieutenant colonel (medical)

Ringler, Harold L., Jr., xxx-xx-xxxx

To be lieutenant colonel (dental)

Shervheim, Myron I., xxx-xx-xxxx

The following persons for reappointment to the active list in accordance with sections 1210 and 1211 title 10, United States Code, in the grade, of lieutenant colonel, Regular Air Force, and for appointment in accordance with section 8447(B), title 10, United States Code, in the grade of lieutenant colonel, U.S. Air Force.

LINE OF THE AIR FORCE

Ellet, Marshall J., xxx-xx-xxxx
Ryan, John E., xxx-xx-xxxx
Zartman, Monroe D., xxx-xx-xxxx
Richard M. Gough, xxx-xx-xxxx Line of the Air Force, for appointment in accordance with section 8447(B), title 10, United States Code, in the grade of lieutenant colonel, U.S. Air Force.

Belisario D. J. Flores, xxx-xx-xxxx for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade of lieutenant colonel, under the provisions of sections 593 and 8351, title 10, United States Code and Public Law 92–129.

HOUSE OF REPRESENTATIVES—*Wednesday, July 26, 1972*

The House met at 12 o'clock noon.

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

This commandment we have from Him, that he who loves God should love his brother also.—I John 4: 21.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may perfectly love Thee and worthily magnify Thy holy name. Give to these representatives of our people clear minds, clean hearts, and courageous spirits as they face the demanding duties of this present hour.

In the midst of crucial days may they maintain their integrity and their good will as they continue to labor for justice, unity, and peace.

Grant that they may be one in spirit as they work for—

"The peace that comes of purity,
And strength to simple justice due;
For so runs our loyal dream of Thee,
God of our Nation, make it true."

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on July 18, 1972, the President approved and signed a bill of the House of the following title:

H.R. 15869. An act to extend for 90 days the time for commending actions on behalf of an Indian tribe, band, or group.

MESSAGE FROM THE SENATE

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

H.R. 15950. An act to amend section 125 of title 28, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; and

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

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

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5. An act to promote the public welfare.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15418, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that

the managers may have until midnight tonight to file a conference report on H.R. 15418, the Department of the Interior and related agencies appropriation bill for fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-1250)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15418) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 5, 8, 16, 17, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 22, 24, 30, 31, 32, 36, 37, and 38, and agree to the same.

Amendment Numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$301,056,000"; and the Senate agree to the same.

Amendment Numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$83,141,000"; and the Senate agree to the same.

Amendment Numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$150,450,000"; and the Senate agree to the same.

Amendment Numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,490,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$73,489,500"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,701,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$255,604,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$32,760,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$172,748,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$74,514,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,825,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 7, 9, 10, 12, 15, 19, 21, 23, 26, 28, 35, and 39.

JULIA BUTLER HANSEN,
DAVID R. OBEY,
SIDNEY R. YATES,
NICK GALIFIANAKIS,
GEORGE MAHON,
JOSEPH M. MCDADE,
WENDELL WYATT,
Managers on the Part of the House.

ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
TED STEVENS,
MILTON R. YOUNG,
MARK O. HATFIELD,
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. 15418), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1973, and for other purposes, 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:

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Amendment No. 1: Appropriates $78,065,000 or management of lands and resources as proposed by the Senate instead of $77,980,000 as proposed by the House.

Bureau of Indian Affairs

Amendment No. 2: Appropriates $301,056,000 for education and welfare services instead of $298,968,000 as proposed by the House and $302,706,000 as proposed by the Senate. The decrease below the amount proposed by the Senate includes reductions of $750,000 for housing assistance for California rural Indians; $1,000,000 of Johnson-O'Malley funds for education of Indian children; $500,000 for upgrading dormitory living and quality of personnel and programs of boarding schools; and an increase of $600,000 for the pre-kindergarten pilot porgram. Of the additional amount provided for scholarships, $50,000 shall be designated for Navajo scholarships.

Amendment No. 3: Appropriates $83,141,000 for resources management instead of $84,816,000 as proposed by the House and $82,645,000 as proposed by the Senate. The reduction of $1,175,000 below the amount proposed by the House includes increases of $25,000 for a study of the feasibility of developing an Alaskan Native Arts and Crafts Institute; $60,000 for soil and moisture conservation; and reductions of $900,000 for tribal government development programs; and $360,000 for environmental quality services.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $55,960,000 for construction instead of $55,384,000 as proposed by the House and $55,575,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the Senate includes additions of $1,000,000 for the Colorado River Irrigation Project, Arizona; $500,000 for construction and equipment, Navajo Community College, Arizona; $750,000 for planning and design of the Chemawa Indian School, Oregon; $135,000 for the Middle Gila Phreatophyte Control Project, San Carlos Indian Reservation, Arizona; $70,000 for planning and design, Brockton High School, Montana; and reductions of $1,500,000 for the Navajo Indian Irrigation Project, New Mexico; $320,000 for school facilities, Lame Deer, Montana, Public School District; and $250,000 for school facilities, Lower Brule Sioux Indian Reservation, South Dakota.

The 1972 conference report on the Interior and Related Agencies Appropriation Bill (H. Rept. 92-386) contained the following language:

"The managers agree that the allocation of Federal funds for the East Charles Mix School District 102, Wagner, South Dakota shall be in the same ratio as the number of Indian children to the non-Indian children projected to be enrolled for the first school year following essential completion of construction."

The managers are in agreement that this language should be rescinded and that funds appropriated for public schools shall be available for construction when it has been determined that local school authorities have incurred bonded indebtedness for the construction of local schools to the fullest possible extent, in accordance with applicable State law and have otherwise levied maximum school taxes as permitted by State law.

Amendment No. 5: Restores language providing not to exceed $70,000 for assistance to the Brockton High School on the Fort Peck Indian Reservation, Montana, as proposed by the House and stricken by the Senate.

Amendment No. 6: Deletes language providing not to exceed $85,000 for assistance to the Lodge Grass School on the Crow Indian Reservation, Montana, as proposed by the House and stricken by the Senate.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana.

Amendment No. 8: Deletes language proposed by the Senate providing that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which proposes language relating to the Alaska Native Fund and provides that $500,000 can be advanced to Regional Corporations; and that an additional advance of $1,000,000 may be distributed among the Regional Corporations.

Geological Survey

Amendment No. 11: Appropriates $150,450,000 for surveys, investigations, and research instead of $150,000,000 as proposed by the House and $151,200,000 as proposed by the Senate. The increase of $450,000 over the

amount proposed by the House includes additions of $600,000 for topographic surveys and mapping; $150,000 for the earth resources observation systems (EROS); and a reduction of $300,000 for initiation of a land resources analysis program.

Bureau of Mines

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $60,091,000 for conservation and development of mineral resources instead of $58,491,000 as proposed by the House and $57,891,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House includes $500,000 for research at Boulder City, Nevada, on geothermal resources ($150,000) and sulphur utilization ($350,000); $800,000 for research at Rock Springs, Wyoming, on filling critical mine void areas; and $300,000 for planning and designing of a pilot plant to convert wood wastes to low-sulphur oil.

Office of Coal Research

Amendment No. 13: Appropriates $43,490,000 for salaries and expenses instead of $42,330,000 as proposed by the House and $46,990,000 as proposed by the Senate. The increase over the amount provided by the House includes $500,000 for magnetohydrodynamic power generation; $500,000 for a Coal-Oil-Gas project; and $160,000 for a contract with the University of Utah.

The managers are concerned about the lack of utilization of a facility involving such a large government investment in the Cresap plant. The Department of the Interior is directed to determine, at the earliest applicable date, the exact future use of the Cresap, West Virginia, pilot plant. If it is determined that this facility can be utilized, at an advantageous cost to the Government, to permit continuation of coal research, the Department will be expected to submit to the Congress a viable program for Cresap and to request the funds needed for implementation.

Bureau of Sport Fisheries and Wildlife

Amendment No. 14: Appropriates $73,489,500 for management and investigations of resources instead of $73,529,500 as proposed by the House and $73,477,000 as proposed by the Senate. The reduction under the amount proposed by the House includes an addition of $110,000 for the San Francisco Bay National Wildlife Refuge; and a decrease of $150,000 for technical assistance to foreign countries in connection with endangered species.

The managers on the part of the House and the Senate are in agreement that $250,000 shall be transferred from wildlife services (animal damage control) to management and enforcement.

The managers on the part of the House and the Senate agree to a total construction program for the Bureau of Sport Fisheries and Wildlife of $9,070,100 which shall be funded from the unobligated balance available as of July 1, 1972 of funds originally appropriated for construction of the National Fisheries Center and Aquarium. In addition to the $6,258,000 for projects in the budget estimate, the 1973 construction program shall include the following projects: National Fishery Research Laboratory, La Crosse, Wisconsin, $575,000; Wolf Creek National Fish Hatchery, Kentucky, $504,900; Makah National Fish Hatchery, Washington, $350,000; Northern Plains Fishery Station, Valentine, Nebraska, $225,000; Muscatatuck National Wildlife Refuge, Indiana, $173,200; St. Marks National Wildlife Refuge, Florida (Otter Lake), $170,000; Site selection, land acquisition, and preliminary engineering, Northeast Fisheries Development Center, Pennsylvania, $200,000; Salton Sea Feasibility Study, California, $100,000; San Marcos National Fish Hatchery, Texas, $90,000; Horicon National Wildlife Refuge, Wisconsin, $83,000; Nashua National Fish Hatchery, New Hampshire, $76,000; Improvement, Tewaukon, North Dakota, National Wildlife Refuge, $140,000; Planning and land acquisition, salmon hatchery, White River, Vermont, $125,000.

National Park Service

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $89,421,000 for management and protection instead of $88,671,000 as proposed by the House and $89,385,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes $750,000 for the establishment and operation of a regional ecological services laboratory at the Mississippi Test Facility/Slidell Computer Center.

Amendment No. 16: Appropriates $73,312,000 for maintenance and rehabilitation of physical facilities as proposed by the House instead of $73,362,000 as proposed by the Senate.

Amendment No. 17: Deletes language proposed by the Senate to provide not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia.

Amendment No. 18: Appropriates $42,701,000 for construction instead of $41,711,000 as proposed by the House and $43,026,000 as proposed by the Senate. The increase over the amount provided by the House includes $170,000 for the Lake Mead National Recreation Area, Nevada; $90,000 for planning a sewage disposal facility at Harpers Ferry National Historical Park; $50,000 for reconstruction of Bent's Old Fort, Colorado; $280,000 for employees' quarters and operating facilities, Canyonlands National Park, Utah; and $400,000 for planning of an office building at Denver, Colorado. The managers agree that actual construction of the building and the cost thereof shall be the responsibility of the General Services Administration.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which includes language to provide $90,000 for planning a sewage system and treatment plant in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia.

Amendment No. 20: Deletes language proposed by the Senate which would authorize $550,000 for construction of facilities at the Golden Spike National Historic Site.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $5,416,000 for parkway and road construction (liquidation of contract authority) instead of $5,766,000 as proposed by the House and $13,416,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Conference action on this item provides a $20,416,000 program, which includes the budgeted program less $500,000 for Constitution Gardens, National Capital Parks Area, plus the additions of the House and the Senate.

Funds to liquidate contract authority are reduced by $15,000,000 in view of the large unexpended balance of prior appropriations and the lag in obligation of available funds as a result of delays in final preparation of environmental impact statements.

The managers direct that no approved project be delayed unduly or abandoned without having first notified the Committees on Appropriations of the Senate and the House of Representatives and having secured the specific approval of each Committee with respect to each project involved.

Amendment No. 22: Appropriates $11,559,000 for preservation of historic properties as proposed by the Senate instead of $11,624,000 as proposed by the House.

Office of the Secretary

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $15,295,100 for salaries and expenses instead of $15,419,000 as proposed by the House and $15,470,100 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The reduction below the amount proposed by the House includes an increase of $160,000 for four area management offices in Albuquerque, Atlanta, San Francisco, and Portland; and reductions of $191,900 for cooperative programs with Japan and Germany and $92,000 for new positions in Public Land Management.

Amendment No. 24: Appropriates $500,000 for salaries and expenses (special foreign currency program) as proposed by the Senate instead of $750,000 as proposed by the House.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

Amendment No. 25: Appropriates $255,604,000 for forest land management instead of $257,872,000 as proposed by the House and $252,899,000 as proposed by the Senate. The decrease below the amount proposed by the House includes a reduction of $2,500,000 for Project FALCON, and an increase of $232,000 for stream rehabilitation in Alaska.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $61,143,000 for forest research instead of $59,268,000 as proposed by the House and $60,833,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by the House includes: pinyon-juniper research, Reno, Nevada, $315,000; intensive culture of southern pines, Alexandria, Louisiana, $420,000; intensive culture of southern hardwoods ($150,000 timber management research and $200,000 wildlife habitat research), Stoneville, Mississippi, $350,000; research in Alaska: watershed management ($100,000); forest recreation ($100,000); and fire and atmospheric science ($100,000), $300,000; management of upland wildlife habitat in the Lake States, St. Paul, Minnesota, $300,000; black walnut tree research, Carbondale, Illinois, ($120,000 insect research and $120,000 disease research), $240,000; and a reduction of $50,000 for strip mining research at Logan, Utah.

Amendment No. 27: Appropriates $32,760,000 for State and private forestry cooperation instead of $27,760,000 as proposed by the House and $37,760,000 as proposed by the Senate. The increase over the amount proposed by the House includes $5,000,000 for cooperation in forest fire control as authorized by section 2 of the Clarke-McNary Act.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $48,581,900 for construction and land acquisition instead of $43,953,900 as proposed by the House and $44,203,900 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount proposed by

the Senate includes: laboratory construction, Corvallis, Oregon, $1,500,000; construction of Redwoods laboratory, Arcata, California, $800,000; construction of shrub improvement laboratory, Provo, Utah, $760,000; construction of headhouse-greenhouse, Rhinelander, Wisconsin, $335,000; La Croix Ranger District, Minnesota, $293,500; Lava Lands Visitor Center and Benham Falls Camp Ground, Oregon, $239,500; water-related development construction, Allegheny National Forest, Pennsylvania, $300,000; and development of recreation-public use areas, Deschutes National Forest, Oregon, $150,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

Amendment No. 29: Appropriates $172,748,000 for Indian health services instead of $169,787,000 as proposed by the House and $173,398,000 as proposed by the Senate. The reduction of $650,000 below the amount proposed by the Senate includes $150,000 for the Indian mental health program; and $500,000 for additional positions for ambulatory care clinics.

Amendment No. 30: Appropriates $44,549,000 for Indian health facilities as proposed by the Senate instead of $44,099,000 as proposed by the House.

INDIAN CLAIMS COMMISSION

Amendment No. 31: Appropriates $1,075,000 for salaries and expenses as proposed by the Senate instead of $1,090,000 as proposed by the House.

Amendment No. 32: Provides a limitation of $10,000 for expenses of travel as proposed by the Senate instead of $25,000 as proposed by the House.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Amendment No. 33: Appropriates $74,514,000 for salaries and expenses instead of $74,714,000 as proposed by the House and $74,314,000 as proposed by the Senate.

Amendment No. 34: Appropriates $27,825,000 to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to Section 5(c) of the Act instead of $28,025,000 as proposed by the House and $27,625,000 as proposed by the Senate.

SMITHSONIAN INSTITUTION

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $51,633,000 for salaries and expenses instead of $51,682,000 as proposed by the House and $52,243,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decrease below the amount proposed by the Senate includes reductions of $350,000 for research on the pulsed lighting project and $300,000 for the Hirshhorn Museum; and an increase of $40,000 for public service.

Amendment No. 36: Appropriates $3,500,000 for museum programs and related research (special foreign currency program) as proposed by the Senate instead of $4,000,000 as proposed by the House.

Amendment No. 37: Appropriates $5,014,000 for restoration and renovation of buildings as proposed by the Senate instead of $5,064,000 as proposed by the House.

NATIONAL GALLERY OF ART

Amendment No. 38: Technical correction of printing error as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $1,500,000 for operation and maintenance costs of the John F. Kennedy Center for the Performing Arts for fiscal year 1972 which are attributable to the non-performing functions of the Center as provided in Public Law 92-313.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 total amount, the 1973 budget estimate, and the House and the Senate bills for 1973 follows:

New budget (obligational) authority, fiscal year 1972	$2,436,659,035
Budget estimates of new (obligational) authority, fiscal year 1973 (as amended)	[1] 2,527,154,000
House bill, fiscal year 1973	2,529,558,200
Senate bill, fiscal year 1973	2,550,922,800
Conference agreement	2,548,935,300
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	+112,276,265
Budget estimates of new (obligational) authority fiscal year 1973 (as amended)	[2] +21,781,300
House bill, fiscal year 1973	+19,377,100
Senate bill, fiscal year 1973	−1,987,500

[1] Includes $6,814,000 for American Revolution Bicentennial Commission not considered by the House.

[2] Including reduction in liquidation of contract authority, the excess over the budget amounts to $6,975,300.

JULIA BUTLER HANSEN,
DAVID R. OBEY,
SIDNEY R. YATES,
NICK GALIFIANAKIS,
GEORGE MAHON,
JOSEPH M. MCDADE,
WENDELL WYATT,
Managers on the Part of the House.

ALAN BIBLE,
ROBERT C. BYRD,
GALE W. MCGEE,
JOSEPH M. MONTOYA,
ALLEN J. ELLENDER,
TED STEVENS,
MILTON R. YOUNG,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SIGNS OF THINGS TO COME

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

Mr. SIKES. Mr. Speaker, a growing influence by Russia in India and India's new satellite Bangladesh apparently has been accurately forecast. There are now at the Chittagong Harbor in Bangladesh 800 Russian Navy men including an admiral, a dock area cordoned off by Russian marines and a helicopter service to shuttle personnel back and forth to Dacca, the capital. The Russian presence is "explained" by the need for their assistance in clearing the harbor of the wreckage of war. A more realistic assessment is that Russia is establishing a major land-based facility on the Indian subcontinent to add to their fleet's already substantial capabilities in the Indian Ocean.

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

(Mr. HAYS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAYS. Mr. Speaker, 50 years ago on July 26, the Order of AHEPA, American Hellenic Educational Progressive Association, was founded in Atlanta, Ga. Today it has chapters in 49 States, Canada, and Australia. This association is all that its name implies. It is American, Greek oriented, dedicated to education and keyed to the advancement of the political, civic, social and commercial betterment of the citizenry. It is nonpolitical, nonsectarian, yet it embraces a deep loyalty to the United States and is imbued with the greatest of religious characteristic—to champion morality, to fight tyranny, and to promote national and individual recognition of the personal rights, prosperity, honor, and integrity. It is benevolent, giving generously to victims of disaster and to the furthering of education.

It is an organization of "families" comprised of people from all walks of life who meet for social and educational advancement. They engage in and encourage participation in public affairs and they promote U.S. citizenship or Greek emigrees, making them knowledgeable of the benefits and obligations which accompany such citizenship.

Members of AHEPA are citizens or who have indicated that they intend to become citizens. The tree of AHEPA may have sentimental Greek roots, but the trunk and the foliage are truly American, and America is a better Nation for its existence.

THREE BUDGETS—ALL THREE IN TROUBLE

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

Mr. MAHON. Mr. Speaker, yesterday I made reference to the ominous fiscal situation confronting the Government, pointing out, among other things, that the projected Federal funds deficit for the current fiscal year 1973 was recently estimated at $37.8 billion and that, in my opinion, it may well exceed $40 billion.

Much reference is currently being made to our worsening fiscal situation, using a variety of figures. There are a variety of budgetary concepts in use. There is, first, the unified budget, second, the so-called full-employment budget, and third, the Federal funds budget.

The Federal funds concept in my opinion is the more important and meaningful to watch in assessing the true fiscal condition of the Treasury. Only general federally owned receipts and expenditures are involved.

In contrast, the unified budget—the one used generally in the budget message and by the Government's fiscal experts—combines Federal funds and the various trust funds such as highways and social security. Because the trust funds have been in surplus, this concept to that extent minimizes the critical deficit situation in respect to Federal funds. The trust fund surpluses are borrowed and used for general Federal expendi-

ture purposes, but, of course, must be repaid with interest.

Then there is what I have referred to as the Alice-in-Wonderland budget—the so-called full-employment budget—under which essentially the unified budget expenditures are compared to so-called full-employment revenues, that is, revenues calculated to be collected under the existing tax structure if—I repeat "if" for emphasis—if the economy were operating at so-called full employment which I believe has generally been assumed to represent about a 4-percent unemployment level.

Of course, by whatever method of measurement, the budget is seriously out of balance. And every current sign points to a worsening situation.

SALUTE TO AHEPA

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

Mr. MYERS. Mr. Speaker, this month the Order of Ahepa is celebrating its golden anniversary. Founded on July 26, 1922, in Atlanta, Ga., the American Hellenic Educational Progressive Association has made countless contributions to many worthy causes.

The association has vigorously supported local community undertakings in the fields of education, charity, and civic improvement. On the occasion of their golden anniversary, I would like to join my colleagues in commending Indiana chapters of AHEPA for their work throughout the State.

FISCAL DISCIPLINE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-329)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

This is an urgent appeal for the Congress to join with me to avoid higher taxes, higher prices and a cut in purchasing power for everyone in the Nation.

Just when we have succeeded in cutting the rate of inflation in half, and just when we have succeeded in making it possible for America's workers to score their largest real spendable income gains in eight years, this tangible, pocketbook progress may be wiped out by proposed excessive spending.

Specifically, Federal spending for the fiscal year 1973 (which began on July 1, 1972) already is estimated to be almost $7 billion higher than was planned in my budget.

That figure by itself is bad enough. But even more spending beyond the budget—and beyond emergency flood relief funds—appears to be on the way.

The inevitable result would be higher taxes and more income-eating inflation in the form of higher prices.

I am convinced the American people do not want their family budgets wrecked by higher taxes and higher prices, and I will not stand by and permit such irresponsible action to undermine the clear progress we have made in getting America's workers off the inflation treadmill of the 1960's.

While specific Federal programs are important to many people and constituent groups, none is more important to all the American taxpayers than a concerted program to hold down the rate of taxes and the cost of living.

In view of this serious threat I again urge the Congress—in the economic interest of all American citizens—to enact a spending ceiling of $250 billion. I urgently recommended a spending ceiling when I submitted the fiscal 1973 budget earlier this year.

Our concern with sustaining the increasing purchasing power of all the people requires and demands such responsible action. Our concern with the cost of living requires and demands such responsible action. Our determination to avoid higher taxes requires and demands such action. The basic fiscal integrity of the Nation requires and demands such action.

At fault is the hoary and traditional procedure of the Congress, which now permits action on the various spending programs as if they were unrelated and independent actions. What we should have—and what I again seek today—is that an annual spending ceiling be set first, and that individual program allocations then be tailored to that ceiling. This is the anti-inflationary method I use in designing the Federal budget.

The present Congressional system of independent, unrelated actions on various spending programs means that the Congress arrives at total Federal spending in an accidental, haphazard manner. That is no longer good enough procedure for the American people, who now realize that their hard-won economic gains against inflation are threatened by every deficit spending bill—no matter how attractive the subject matter of that bill might be. And there are impressive gains which I am committed to help guard:

—*We have achieved a substantial success in our battle against the inflation we inherited in 1969. Instead of the more than 6 percent of 1969, we are now down to a rate of 2.9 percent per year. Inflation has been cut in half.*

—*We have cut the personal income tax so that a family of four with an income of $5,000 has had its individual income taxes reduced by 66 percent since 1969, and a family of four with an income of $10,000 has had its income tax reduced by 26 percent since that date.*

—*We have thus brought about conditions in which real, spendable weekly earnings have risen 4 percent in the last year, the largest such gain since 1964.*

If we permit unbridled increases in Federal spending to go on month after month, however, we are in real danger of losing the advantages of the tax cuts and our victories in the battle against inflation.

These are the compelling reasons which require me to ask again in the most urgent and explicit language I can frame that the Congress enact at the earliest possible opportunity a spending ceiling—without loopholes or exceptions—to force Government spending back to the $250 billion level in fiscal year 1973.

I again remind the Congress of the situation I cited last January, when I submitted the fiscal year 1973 budget:

> It will be a job-creating budget and a non-inflationary budget only if spending is limited to the amount the tax system would produce if the economy were operating at full employment."
>
> Those who increase spending beyond that amount will be responsible for causing more inflation.

Since that time, various congressional actions and inactions have heavily underscored all of the reasons I then made for speedy passage of a spending ceiling.

Such a ceiling cannot be completely effective unless the Congress enacts it as I have requested—without exceptions and without loopholes. But if the Congress fails to do this, I do not propose to sit by and silently watch individual family budgets destroyed by rising prices and rising taxes—the inevitable end to spending of this magnitude.

With or without the cooperation of the Congress, I am going to do everything within my power to prevent such a fiscal crisis for millions of our people.

Let there be no misunderstanding: If bills come to my desk calling for excessive spending which threatens the Federal budget, I will veto them.

It is now generally recognized that the national economy is in a period of vigorous expansion. The gross national product soared at an annual growth rate of 8.9 percent in the second quarter of the year—the best such increase since 1965. About 2½ million additional civilian jobs have been added in the last year.

We do not plan to reduce or restrict the very substantial fiscal stimulation we have already provided. But *further* massive Federal stimulation of the economy at this time—whatever its superficial political attractiveness—is certain to lead to the kind of inflation that even wage-price control machinery would find impossible to restrain.

In other words, the American people will have to pay, and pay quickly, for excessive Federal spending—either by higher taxes or by higher consumer prices, or both. Such an intolerable burden would shortly cause an end to the period of economic growth on which we are embarked.

There are desirable features in some of the individual bills now pending in the Congress, but to them have been attached some very excessive spending proposals.

The Federal Government cannot do everything that might be desirable. Hard choices must be made by the Congress in the national interest, just as a family must decide what it will buy with the money it has. Moreover, the experience of the past decade proved that merely throwing money at problems does not automatically or necessarily solve the problems.

I have every confidence that the American people, in this era of wide public awareness of inflation and wide public opposition to its clear causes, understand these realities about Federal spending.

I believe that all of us, the President and the Congress, have a clear duty to protect the national interest in general prosperity—and therefore to resist temptations to over-spend for desirable special programs, or to spend for partisan political advantage.

I favor and have submitted to the Congress responsible and effective programs designed to cleanse the air, to purify the water, to develop and preserve rural America, to improve education, and for many other worthy purposes. No individual and no political party has a monopoly on its concern for the people, individually and in groups. But I am required always to ask:

What is best for *all* the people? What are the hard choices that must be made so that the general welfare is secured? Of what use is it for us to pass these measures, and more, if they are going to destroy the family budget by higher prices and more taxes?

No matter what the political pressures, no matter how frequently I may be told that in an election year a President cannot veto a spending measure, I will simply not let reckless spending of this kind destroy the tax reductions we have secured and the hard-won successes we have earned in the battle against inflation. I intend to continue to do my utmost to preserve the American family budget and to protect it from the ravages of higher taxes and inflation.

The time for fiscal discipline has long since come. The threat demands bold and difficult decisions. Let the Congress make them now.

RICHARD NIXON.

THE WHITE HOUSE, *July 26, 1972.*

SPENDING CEILING NECESSARY

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

Mr. CORMAN. Mr. Speaker, I anticipate supporting a spending ceiling. I think the ceiling is too low. I think the deficit is much too high.

Obviously, the Nixon administration's record on managing the budget is dismal. For fiscal 1971, the President forecast a $2 billion surplus. He came out with a $23 billion deficit. The expected $38.8 deficit for 1972 was cut back because of underestimating spending and overestimating tax withholdings. The 1973 budget has a $25.5 billion builtin deficit. What it really will be is hard to tell. Budget estimates from the White House have been deplorably inexact.

The administration has desperately tried to avoid talk of a tax increase, but we ought to be honest and admit that we need a tax increase.

When the President talks of fiscal responsibility, he talks with less than clean hands.

He ran through the House—and is now using similar tactics in the Senate—a $30 billion revenue-sharing proposal.

He is spending more money for exotic weapons for mass destruction than has ever been spent in the history of the country.

Over 3 years ago he proposed to get more people off welfare and on payrolls. There are today more people trying to find jobs—and unable to find them—than at any time in the past generation.

His disaster program is admittedly wasteful and inefficient. Farm subsidy payments are higher than ever before.

Yet, strangely, the administration is saying that the budget is being thrown out of kilter because Congress is giving $120 a month to people who are dying of black lung disease, and because we are giving social security recipients a few more dollars for food.

One wonders how President Nixon defines fiscal responsibility.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 282]

Abourezk	Esch	McMillan
Alexander	Evins, Tenn.	Macdonald, Mass.
Anderson, Tenn.	Flynt	Mayne
Ashley	Foley	Michel
Baker	Fulton	Murphy, N.Y.
Baring	Gallagher	Nedzi
Belcher	Gettys	Patman
Biaggi	Giaimo	Pelly
Blanton	Gray	Powell
Blatnik	Gubser	Rarick
Broomfield	Hagan	Rooney, N.Y.
Cederberg	Hébert	Ryan
Clark	Henderson	Scheuer
Clay	Landgrebe	Seiberling
Conyers	Landrum	Teague, Calif.
Davis, Ga.	Long, La.	Terry
Diggs	McClure	Waggonner
Dowdy	McDonald, Mich.	Winn
Dulski	McEwen	
Edmondson	McKinney	

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 11128, INDIAN RIGHTS ON HOPI AND NAVAJO RESERVATIONS

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from California (Mr. SISK), I call up House Resolution 1054 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1054

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. 11128) to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. 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.

Mr. DELANEY. 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 1054 provides an open rule with 1 hour of general debate for consideration of H.R. 11128, the purpose of which is to partition land in which the Hopi and Navajo Indians have an undivided joint and equal interest and to provide for allotments to certain Palute Indians.

By court decree, the Hope and Navajo Tribes have joint and equal rights to the use of the land involved. However, the Navajo Tribe has refused to allow the Hope Tribe to exercise its joint and equal right. The Hope Tribe has attempted negotiations for 10 years without success and there seems to be no alternative to a partition of the joint-use area.

The legislation provides that the surface estate in approximately half of the joint-use area is added to the Hopi Reservation and the other half is added to the Navajo Reservation. About 775 Navajo families will need to move from the Hopi land and two Hopi families will need to move from the Navajo land.

Joint ownership of the mineral rights is not changed by the legislation.

The sum of $16 million is authorized to relocate the families, part of which may revert to the Treasury if a majority of the Navajo heads of family who are relocated elect not to buy additional relocation land for addition to the Navajo Reservation.

The few Paiute families living there will receive allotments to the land they occupy.

Mr. Speaker, I urge the adoption of the rule.

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

PARLIAMENTARY INQUIRY

Mr. Speaker, first I would like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SMITH of California. As I understand the program, we are going to consider the rules now on this Indian rights bill, and the architect and engineers bill. There are two other bills, H.R. 7060, firefighters retirement, and H.R. 440, customs and immigration inspectors retirement.

Is it contemplated, Mr. Speaker, that

if we complete these bills at an early hour, we will then proceed with the other two bills this afternoon?

The SPEAKER. The Chair would like to proceed with the legislative program as far as possible and take all four bills; provided that the House can adjourn at a reasonable hour.

Mr. SMITH of California. I thought maybe the Members would like to know, and I would like to know for the rules.

The SPEAKER. If we can, we will take the four bills. The Chair might state we plan to take the first two rules now.

Mr. SMITH of California. As far as House Resolution 1054 is concerned, it does provide for 1 hour of debate under an open rule for the consideration of H.R. 11128, which has to do with partition of land rights between the Hopi and Navajo Indian Tribes. The gentleman from New York has adequately explained this rule.

The primary purpose of H.R. 11128 is to partition two land tracts in which the Navajo and Hopi Indian tribes have a joint interest.

A problem has arisen because the two tribes are unable to use the land jointly in harmony. Violence and bloodshed have resulted.

The first tract of land was made a part of the Hopi Reservation in 1882. However, many Navajos moved into the area, and in 1958 Congress authorized a three-judge court to settle the issue. The court provided each tribe with a clear title to some land, and set up a 1,822,000-acre tract as a joint-use area.

With regard to this joint-use area, the bill provides that the surface estate in approximately half the area is added to the Hopi Reservation, and the other half is added to the Navajo Reservation. Joint ownership of the subsurface estate is not changed. About 775 Navajo families will have to move from the Hopi land. Two Hopi families will have to move from the Navajo land.

The second tract of land covered by the bill is a joint-use area established by statute in 1934, when the Navajo Reservation was enlarged. The problems here are the same as in the first tract. This bill adds to the Hopi Reservation both surface and subsurface estates in 208,600 acres, and extinguishes all Hopi and other Indian claims to the remainder of the area. The few Paiute families living there will receive allotments to the land they occupy.

The cost of the bill is $16,000,000 which will be used to relocate families that have to be moved.

The committee report contains a letter from the Department of the Interior supporting the bill.

There are no minority views in the committee report.

The Committee on Interior and Insular Affairs reported the bill by a voice vote.

Mr. Speaker, I urge adoption of the rule.

Mr. DELANEY. 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. 12807, SELECTION OF ARCHITECTS AND ENGINEERS BY FEDERAL AGENCIES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1053

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. 12807) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. 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 Government Operations, 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 New York is recognized for 1 hour.

Mr. DELANEY. 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 1053 provides an open rule with 1 hour of general debate for consideration of H.R. 12807, the purpose of which is to amend the Federal Property and Administrative Services Act to establish the policy of the Federal Government in the procurement of architectural and engineering services.

Public announcement must be made of all requirements for architectural and engineering services and contracts must be negotiated on the basis of competence and qualification.

Firms will be encouraged to furnish statements annually regarding their qualifications and performance. For each proposed project the agency head shall evaluate the statements on file and shall consult with at least three firms and select in order of preference at least three firms deemed most qualified to provide the required services.

Contracts are to be negotiated with the most qualified firm at compensation determined to be fair. In the event negotiations fail with the first most qualified firm, then the agency head should negotiate with the second choice and, in the event of failure there, go to the third choice. If negotiations fail there, he should make new selections and start over.

Similar legislation was passed by the House during the last Congress and was reported by the Senate committee but never acted upon by the Senate because of adjournment.

No additional cost to the Government is anticipated by the enactment of the legislation.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. Speaker, as stated by the distinguished gentleman from New York (Mr. DELANEY), House Resolution 1053 provides an open rule with 1 hour of debate for consideration of H.R. 12807, which has to do with amending the Federal Property and Administrative Services Act of 1949 to provide for selection of architects and engineers by Federal agencies.

The purpose of H.R. 12807 is to establish a uniform Federal policy for selecting architectural and engineering services for the Government.

In the past, architects and engineers have been obtained by a Government agency negotiating with a single firm, selected as most qualified on the basis of available information. In the event the negotiation is not successful because of disagreement about the fee, the next firm in order of qualifications is chosen for negotiation.

The advantage of this system is that architectural and engineering firms are under no pressure to compromise the quality of the design or the level of effort they will contribute to it in order to underbid a competitor. Firms are free to suggest optimum design approaches that may cost more to design, but can save in construction costs, and otherwise increase the quality of the building to be constructed.

This bill puts into statutory form the traditional system Government agencies have been using. There is no additional cost anticipated as a result of this bill.

An alternative to the traditional system was proposed by the Comptroller General in a report on April 20, 1967. In that report the Comptroller General recommended regular competitive negotiations. Under regular competitive negotiations, the quality and quantity of the product or service the Government is to receive and the price the Government is to pay are negotiated at the same time with all of the prospective contractors.

The Committee on Government Operations approved the bill by a voice vote, following failure of a motion to recommit to the subcommittee, which was defeated by a vote of 23 to 7.

Mr. Speaker, I urge adoption of the rule.

Mr. DELANEY. 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.

INDIAN RIGHTS ON HOPI AND NAVAJO RESERVATIONS

Mr. HALEY. 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. 11128) to authorize the parti-

tion of the surface rights in the joint use area of the 1882 Executive order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

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

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. 11128, with Mr. STEED 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 Florida (Mr. HALEY) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman and members of the committee, H.R. 11128 partitions between the Navajo and Hopi Tribes some reservation land in which the two tribes have an undivided joint and equal interest.

In 1882, an Executive order was issued setting aside a reservation of approximately 2,472,095 acres for the Hopi Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon. The purpose of the 1882 reservation was to protect the Hopis from encroachment by both the Navajos and non-Indians.

In 1882, the entire Navajo Reservation was located east of the Hopi Reservation, and the two reservations did not adjoin each other. During the years following 1882, however, the Navajo Reservation was expanded by a series of Executive and legislative actions, and today the Navajo Reservation completely surrounds the 1882 reservation for the Hopis. The Navajo Reservation now contains 12,449,000 acres, and the tribe owns an additional 921,000 acres located outside the reservation boundaries.

The Navajos were a semi-nomadic people who did not stay within their reservation boundaries. They were constantly moving into new areas. In 1882, about 300 Navajos resided within the 1882 reservation established for the Hopis. The number steadily increased, and by 1958 the number was 8,800.

The friction between the Navajos and the Hopis was great. The Hopis claimed that the Navajos had no right to be in the 1882 reservation at all, and the Navajos claimed that they were there by permission of the Secretary of the Interior. In 1958, Congress enacted a statute authorizing a three-judge U.S. District Court to adjudicate these conflicting claims and to determine the property rights of each tribe.

The court found as fact that no Secretary of the Interior had ever specifically settled any Navajos on the 1882 reservation, that the Navajos had moved there without any official authorization, but that since 1931 the Secretary of the Interior had acquiesced in their presence and had impliedly exercised his authority to settle them there. The court held that the Hopis had an exclusive right and interest in about 650,000 acres of the reservation known for administrative purposes as Grazing District No. 6, and that the Hopi Tribe and the Navajo Tribe had joint, undivided, and equal rights and interests in the remainder of the reservation, consisting of about 1,822,000 acres.

Notwithstanding the fact that the court determined that the two tribes have equal rights and interests in the 1,822,000 acres, the Navajos were then and are now in actual possession, and they have refused for the 10 years since the court's decision to permit the Hopis to use any part of the joint-use area. Moreover, the Secretary of the Interior has failed to do anything to permit the Hopis to exercise their joint-use rights. He has in fact refused to permit them to do so.

The joint-use area is badly overgrazed by the Navajos, perhaps to the extent of 400 percent, and the Secretary has been unable to persuade the Navajos to reduce grazing to the carrying capacity of the land. The Secretary has also refused to cancel any of the Navajo grazing permits and issue new permits to the Hopis.

Because of the severe overgrazing of the joint-use area, the Navajo livestock are constantly trespassing on the Hopi exclusive area, where the forage is better, and the Hopis are impounding those trespassing livestock. Violence and bloodshed have resulted. The Hopis are not only denied their joint-use rights, but their exclusive Hopi area is also threatened.

During the past 10 years the two tribes have attempted to negotiate a joint-use agreement, but the negotiations have failed. The Navajo position was, and still is, that they are in possession of the land and will not relinquish any part of it unless the United States provides lieu land to which the Navajos can be moved. The Navajos actually oppose that solution and ask that the United States purchase the Hopi interest in the joint-use area and give it to the Navajo Tribe. The Hopi position was, and still is, that they have been pushed back and encircled by the Navajos, that the Navajos have invaded and taken large parts of the 1882 reservation which was intended to be for the benefit of the Hopis, that the Hopis will give up no more land, and that the Navajos must vacate one-half of the joint-use area in order to give effect to the court decree.

A second problem relates to Navajo-Hopi conflict over lands immediately west of the 1882 reservation. When the boundaries of the Navajo Reservation were enlarged by the act of June 14, 1934 (48 Stat. 960), the vacant lands within the reservation boundaries were withdrawn for the benefit of the Navajos and such other Indians as were already located thereon. Hopi Indians were then living in the villages of Moencopi and Tuba City, which lie west of the 1882 Hopi Reservation, and Hopi Indians were living on the land between these villages and the 1882 reservation. The Hopi Indians have by statute the same type of joint interest in this land that the Court determined they have in the joint-use area of the 1882 reservation.

The problems in the two areas are the same. The Navajo population pressures are compressing the Hopis into smaller and smaller areas, and the two tribes are unable to use the land jointly in harmony. There is a need to delineate the lands each tribe is entitled to use.

The Subcommittee on Indian Affairs held extensive hearings on H.R. 11128. Representatives of the Hopi Tribe and the Navajo Tribe presented their views in great detail. The Assistant Secretary for Public Land Management and the Commissioner of Indian Affairs also testified in detail.

The Navajo representative opposed the bill on the ground that the two tribes should settle their dispute by negotiation. The Hopi representatives urged the enactment of the bill on the ground that negotiations had been attempted for 10 years and had failed because the Navajos refused to consider any agreement that allowed the Hopis to exercise their judicially decreed right to an equal use of the land.

The Department of the Interior recommended the enactment of the bill if the alternatives were considered and found to be impractical. The Assistant Secretary testified that he saw no solution other than partition of the land as provided in the bill.

The committee concluded that the Navajo Tribe had refused to allow the Hopi to exercise its joint and equal right to use the land, as decreed by the court, and that there was no reasonable basis for believing that the Navajo Tribe would change its position on this basic issue as the result of further negotiation. The Navajo Tribe is in possession of the land, and it has adamantly refused to discuss any plan that called for a relinquishment of its possession. The committee also concluded that the Hopi tribe was unwilling to sell its undivided but equal interest in the land, either for money or in exchange for other land, and that there is no practical alternative to a partition of the joint use as provided in the bill.

The bill provides that the surface estate in approximately half of the joint-use area is added to the Hopi Reservation and other half is added to the Navajo Reservation. About 775 Navajo families will need to move from the Hopi land, and two Hopi families will need to move from the Navajo land. The bill authorizes the appropriation of $16 million to relocate these families. Joint ownership of the subsurface estate is not changed by the bill.

With respect to the 1934 reservation, the bill adds to the Hopi Reservation both the surface and subsurface estates in 208,600 acres, and extinguishes all Hopi and other Indian claims to the re-

mainder of the area. The few Paiute families living there will receive allotments to the land they occupy.

I am convinced that the enactment of this bill is necessary to resolve a highly emotional issue, which has resulted in violence and bloodshed. There is no other way to permit the Hopi to exercise their joint and equal rights in the land. It is unfortunate that a partition of the land will require about 775 Navajo families to move, but those families came into the area without permission, and they have no moral or legal right to monopolize the use of the land by excluding the Hopis. Moreover, the bill provides generous financial assistance for relocating these families.

I urge enactment of the bill.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 11128, a bill to authorize the partition of the surface rights in the joint-use area of the 1882 Executive order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

The purpose of this bill is to legislatively settle a dispute between the Navajo and Hopi Indian tribes—a dispute that we all have been hearing about via the news media, depicted as a range war. In fact, it has reached that proportion. Not incidentally, a purpose of this bill is to rectify the nonfeasance of past administrations regarding this matter.

The roots of the dispute between the Hopi and Navajos go back to 1882 when, by Executive order, about 2,500,000 acres in Arizona were set aside for the Hopi Indians and such other Indians as the Secretary of the Interior might see fit to settle thereon. The purpose of that reservation of land for the Hopi peoples was to protect that essentially agrarian and peaceful nation from encroachment by their neighboring more nomadic Navajos and non-Indians. Although the Hopi reservation was in proximity to the Navajo reservation, the two were separated. Today, however, the Navajo reservation surrounds the 1882 Hopi Reservation and more than 8,000 Navajos live within the Hopi Reservation.

The friction between the two tribes that prompted the establishment of the 1882 reservation reached crisis proportions by 1958. Hopis claimed Navajos had no right to the 1882 reservation, and Navajos claimed the Secretary of the Interior's permission to the same lands. Congressional action was necessary and the resultant legislation authorized establishment of a special Federal District Court to adjudicate the claims and determine respective property rights.

In retrospect, legislation similar to that before us today might have precluded additional congressional action.

The special three-man court found:

That since 1931, the Secretary of the Interior had acquiesced in the Navajo's presence on the 1882 reservation thereby, by implication, exercising his authority to settle Navajos thereon;

That the Hopis had exclusive right to about 650,000 acres known as Grazing District 6; and

That both tribes had joint, undivided equal interests in the remainder of the 1882 reservation, or about 1,800,000 acres.

Unfortunately, the court did not partition the lands.

The Navajos have been and still are in exclusive possession of the approximately 1,800,000 acre "joint use area" and refuse to permit access to the Hopis. The Secretary of the Interior, too, has done nothing to further the Hopis right to that joint use area. Overgrazing of the area by as much as 400 percent has resulted in Navajo livestock trespassing upon the Hopi exclusive-use area where forage is richer. The Navajos have refused to reduce their grazing to the carrying capacity of the land and the Hopis have impounded trespassing Navajo livestock. Violence has resulted. Negotiation between the two tribes has failed.

A similar situation exists on what is commonly known as the 1934 Navajo Reservation. That reservation was, in effect, an enlargement of the then existing Navajo reservation. Hopis and other Indians living in the enlarged area were granted joint use rights, but have been driven into smaller and smaller groups with diminishing land base by the constantly expanding Navajos. The situation is similar and equally volatile.

The Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs held exhaustive hearings on this legislation and the full committee carefully considered the subcommittee's work. The bill before us today has the unanimous approval of the Committee on Interior and Insular Affairs. The committee recognized that the only acceptable solution to the problem was partition and relocation. The committee recognized that complete satisfaction for both tribes was impossible. The committee carefully weighed the equities: On the one hand, the estimated rights of 6,000 Hopis to their lands, and on the other, the needs of 130,000 Navajos to continue their traditional semi-nomadic way of life.

The committee concluded that the most practicable solution was to partition the surface estate of the joint use area, one half to the Navajos, and one half to the Hopis. Division of proceeds from jointly held mineral interests are readily mathematically ascertainable and have not been fraught with the problems plaguing the surface estate. The committee therefore decided that subsurface rights should remain in joint ownership. About 208,600 acres of the 1934 reservation will be reserved exclusively for the Hopis.

Approximately 775 Navajos families and two Hopi families will be moved as a result of the partition. The Federal Government cannot deny some culpability in this matter. It, therefore, is fitting that adequate relocation assistance be provided. The bill authorizes $16 million for that purpose. As originally drafted, $20 million were authorized, but the Committee on Interior and Insular Affairs, in its wisdom, determined that a maximum of $16 million would do the job. If Navajo families who will be moved elect to be relocated within the Navajo Reservation, it is anticipated that not all of those moneys will be needed. Sufficient moneys are authorized, however, to purchase additional lands to resettle Navajo families if desirable.

There are a few Paiute families living within the 1934 reservation. These families will receive allotments to the lands which they now occupy.

The Committee on Interior and Insular Affairs worked long and diligently on this legislation. The committee concensus is that this bill embodies the most practicable solution to a volatile situation. The partition is arbitrary. Neither tribe will be fully satisfied. It will be expensive. Nevertheless, passage of this legislation will, in the opinion of the committee and of the Department of the Interior, squelch the sparks now smoldering and prevent conflagration.

I urge your support for the passage of H.R. 11128.

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

Mr. Chairman, this bill is before the House today because the Secretaries of the Interior and the Commisioners of Indian Affairs during the past 40 years have not done their jobs properly. I am not criticizing the present incumbents alone, but include prior administrations under both parties.

When the Hopi Reservation was established in 1882, it was for the benefit of the Hopi Indians and such other Indians as the Secretary of the Interior might see fit to settle thereon. During the next 50 years the Secretary did nothing affirmative to settle any other Indians on the reservation, but he stood by, silently, while the Navajo Indians moved into the reservation in steadily increasing numbers. He allowed this movement to continue in spite of protests from the Hopis and in spite of the fact that the 1882 reservation was established to protect the Hopi Indians from the pressure of the Navajos.

Furthermore, he did nothing to control by grazing permits the areas that could be used by Navajos and the areas that could be used by Hopis. He just did nothing, and the Navajos took over two-thirds of the grazing area of the reservation.

In 1958, the Secretary passed the buck to Congress, saying that he did not know what the rights of the two tribes were, notwithstanding the fact that he had full legal authority to control settlement on the reservation. He asked Congress to pass an enabling act to permit a three-judge court to decide what kind of property rights his predecessors had created.

Congress enacted this legislation, and the court made its decision. The court decided that the Hopis had exclusive rights in about one-third of the reservation, and that the Hopi and Navajo Tribes had joint and equal rights in the remaining two-thirds of the reservations.

Again the Secretary and the Commissioner of Indian Affairs failed to perform their administrative responsibilities. Although the court had decided that

the two tribes had equal rights to the use of the land, the Navajo Tribe refused to allow the Hopi Tribe to use any of the land and the Secretary did nothing. As a trustee responsible for administering the land he not only did nothing, but he actually thwarted the efforts of the Hopis by refusing to issue to them any grazing permits. For 10 years the Navajo have stalled, in effect ignoring the court's decree, and for 10 years the Secretary, as trustee, allowed the Navajos to retain exclusive control notwithstanding the Hopi's equal use rights.

Now the buck has been passed to Congress again. Since the Secretary will not administer the land for the joint use of the two tribes, Congress is asked to partition the joint-use area and give half of it to the Navajo Tribe and half of it to the Hopi Tribe. It is true that the Secretary has no authority to partition the legal title to the land, but he does have authority to administer the land in a manner that assigns use areas to each tribe. He has not done this.

Although I am critical, I am also a realist, and I am convinced that legislation to partition the joint-use area is necessary in the light of the facts as they exist today.

This bill should be enacted for that purpose.

The major problem involved in a partition of the land is the fact that about 775 Navajo families live on the one-half of the joint-use area that will go to the Hopis. These 775 families will have to be relocated. The bill as amended by the committee authorizes the appropriation of $16 million for this purpose. This is a generous amount.

The Department of the Interior estimated that the value of the houses, fences, wells, and other improvements on the land that will be left behind by these 775 families will average about $2,000 each, and that actual moving expenses will average $600 each. If the 775 families move over onto the Navajo Reservation and construct comparable dwellings and improvements, the total cost of moving and construction would be around $4 million, assuming that comparable facilities may cost twice the value of the facilities that are vacated. The bill provides for the payment of these costs in full, and also provides an additional $12 million which could be used to purchase new land on which to relocate the 775 families if a majority of them want to purchase land, rather than move onto the present Navajo Reservation. If the $12 million is not used to purchase land it will revert to the U.S. Treasury.

The committee did not regard the United States as obligated to pay for the relocation of the Navajo families who moved onto the 1882 reservation without any official authorization or financial assistance from the Government. The committee believed, however, that the actions of the Department of the Interior during the past 40 years contributed to the problem, and that it is only equitable for the Government to minimize the social impact involved in the relocation. The Government will do so by paying for the cost of purchasing additional grazing land, the cost of moving, and the cost of acquiring comparable replacement housing. If a majority of the displaced families do not want to purchase additional grazing land and live on it, then the appropriation authorized for that purpose will revert to the U.S. Treasury, and the cost of the Government will be less than $16 million.

The Department of the Interior asked that the money appropriated for relocation purposes be made available to provide better replacement housing than the displaced Navajos now have. The bill, however, provides only for comparable replacement housing. Although better housing is undoubtedly needed, this is not a housing bill and the housing need is not related to the partition of the land. Better housing should be financed under other programs and not tied to this bill.

I am convinced that there is no feasible alternative to the enactment of this bill. The dispute involves a deep emotional attachment to the land by both the Navajo Tribe and the Hopi Tribe. It has been brewing for more than 40 years. The courts have determined that the two tribes have joint and equal rights in the land. The two tribes cannot use the land jointly. History has demonstrated this fact. A partition of the land is necessary unless Congress is willing to expropriate the Hopi interest in the land and give it to the Navajos. I am not willing to take that action.

Mr. Chairman, I urge, in all justice and in all fairness, the enactment of this bill.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Thank you, Mr. Chairman.

I get up today for two reasons. One has to do with yesterday. I was all prepared to make a speech on the floor in support of a bill I had up yesterday, and then all of a sudden somebody asked that it be passed and I got left standing at the altar, so I thought today I might take a little time to try to point out some of the issues involved in this legislation.

Mr. Chairman, this legislation proposes to cut a joint-use area in half. There is some question as to whether it is half or quite a bit more that is going to one side or the other.

Basically the proposition is to cut the joint-use area between the Hopis and the Navajos and assign a certain area to each one of the tribes. Further, it proposes to appropriate some funds to buy other properties in order to compensate the Navajos for the loss of this land.

We could go into a lot of issues on this particular problem. First of all, there is a problem as to where the animals of the Navajo Tribe are going to graze. That is one problem which comes up. Second, there is the problem of the court decisions which have maintained it is a joint use area for use by both tribes. There is also an unfairness in the situation where it gives half of the land to 6,000 Hopis when there are over 100,000 Navajos.

All of these things are very self-evident, Mr. Chairman, and point up the fact that it is just really not an equitable situation.

What bothers me the most is the relocation of some 6,000 people who now occupy this joint use area. Six thousand Navajos. It is reminiscent of one time when they were marched for 100 days from Fort Sumner into the present reservation. That is what we are getting ready to do again in relocating 6,000 people. We have from time immemorial felt that we ought to have people make their own decisions. We have moved in this Congress in that direction with revenue-sharing proposals. We have all criticized very much the Bureau of Indian Affairs for its paternalism. All that the Navajos have asked for is give us an opportunity to resolve this problem among ourselves.

There was discussion in the committee of setting up some sort of mechanism whereby there might be so many people representing the Hopis, so many representing the Navajos, and so many as impartial members of this particular board and give both tribes the opportunity to work the problem out between themselves. Then, if they were not able to come to a satisfactory resolution, this board would make the decision and both tribes would have to adhere to whatever the decision was.

Mr. Chairman, I come before this House today to oppose this legislation simply on the basis that I think the best way to proceed is to let the two parties work out some sort of equitable settlement between themselves.

Thank you very much.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I will be happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, it has been mentioned by the gentleman from New Mexico, who just preceded the gentleman from Arizona in the well, that there is a question as to where these Navajos will have to go, and a number of other Members of the House have asked me that same question. Therefore I would ask the gentleman from Arizona: Does the Hopi Tribe have any other land other than the grazing land in District No. 6, and the one-half of the reservation that they are being given now? And, also, how much land does the Navajo Tribe have?

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman for the questions, and I will be happy to respond.

All of the Hopi lands lie within the jurisdiction of what is known as the joint-use land, and include district 6. I think that the land that belongs to the Navajos now, outside of the joint-use land, outside of the 1.8 million acres, amounts to something somewhere in the neighborhood of 12 million acres. I think the gentleman must recognize that we are talking about in excess of 100,000 Navajos, and there are only 6,000 Hopi Indians, so I think we should keep this in context.

But the gentleman does raise an excellent point because it does appear if one just listens to this discussion, as if the

Navajos had no place to go, in effect, and that simply is not so.

Mr. SAYLOR. That is the reason I asked the question, because other Members of the House have raised this same question.

Mr. STEIGER of Arizona. I thank the gentleman.

Mr. Chairman, I would tell the members of the committee that I do represent the district where this particular situation exists, and it is not a happy situation. In essence, the chairman of the full committee, the chairman of the subcommittee, and the ranking member of the subcommittee have explained the problem very specifically, and completely accurately.

What has happened is because, in my view, of the dereliction of the Federal Government in the past, including the courts, the executive department, and the Congress, who have permitted a bad situation, if you will, and a combination of the movement of Navajos into the joint-use area, plus the drought, has forced Navajo livestock men to put their livestock on what is clearly Hopi land. That is what brought this matter to a head.

We have had in the past year and a half a series of violent contacts between the two tribes.

In 1962 the Supreme Court of the United States upheld a Federal district court's decision in the case of Healing against Jones, which agreed that the Hopi Indians had an undivided half interest in the joint-use lands. But the court stopped there. They did not say how this undivided interest would be acquired by the Hopi, how it would be utilized by them, and the Navajos continued to use it, continued to use it, and continued to move in on the lands.

The Members have received a letter from Chairman MacDonald this morning of the Navajo Tribe, and in that letter he talked about 6,000 Navajos who have lived on that land since their birth. I do not think the chairman meant to deceive us, but that simply is not the case. Approximately half of these people have moved in there since the decision in Healing against Jones, and it cannot by any stretch of the imagination be said that they have been there since their birth.

Mr. Chairman, this bill contains a sum of money. If those 770-some families of Navajos should elect to do so, or a majority of them, there are moneys provided for in this bill for the acquisition of new lands for the Navajo Tribe to be used as a home for these people who are being displaced. I do not think there is anyone, except for the people affected, the Navajo Council and Chairman MacDonald, who regrets having to move these people more than I do, and very practically, this presents a very real political problem.

It is my rationale that this money is a valid expenditure on the part of the Federal Government because it is the result of dereliction by the Federal Government that this matter has been allowed to reach the state in which it now exists.

Even the Congress has failed to face this issue squarely. The best example of that is that some 8 years ago, I believe, a Navajo-Hopi Boundary Dispute Commission was formed in the Congress made up of Members of this body and of the other body. To the best of my knowledge, that Commission has never met and I suspect that if they had met, they would have accomplished no more than by not meeting. So in that sense, they did render a service.

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

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STEIGER of Arizona. I thank the Chairman and I thank the gentleman from Pennsylvania.

I will tell you, my friends, like any other arbitrary decision, this one really satisfies nobody. But I am convinced that if we do not take action here in this body and if we permit the violence to build and wait until somebody loses his life or until a number of people lost their lives, then we are obviously going in panic into some alternative solution.

I tell you, my friends, what we do here today will resolve this situation, probably to nobody's satisfaction except that it will resolve it and these two peoples can then live in peace, hopefully from here on out.

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

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. LUJAN. I thank the gentleman for yielding.

The implication has been made here in the discussion as to who has how much land—and that it would be very simple for the Navajos just to move into the rest of the Navajo Nation.

Is it not true, however, that that is not a practical solution? The animals that graze on that joint-use-area land—and these are not big ranches—these are people who own just a few head of sheep or a few head of cattle—is it not true that this is not practical nor possible to move these animals in there because there is just not very good land and it could not accommodate these additional animals?

Mr. STEIGER of Arizona. I agree with the gentleman. That is why we put money in the bill for the acquisition of new lands for the tribes for the purpose of relocating some livestock land on this new land.

I will tell you, my colleagues, I think under the conditions the Navajos do not recognize that this is probably the best bill they are going to get. But I will not speak for their view of this matter, but I will tell you that we sincerely believe—this is the best bill they can get. This is a difficult and complex situation and one that nobody likes and nobody appreciates, but it is a situation that must be resolved.

Mr. UDALL. Mr. Chairman, the Interior Committee has written a bill which attempts to resolve a longstanding, bitter and sometimes bloody land dispute between the Hopi and Navajo Tribes. The committee has resolved this matter in a very direct and aggressive manner—by simply drawing a line between the disputed lands and partitioning them to reflect ownership as determined by the Supreme Court in Healing against Jones.

I do not criticize the committee for taking this approach inasmuch as it is one logical way to deal with this problem. And yet, like so many lawyers in this chamber, I have run across cases where the direct and logical approach was perhaps not the wisest, where actions were taken in the name of justice only to find their result was more injustice and misery. The bill and case before us present such a dilemma.

Our real purpose in this legislation ought not to be division of land, but the making of peace. The committee has apparently concluded that peace can be achieved if only the Congress will draw an artificial barrier separating lands that for many years have been jointly, if imperfectly, used by the tribes. My instincts tell me that is not the answer. My instincts tell me that if the answer were that simple the problem would have been settled long ago—and without a series of encounters referred to by some journalists as a frontier range war.

If I can be allowed to stretch an analogy, this boundary settlement reminds me of one drafted by the world's major powers in Geneva 18 years ago. In an attempt to end an interminable war in Indochina, a line was drawn in Vietnam and that country was to be partitioned between the governments of the north and south. As we know, that line had far more impact on the minds of Western diplomats than on the lives of the Vietnamese.

Arizona is not Vietnam, and the Navajos and Hopis are not the Vietnamese. And yet I wonder if the Interior Committee bill before us today does not in a lesser sense make the same mistake made by the great powers in 1954.

We can draw a line today and solve the problem in our own minds, but what do we do if the tribes fail, as well as they might, to accept our logic? How many national guardsmen are we prepared to send to the reservation to enforce this boundary?

I have always believed in the search for peace one should not limit his options. And yet the bill before us limits options in the extreme; it obviates negotiations between the tribes because there is nothing left to talk about; it does not force them to compromise, and hopefully to learn to live together in the process, but rather it hardens the lines and makes them powerless to solve their own dispute even if they were so inclined.

There are some hard, tough facts of life which argue against the committee approach.

There is a lingering mistrust among Arizona Indian tribes of their white brothers, and consequently any direct action the Congress takes to settle this dispute under our system of law will be viewed with suspicion not only by the Navajos—who are uniformly opposed to the bill—but also by a large segment of the Hopi tribe, the so-called traditionalists who have not accepted the white man's ways.

There is the problem of numbers. There are roughly 140,000 Navajos and

6,000 Hopis. Within the lands granted by the committee to the Hopis, live more than 700 Navajo families. This is barren, overgrazed land, and they subsist mostly in dirt floor hogans, without plumbing, electricity, or running water. Yet, their roots are in this land, and they love it more than we can understand. The committee bill is for them an eviction notice, even if ornamented with the carrot of Federal assistance, and there is reason to believe they will not react favorably.

While the Hopis tend to live in villages—within defined territorial units—the Navajos are seminomads. By tradition they are farmers and sheepmen, and they tend to roam the land without respect for borders established by what we consider the normal authorities. Few Hopis, if any, actually live on the open range and their need for land both in terms of population and tradition does not approach that of neighboring Navajos. The committee-approved boundary, if enforced, would no doubt exacerbate tensions inevitably brought on by the differing life styles and needs of the tribes.

In the face of this apparent and seemingly inevitable conflict, is it possible for the tribes to live together in peace? I would hope it is, and yet I have to wonder whether the piece of legislation before us today serves that end. If peaceful coexistence is possible, it will only be achieved in my opinion through the mutual consent of the Navajo and Hopi people.

Therefore, I would ask my colleagues to fall back from this aggressive, imposed solution, even though they might be tempted by its logic. Let me recommend to the House and Senate Interior Committees the broad outline of an approach which I feel would remove much of the sting from the final outcome, no matter which tribe ultimately prevailed.

I suggest that the Congress create a commission, made up solely of Indian representatives, to arbitrate this dispute. The commission should probably have five members—one Hopi, one Navajo, and three other Indians appointed by the President from a list submitted by the Congress of American Indians. The commission would hold onsite hearings, conduct detailed studies and guide negotiations between the tribes. Ultimately, if no mutual understanding could be reached on the joint-use area, the commission would draw a boundary. I have a hunch that under the pressure of time and this kind of commission, the tribes would find a solution they could live with; even if they failed the boundary would be drawn by an all-Indian commission, and their cases would have been made in a forum, unlike the Congress, where the tribes would feel comfortable in the knowledge that their traditions and needs are fully understood.

If I understand the Court's decision in Healing against Jones, the Congress was left with many options in dealing with this delicate problem. While I can understand the thinking and the impatience of the Interior Committee I seriously question the wisdom of taking such direct, aggressive action. I will vote against H.R. 11128, and I urge my colleagues to do likewise.

Under unanimous consent, I append to my remarks the following letter to my colleagues written by Navajo tribal chairman, Peter MacDonald.

EXECUTIVE OFFICE OF THE CHAIRMAN, THE NAVAJO NATION,
Window Rock, Ariz., July 26, 1972.

DEAR CONGRESSMAN: Today you will be called upon to vote on H.R. 11128. On behalf of the Navajo Nation, I ask you, I plead with you, to vote against that bill.

H.R. 11128 would expel about 6,000 of my people from the land on which they have lived since their birth and on which they and their ancestors have depended for their livelihood. The people affected, most of whom are sheepherders, would have their lives totally disrupted. Family ties would be severed. Sacred beliefs, deeply rooted in the lands where the Navajos were born, would be disturbed. Children yet unborn would suffer from the dislocation caused by H.R. 11128.

What the bill would do is move Navajo *people* to make room for Hopi *livestock*. The Hopis, living in their traditional villages, do not plan to move onto the land from which the Navajos will be expelled. They will merely increase their livestock herds.

There is no doubt that the Hopis have a legal interest in the land with which H.R. 11128 deals, co-equal with the interests of the Navajos. But this legal interest can be respected in some way other than by visiting misery on 6,000 Navajo people. We have offered proposals to provide a fair solution to the problem, without damaging the lives of anyone. You, the Congress, have the power to arrange for a fair settlement, to give everyone his legal rights, without expelling thousands of people from their home land. We ask you to arrange for a fair settlement by voting against H.R. 11128.

There have been rumors circulated about outbreaks of serious violence between Navajos and Hopis; there have been stories about people getting killed. No one has, in fact, been killed and many of the reports of violence are greatly exaggerated. There is no doubt that a problem exists, but H.R. 11128, the Navajo expulsion bill, will not solve it.

The bill before you says that the entire task of expelling the Navajos will cost $16,000,000. The fact is that it will cost the American taxpayers millions of dollars more. Schools and public health installations serving the 6,000 people who are about to be expelled have cost some $40,000,000. New facilities may now have to be built for these people elsewhere. The welfare and other social service costs which will be expended on the expelled Navajos will add many millions more. The damage done to thousands of human lives will be immeasurable. The ultimate financial cost may come to $100,000,000—all just to make room for Hopi livestock.

I urge you not to sacrifice people to cattle and sheep. Please vote against H.R. 11128.

Sincerely yours,

PETER MACDONALD,
Chairman.

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

Mr. HALEY. 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 all of the surface rights in and to that portion of the Hopi Indian Reservation created by the Executive Order of December 16, 1882 in which the United States district court found the Hopi and Navajo Indian Tribes to have joint, undivided, and equal interests in the case entitled Healing against Jones (210 Fed. Supp. 125 (1962), affirmed 373 U.S. 758) shall be partitioned in kind as provided in this Act.

SEC. 2. Hereafter the United States shall hold in trust exclusively for the Hopi Indian Tribe and as a part of the Hopi Indian Reservation, the surface interests in and to the following described lands:

Commencing at the northeast corner of the Executive Order Reservation of December 16, 1882, 110 degrees 00 minutes west longitude by 36 degrees 30 minutes north latitude;

thence due south, 40.6 miles to mile 209 on the east boundary of the Executive Order Reservation of 1882, as surveyed by United States Bureau of Land Management in 1963 and 1964, to the true point of beginning;

thence due south, 9.9 miles, following the east boundary of the Executive Order Reservation of 1882 to the centerline of State Route 264;

thence southwesterly, 33,900 feet, following the centerline of State Route 264, to the center of its junction with State Route 77;

thence southerly, 7.73 miles, following the centerline of State Route 77;

thence west, 31 degrees 30 minutes south, 29,300 feet, to the southwest corner of section 6, township 25 north, range 21 east;

thence west, 11.5 miles, following the section lines to the northwest quarter corner of section 7, township 25 north, range 19 east;

thence southwesterly 16,500 feet, to the intersection of the section line between sections 14 and 23, township 25 north, range 18 east, and the Old Polacca-Winslow Road;

thence southerly ¼ miles, following the centerline of the Old Polacca-Winslow Road, to the south boundary of the Executive Order Reservation of 1882;

thence due west, 26 miles, following the south boundary of the Executive Order Reservation of 1882, to a point due south of Monument Point, also know as Finger Point and Katchina Point;

thence due north, 18,250 feet, to Monument Point;

thence northwesterly, following the rim of Garces Mesa, to the western extremity thereof, located in the southwest quarter of section 1, township 25 north, range 13 east;

thence northwesterly, 2.4 miles, following a fence line, to the end of the fence line and the southern extremity of Garces Mesa, located in the southeast quarter of section 27, township 26 north, range 13 east;

thence northerly, following the rim of Garces Mesa to a point where said rim intersects the line common to the northeast quarter and the northwest quarter of section 22, township 26 north, range 13 east;

thence north, 1,500 feet, to the north quarter corner of section 22, township 26 north, range 13 east;

thence north northeasterly, 6,000 feet, to the northeast corner of section 15, township 26 north, range 13 east;

thence north, 3,500 feet, along the section line;

thence west 16 degrees 30 minutes north, 4,800 feet, to the end of a fence adjoining Dimmebito Wash;

thence west 16 degrees 30 minutes north, 4,000 feet, following the fence, to the top of a rim;

thence north 53 degrees west, 5,900 feet, following a fence, to the top of Moencopi Plateau;

thence northwesterly, 9,300 feet, following the rim of the plateau to its junction with the west boundary of the Executive Order Reservation of 1882, 4,650 feet south of mile 110;

thence due north, 41 miles to the centerline of United States Route 164;

thence northeasterly, 5 miles, following the centerline of Route 164 to the junction of a road to the east;

thence south 30 degrees east 4¼ miles, to the top of the rim;

thence southerly, 1.1 miles, following the rim;

thence east 11 degrees south, 2.6 miles, to a point where the Black Mesa Slurry Pipeline intersects the 36 degree 15 minute parallel;

thence northeasterly, 8.2 miles, following the north boundary of the pipeline right of way;

thence north 59 degrees east, 3.2 miles, to the junction of two major drainages from the north;

thence north 44 degrees east, 2.7 miles, to the easterly bend in a pickup road;

thence northeasterly, 3.6 miles, following the said road, to a point where the road bears abruptly to the southeast;

thence northeasterly, 4¼ miles, following the divide;

thence due east, 3 miles, to 110 degrees 30 minutes west longitude;

thence east 27 degrees 30 minutes south, 2.9 miles, to a point where the east boundary of the right of way for the proposed State Second Mesa Kayenta Road crosses the Moencopi Wash;

thence southerly, 20½ miles, following the east boundary of the proposed road right-of-way to a point south of Big Mountain Dam where a line from Gum Point bearing north 54 degrees 02 minutes west will intersect the east boundary of the right-of-way;

thence south 54 degrees 02 minutes east, 21.8 miles to Gum Point;

thence southeasterly, 8½ miles, following the northern rim of the mesa to mile 209 on the east boundary of the Executive Order Reservation of 1882, to the point of beginning; excepting the Hopi Reservation as established by the decree of the United States District Court on September 28, 1962, in said case of Healing against Jones; containing nine hundred and four thousand two hundred and sixty-five acres, more or less.

SEC. 3. Hereafter, the United States shall hold in trust exclusively for the Navajo Indian Tribe and as a part of the Navajo Indian Reservation the surface interests in and to the following described lands:

All of the lands within the Hopi Executive Order Reservation of December 16, 1882, except the lands described in section 2 of this Act and the exclusive Hopi Reservation as established by the decree of the United States District Court on September 28, 1962, in said case of Healing against Jones; containing nine hundred seventeen thousand eight hundred and fifteen acres, more or less.

SEC. 4. Partition of the surface of the lands described in sections 2 and 3 hereof shall not affect the existing status of the coal, oil, gas and all other minerals within or underlying said lands.

All coal, gas, oil and minerals of every kind, shall be managed jointly by the Hopi and Navajo Tribes, subject to such supervision and approval by the Secretary of the Interior or as otherwise required by law, and the proceeds therefrom shall be divided between the said tribes, share and share alike.

SEC. 5. Hereafter the United States shall hold in trust exclusively for the Hopi Indian Tribe and as a part of the Hopi Indian Reservation all right, title, and interest in and to the following described land which is a portion of the land described in the Act of June 14, 1934 (48 Stat. 960), on which the Hopi Tribe was located on the date of said Act and outside of the Hopi Executive Order Reservation:

Beginning at a point along the rim of Moencopi Plateau where the plateau meets the Navajo purchased land at approximately 5,000 feet elevation, said point being on the north boundary of section 9, township 29 north, range 11 east (projected);

thence northerly and northwesterly along the rim of Moencopi Plateau to a point on the projected section line between section 11 and section 12, township 31 north, range 10 east;

thence north along said section line to the center of Moencopi Wash;

thence up the center of Moencopi Wash to a point where it meets the west boundary of allotment No. 54;

thence south and east to the southeast corner of allotment 52;

thence north to the southwest corner of allotment numbered 50;

thence east and north around allotment numbered 50 to the northeast corner thereof;

thence west to the centerline of the highway;

thence northerly and easterly along the centerline of the highway to a point on the centerline of section 28, township 32 north, range 11 east;

thence north along the centerline of sections 28, 21, 16, 9 and 4, township 32 north, range 11 east, to the north quarter corner of said section 4;

thence east along the north lines of sections 4, 3, 2 and 1, township 32 north, range 11 east, to the northeast corner of said section 1, said corner being on the range line between ranges 11 and 12 east;

thence south along said range line to the center of Moencopi Wash;

thence up the center of Moencopi Wash to the west boundary of the Hopi Executive Order Reservation of December 16, 1882;

thence south along said west boundary to a point where a northeasterly extension of the Buck Pasture Fence would intersect said boundary;

thence southwesterly to Windmill numbered A–149;

thence westerly along the section line on the south boundary of section 6, township 29 north, range 12 east, and continuing along the section lines on the south boundary of sections 1, 2, 3, and 4, township 29 north, range 11 east, to the point of beginning.

SEC. 6. The Secretary of the Interior, hereinafter called the "Secretary", is hereby authorized to allot in severalty to individual Paiute Indians, not now members of the Navajo Indian Tribe, who are located within the area described in the said Act of June 14, 1934, and who were located within said area or are direct descendants of Paiute Indians who were located within said area on the date of said Act, land in quantities as specified in the Act of February 8, 1887 (24 Stat. 388), as amended, and patents shall be issued to them for such lands in the manner and with the restrictions as provided in sections 331, 348, and 349 of title 25, United States Code.

SEC. 7. Hereafter the United States shall hold in trust exclusively for the Navajo Indian Tribe and as a part of the Navajo Indian Reservation the lands described in the said Act of June 14, 1934, except the lands described in sections 2 and 5 hereof and the lands in the exclusive Hopi Indian Reservation commonly known as Land Management District 6, and further excepting those lands allotted pursuant to section 6 hereof.

SEC. 8. The Secretary is authorized and directed to remove all Navajo Indians and their personal property, including livestock, from the lands described in sections 2 and 5 of this Act. Such removal shall take place over a period of ten years with approximately 10 per centum of the Navajo occupants to be removed each year. No movement of Navajo Indians onto any of the lands described in section 2 and 5 of this Act or Land Management District 6 shall be lawful unless advance written approval of the Hopi Tribe is obtained. No Navajo Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas described in sections 2 and 5 of this Act, nor shall he retain any grazing rights subsequent to his removal therefrom.

SEC. 9. The Secretary is authorized and directed to remove all Hopi Indians and their personal property, including livestock, from the lands described in sections 3 and 7 of this Act. Such removal shall take place over a period of two years with approximately 50 per centum of the Hopi occupants to be removed each year. No movement of Hopi Indians onto any of the lands described in sections 3 and 7 of this Act shall be lawful unless advance written approval of the Navajo Tribe is obtained. No Hopi Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas described in sections 3 and 7 of this Act, nor shall he retain any grazing rights subsequent to his removal therefrom.

SEC. 10. (a) Navajo Indians moved pursuant to section 8 of this Act shall be given priority for assignment of lands included within the Navajo Indian irrigation project. The Secretary in cooperation with the Navajo Tribal Council shall determine the size of parcels within the project to be assigned to such Indians as necessary to provide them with an economic base.

(b) Notwithstanding the provisions of section 3 of the Act of June 13, 1962 (76 Stat. 90), as amended by the Act of September 25, 1970 (80 Stat. 867), the Navajo Tribe shall not be required to pay the United States for any federally owned lands included within the Navajo Indian irrigation project which are assigned to Indians moved pursuant to this Act.

(c) The value of lands acquired by the Navajo Tribe in fee and included in the project as provided in section 3(b) of said 1962 Act which are assigned to Indians moved pursuant to this Act shall be credited against any sums the Navajo Tribe owes or may in the future owe to the United States under section 3 of said 1962 Act.

(d) The Secretary is hereby authorized to declare that any federally owned lands within the areas described in section 3(a) of said 1962 Act, as amended, not susceptible to irrigation and not needed for project works or canals are held in trust by the United States for the Navajo Tribe.

(e) The Secretary is also authorized to acquire by purchase, exchange, or condemnation, any non-Government lands within said areas which are not susceptible to irrigation and which are not needed for project works or canals. After acquisition, said lands shall be held in trust by the United States for the Navajo Tribe.

(f) The lands transferred to or acquired for the Navajo Tribe pursuant to (d) and (e) shall be available for assignment to Navajo Indians moved pursuant to section 8 of this Act who do not desire to locate on Navajo Indian irrigation project lands or who cannot be accommodated on such lands.

SEC. 11. Hopi Indians moved pursuant to section 9 of this Act shall be given priority to assignments of land within the areas vocated by Navajo Indians. The Secretary in cooperation with the Hopi Tribe Council shall determine the size of parcels necessary to provide resettled Hopi Indians with an economic base.

SEC. 12. (a) All Hopi and Navajo Indians moved pursuant to the provisions of this Act shall be considered "displaced persons," within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). For the purpose of determining payments due under that Act, such Indians shall be deemed to own the land on which their habitation is located.

(b) The United States shall purchase from each such Indian any habitation and other improvements owned by him on the area from which he is being moved. The purchase price shall be the fair market value of such improvements.

(c) In addition to the above payments, the Secretary shall pay to each Indian family moved pursuant to this Act the sum of $3,000 for indeterminable expenses and personal hardship.

SEC. 13. The Navajo Tribe shall pay to the Hopi Tribe the fair rental value as determined by the Secretary for all Navajo Indian use of the lands described in sections 2 and 5 of this Act subsequent to the date of this Act.

SEC. 14. The Hopi Tribe shall pay to the Navajo Tribe the fair rental value as determined by the Secretary for all Hopi Indian use of the lands described in sections 3 and 7 of this Act subsequent to the date of this Act.

SEC. 15. The Navajo Tribe and the Hopi Tribe may each commence or defend in the United States District Court for the District of Arizona an action or actions against each other for the following purposes:

(a) For an accounting of all sums collected by the Navajo Indian Tribe since September 28, 1962, as trader license fees or commissions, lease rentals or proceeds or other similar charges for the doing of business or the use of lands within the Executive Order Reservation of December 16, 1882. The Hopi Indian Tribe shall be entitled to judgment for one half of all sums so collected, together with interest at the rate of 6 per centum per annum.

(b) For the determination and recovery of the fair value of the grazing and agricultural use by the Navajo Tribe and its individual members since the 28th day of September 1962, of the undivided one-half interest of the Hopi Tribe in the Executive Order Reservation of December 16, 1882, outside of Land Management District 6, together with interest at the rate of 6 per centum per annum.

(c) For the adjudication of any claims that either the Hopi or Navajo Tribe may have against the other for damages to the lands to which title was quieted by the United States District Court for the District of Arizona in said tribes, share and share alike, subject to the trust title of the United States, without interest. The claims shall be limited to occurrences since the establishment of grazing districts on said lands in the year 1936, pursuant to section 6 of the Act of June 18, 1934 (48 Stat. 984).

Neither laches nor the statute of limitations shall constitute a defense to any action authorized by this Act for existing claims if commenced within two years from the effective date of this Act.

SEC. 16. The Navajo or the Hopi Tribe may institute such further original, ancillary, or supplementary actions against the other tribe as may be necessary or desirable to insure the quiet and peaceful enjoyment of the reservation lands of said Hopi and Navajo Indians by said tribes and the members thereof, and to fully accomplish all objects and purposes of this Act. Such actions may be commenced in the United States District Court for the District of Arizona by either of said tribes against the other.

SEC. 17. The United States shall not be an indispensable party to any action or actions commenced pursuant to this Act. Any judgment or judgments by the court shall not be regarded as a claim or claims against the United States.

SEC. 18. All applicable provisional and final remedies and special proceedings provided for by the Federal Rules of Civil Procedure and all other remedies and processes available for the enforcement and collection of judgments in the district courts of the United States may be used in the enforcement and collection of judgments obtained pursuant to the provisions of this Act.

SEC. 19. The Secretary is hereby authorized and directed to accomplish the followings:

(a) Survey and monument the boundaries of the Hopi Reservation as defined in sections 2 and 5 of this Act.

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. ASPINALL (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 Colorado?

There was no objection.

COMMITTEE AMENDMENTS

Mr. ASPINALL. Mr. Chairman, inasmuch as the committee amendments are all interwoven and inter-related and have to do with clerical errors and the description of lands and since these matters were discussed during general debate, I ask unanimous consent that the committee amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 3, line 7, strike out "northwest" and insert "north".

Page 3, line 13, strike out "¼" and insert "4¼".

Page 5, strike all of lines 3 through 25 and insert in lieu thereof the following:

thence south 27 degrees 30 minutes east, 4.9 miles to the top of the rim at temporary BM at 6133 on USGS map White Cave Springs 2SW:

thence due east 4.7 miles to the north boundary of the Black Mesa Slurry Pipeline right-of-way;

thence northeastly 26,900 feet following the north boundary of pipeline right-of-way;

thence north 54 degrees 30 minutes east 18,000 feet to the junction of two major drainages from the north;

thence north 82 degrees east 4,700 feet to a pickup road, passing through temporary survey station 6167 T;

thence northeasterly 15,600 feet following said road to a point where road bears abruptly southeast;

thence northeasterly 21,700 feet following the divide east of Black Mesa Wash to a point on a road 1,300 feet southwest of station VCAB 1–75;

thence southeasterly following the divide through station 7037 T, 6895 T, and 6804 T to station 6047 A;

thence easterly following the divide and southerly through station 4–236 A to the Second Mesa—Kayenta road right-of-way;

thence southerly 21 miles, following the east.

Page 6, lines 13 and 14, strike out "containing nine hundred and four thousand two hundred and sixty-five acres," and insert "the surface interests added to the Hopi Reservation containing nine hundred and five thousand one hundred acres,".

Page 6, line 21, strike out "section 2" and insert "sections 2 and 21".

Page 6, lines 24 and 25, strike out "nine hundred seventeen thousand eight hundred and fifteen acres," and insert "nine hundred sixteen thousand nine hundred and eighty acres,".

Page 7, strike out all of line 5 and insert in lieu thereof: "All such coal, oil, gas and all other minerals within or underlying said land shall be".

Page 7, line 7, strike out "such".

Page 7, line 8, strike out "or".

Page 7, line 18 through Page 9, line 13, strike out the present text and insert:

Beginning at a point on west boundary of Executive Order Reservation of 1882 where said boundary is intersected by R/W of U.S. Route 164;

thence south southwest along the center line of said Route 164, a distance of approximately 8 miles to a point where said centerline intersects the township line between Townships 32 and 33N, R. 12E;

thence west, a distance of approximately 9 miles, to the N corner of section 4, township 32N, R. 11E;

thence south, a distance of approximately 4¾ miles, following the centerlines of sections 4, 9, 16, 21 and 28 to a point where said centerlines intersect the R/W of U.S. Route 164;

thence southwesterly, following the centerline of U.S. Route 164, a distance of approximately 11 miles, to a point where said centerline intersects the R/W of U.S. Route 89;

thence southerly, following the centerline of U.S. Route 89, a distance of approximately 11 miles, to the south boundary of section 2, township 29N, R. 9E (unsurveyed);

thence east following the south boundaries of sections 2, and 1, township 29N, R. 9E, sections 6, 5, 4, etc., township 29N, R. 10E, and continuing along the same bearing to the northwest corner of section 12, township 29N, R. 11E (unsurveyed);

thence south, a distance of 1 mile to the southwest corner of section 12, township 29N, R. 11E (unsurveyed);

thence east, a distance of 1 mile to the northwest corner of section 18, township 29N, R. 12E (unsurveyed);

thence south, a distance of 1 mile, to the southwest corner of section 18, township 29N, R. 12E (unsurveyed);

thence east, a distance of approximately 9 miles, following the section lines, unsurveyed, on the north boundaries of sections 18, 17, 16, etc. in township 29N, R. 12E and continuing to a point where said section lines intersect the west boundary of Executive Order Reservation of 1882;

thence due north, along the west boundary of the Executive Order Reservation of 1882, a distance of approximately 27½ miles to the point of beginning; containing 208,600 acres, more or less.

Page 9, lines 24 and 25, after "sections" strike ou the remainder of the sentence and insert in lieu thereof: "1, 5 and 6 of that Act, as amended."

Page 10, line 13, strike out "ten" and insert "five" and strike out "10" and insert "20".

Page 10, lines 14 through 17, strike out "No movement of Navajo Indians onto any of the lands described in sections 2 and 5 of this Act or Land Management District 6 shall be lawful" and insert "No further settlement of Navajo Indians on the lands described in sections 2 and 5 of this Act or Land Management District 6, shall be permitted".

Page 11, lines 2, 3, and 4, strike out "No movement of Hopi Indians onto any of the lands described in sections 3 and 7 of this Act shall be lawful" and insert "No further settlement of Hopi Indians on the lands described in sections 3 and 7 of this Act shall be permitted".

Page 11, line 10 through page 12, line 20, strike out all of section 10 and renumber the succeeding sections accordingly.

Page 13, lines 3 through 18, strike out all of section 12 and insert a new section 11 as follows:

SEC. 11. There is authorized to be appropriated to remain available until expended the sum of $16,000,000, which the Secretary of the Interior shall expend as follows:

(a) If a majority of the Navajo heads of household being moved pursuant to this Act, who vote in a referendum conducted by the Secretary of the Interior, vote to use a part of the money appropriated to acquire land upon which all of the Navajo families being moved may be relocated if they so desire, the Secretary shall use for that purpose as much of the money as may be necessary. Title to the land acquired shall be taken by the United States in trust for the Navajo Tribe. The remainder of the money appropriated

shall be used, under regulations of the Secretary:

(1) to pay actual reasonable moving expenses of both Navajo and Hopi families who are being moved, and

(2) to pay the fair market value of any improvements left on the land from which a family is moved, and

(3) to pay the cost of a comparable replacement dwelling for each displaced family, reduced by the amount of any payment under paragraph (2).

(b) If the funds appropriated are not sufficient to pay all of the costs and expenses referred to in subsection (a), they shall be apportioned on an equitable basis pursuant to regulations of the Secretary. Appropriated funds in excess of the amount needed for such purposes shall be returned to the general fund of the Treasury.

(c) If a majority of those voting in the referendum provided for in subsection (a) do not favor the acquisition of Navajo tribal land for the relocation of all Navajo families being moved, the entire amount appropriated may be used for the purposes specified in subsections (a) (1), (2), and (3).

(d) No payment to or for the benefit of any one household under subsections (a) (1), (2), and (3) shall exceed $15,000.

(e) Improvements left on the land from which a family is moved may be sold by the Secretary of the Interior to the tribe that owns the land on which the improvements are located, or to any member thereof, at not less than their fair market value.

Page 14, after line 2, insert a new section as follows:

SEC. 14. Nothing herein contained shall affect the title, possession, and enjoyment of the lands heretofor allotted to individual Hopi and Navajo Indians for which patents have been issued. Hopi Indians living on the Navajo Reservation shall be subject to the jurisdiction of the Navajo Tribe and Navajo Indians living on the Hopi Reservation shall be subject to the jurisdiction of the Hopi Indian Tribe.

Page 14, after line 2 and following the new section 14, insert the following new section:

SEC. 15. The Secretary of the Interior and his authorized representatives are hereby authorized and directed to immediately commence reduction of all the livestock now being grazed upon the lands within the joint-use-area of the 1882 Executive Order Reservation and complete such reductions to carrying capacity of said lands, as determined by the usual range capacity standards employed under title 25, Section 151.6 of the Code of Federal Regulations, within one year from the effective date of this Act.

Page 14, strike all of lines 3 through 8 and insert the following, renumbering the succeeding sections accordingly:

SEC. 16. The Hopi Tribe may commence an action or actions against the Navajo Tribe in the United States District Court for the District of Arizona for an accounting of all sums collected by the Navajo Tribe since September 17, 1957, as trader.

Page 14, Strike all of line 15 through page 15, line 9.

Page 15, line 18, strike out "other." and insert

other, acting through the Chairman of the respective tribal councils, for and on behalf of said tribes, including all villages, clans, and individual members thereof.

Page 16, lines 6 and 7, strike out "accomplish the following: (a) Survey" and insert in lieu thereof: "Survey".

Page 16, strike out lines 9 and 10.

Page 16, after line 10, add a new section as follows:

SEC. 21. The members of the Hopi Tribe shall have perpetual use of Cliff Spring as shown on USGS 7½ minute Quad named Toh Ne Zhonnie Spring, Arizona, Navajo County dated 1968; and located 1,250 feet west and 200 feet south of the intersection of 36 degrees, 17 feet and 30 inches north latitude and 110 degrees, 9 feet west longitude, as a shrine for religious ceremonial purposes, together with the right to gather branches of fir trees growing within a 2 mile radius of said spring for use in such religious ceremonies, and the further right of ingress, egress and regress between the Hopi Reservation and said spring. The Hopi Tribe is hereby authorized to fence said spring upon the boundary line as follows:

Beginning at a point on the 36 degrees, 17 feet, 30 inches north latitude line 500 feet west of its intersection with 110 degrees, 9 feet west longitude line, the point of beginning;

thence, north 46 degrees, west 500 feet to a point on the rim top at elevation 6,900 feet;

thence southwesterly 1,200 feet (in a straight line) following the 6,900 feet contour;

thence south 46 degrees east 600 feet;

thence north 38 degrees east, 1,300 feet to the point of beginning, 23.8 acres more or less. *Provided*, That if and when said spring is fenced the Hopi Tribe shall pipe the water therefrom to the edge of the boundary as hereinabove described for the use of residents of the area. The natural stand of fir trees within said 2-miles radius shall be conserved for such religious purposes.

Page 16, line 12, strike out "such sums as are necessary" and insert "not to exceed $16,000,000".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, 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. 11128), to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes, pursuant to House Resolution 1054, 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 bill was passed.

A motion to reconsider was laid upon the table.

SELECTION OF ARCHITECTS AND ENGINEERS

Mr. BROOKS. 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. 12807) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

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. 12807, with Mr. STEED 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. BROOKS) will be recognized for 30 minutes and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, in April 1967, the Comptroller General submitted an audit report to the Congress that was duly referred to the House Government Activities Subcommittee, which I serve as chairman, recommending that Congress clarify Federal procurement laws relating to the selection of architects and engineers. The Comptroller General, in his report, concluded that the traditional method of AE selection that had been used for some 30 years was of questionable legality, but that he would not impose his ruling on the departments and agencies until Congress had an opportunity to clarify the law.

The subcommittee made an extensive review of the Comptroller General's report and concluded that the traditional system of AE service procurement then in use in the Federal Government, as well as by practically everyone in private business and industry, constituted the best approach for Government agencies to take in acquiring these essential services.

Under this system, AE firms are ranked on the basis of their qualifications and experience to perform a particular project, and then fee negotiations are undertaken with the firm considered to be the most qualified. Based upon an evaluation of these proposed costs, if he refuses to agree to a fair and reasonable price, then these negotiations are canceled, to be taken up with the next most qualified individual or firm.

As there is no standard of performance available at the time of contract, this unique approach must be used to provide the Government with the highest quality plans and specifications. If routine contract negotiation procedures were used and the amount of the fee to be paid the AE firm discussed incident to the determination of qualifications, less responsible firms could quote a lower fee and have an advantage in obtaining the contract, and then make up for the reduction in fee by delivering lower quality plans and specifications to the Government.

More than 5 years have elapsed since the Comptroller General initially sub-

mitted his report to the Congress. the House approved comparable legislation during the last Congress, which unfortunately, was not approved by the Senate before adjournment. We must clarify the legality of these procedures without further delay.

If at some future time the recommendations of the Fedeal Procurement Commission suggest a more effective procurement approach, then Congress can act affirmatively on such recommendations.

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

Mr. Chairman, I rise in support of H.R. 12807 which regulates the procedure by which the Federal Government procures architectural and engineering services.

The distinguished chairman of the subcommittee has presented in detail the background factors that justify and make necessary the enactment of this legislation. I need not take the time of this body to elaborate upon this to any great extent. Allow me to say, however, that we are here today to preserve the general status quo in the Federal Government's procedures in procuring architectural and engineering services.

In 1967, the Comptroller General concluded that A. & E. services were being procured by Federal agencies in violation of the competitive negotiation requirements of Federal procurement law and regulation in that price is not made a foremost consideration at the time applicants' proposals were being considered. Instead, agencies at the initial stage review primarily the qualifications of the applicants and their general design concepts in keeping with the type of project under consideration and manner of services required. The outer limits of project costs are considered at this initial stage, as are the general design concepts, but the intricate specific details are reserved for the subsequent stage.

By adhering to the above procedures, Federal agencies maintain a flexibility in the procurement of A. & E. services. Once the broad nature of the services required are made public, any and all firms are free to propose performing the work in as innovative, original and unique a manner as possible. The type of services required and the outer limits of costs place parameters on that which can be reasonably proposed, but within these rather broad boundaries, the incentive is conferred upon all qualified firms—large and small—to use their talents and imagination to come forward with the most rewarding type of plans.

Following this preliminary stage, the Federal agency selects that firm which it believes most qualified to perform the task. And enters into specific cost negotiations. If a satisfactory contract cannot be negotiated, the agency will commence negotiation with the firm it considers next most qualified; and so on until a satisfactory contract is agreed to.

The above procedure, as I indicated above, is the one which H.R. 12807 seeks to keep in effect. Although the Comptroller General interpreted Federal law and regulations as disallowing the continuation of the above type procedure, he determined that such should remain in effect until Congress had legislated the type of procedure it thought most efficient and effective.

In the 91st Congress, the House passed a bill very similar to the one before you. The closing rush of business, however, prevented the Senate from taking action.

We are here again, therefore, to act as the Comptroller General suggested.

There are those, including the distinguished chairman of the Government Operations Committee and the Comptroller General, who take exception to the bill before us. They claim that the legislation will impede adequate price competition in the procurement of A. & E. services; and also that it will set a bad precedent as far as the procurement of other professional services are concerned While I have great admiration for the opponents of the bill and while I applaud their sincerity in urging economy in government, I do not believe they have made their case.

The procurement of professional services is difficult and complicated. There is little correlation between the procurement of such services and the purchase of durable items and supplies. The heart of the former is the unique capability of the mind—incapable of hard and fast measurement, as in the case of a physical item. When one seeks to acquire the services of a physician, surgeon, lawyer, or architect or engineer, one is looking for competency and training, and also for originality, innovation and inspiration. Directing our attention to A. & E. services, the choice of procurement must not lie solely on the basis of price alone. Rather, such must be based upon that design or proposal which can most capably and efficiently do the job over a period of time. It may be hackneyed, but the old saw about being pennywise and pound foolish seems highly appropriate in this case. This is to say, if procurement of such services are limited strictly to price competition, a tolerable building or structure might be constructed but it could well prove to be far less durable in the long run and maintenance costs might be doubly large. Moreover, it might be so ugly in appearance that its shorter lifespan could become a joyful relief.

I find it most interesting that while those who oppose H.R. 12807 do so primarily because it retains flexibility in price, they fail to cite, to my knowledge, an instance where existing procurement procedures—those we are here seeking to preserve—have produced an inferior design or led to the charging of an excessive fee. On the other hand, I have considerable concern that too great an accentuation on price will ultimately lead to the procurement of inferior buildings and structures.

I am as concerned about economy and efficiency in Government as anyone. If I believed that enactment of this bill would produce unacceptable costs or lead to unreasonable profits, I could not support it. To the contrary, however, I am convinced that retention of the present time-tested procedure will assure the greatest cost efficiency, taking all factors into consideration.

Can there be any doubt that if we required cost and fees to be considered at the earliest stage of negotiations, as opponents of this bill urge, that such will become the primary consideration guiding the procurement of A. & E. services? This can only lead to acceptance by Federal agencies of the lowest cost offer. If they did otherwise, under such circumstances, the lowest bidders would undoubtedly file bid protests, initiate court actions, and demand congressional investigations. In no time at all, Federal agencies would be cowed into awarding contracts for services to the lowest priced bidders. What deterioration in design this would lead to can only be imagined. The corner-cutting on price, the stereotyping of designs, the overall cheapening of projects can be the only outcome. I do not consider this wise; nor do I consider it good government.

It needs to be stressed in connection with the above, that I can only foresee harm to the cause of small business if H.R. 12807 is not enacted. Under the procedures to be codified in this bill, the procuring agency will be in a better position to confer awards upon small businesses who demonstrate originality and innovation, as well as competency, even if their cost proposals may not be the lowest. If, however, price becomes the major criterion, the large concerns are going to be able to absorb costs and lower prices to drive out small A. & E. firms. Similarly, the advancing of cost considerations to an earlier stage—as opponents of the bill advocate—will require A. & E. firms to prepare detailed and costly designs, plans, models, drawings, and specifications for submission with bids involving price. The great expense thus involved when measured against the prospects of receiving an award will generally limit competition to the larger firms which can afford to absorb such costs.

Finally, to those Members who urge delay in enacting this legislation until the Procurement Commission has acted, I appreciate their reasoning but respectfully believe we in Congress are fully capable of acting on this matter with the record before us. This issue has been pending for sufficient years now so that our action here can be taken in confidence without fear of making a serious mistake. If anything uncovered by the Procurement Commission should make us change our minds, then we can correct that in a future Congress. I feel I can urge action now with such assurance because I am only requesting the preservation of the status quo which has served us well to date.

Mr. Chairman, I urge support for H.R. 12807.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. GRIFFIN).

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

Mr. Chairman, I rise in support of H.R. 12807. Being the author of H.R. 157, a similar bill, I am particularly interested in this measure.

The history of this legislation goes back to 1967 when the Comptroller General cast doubts upon the legality of the traditional method of competitive ne-

gotiations for architectural-engineering services procurement. The Comptroller General suggested in his report that the amount of the fee to be charged by the architect or engineer be directly considered incident to the evaluation of relative qualifications and experience in the selection of their services. It was the concern of the Comptroller General that the broadest possible competition be insured in the procurement of such services. I certainly concur in his concern but I feel that the best manner to insure such competition is in the traditional manner as provided for by this legislation.

Believing that the traditional approach that has operated to the best interest of both the public and the Government for many years, I introduced legislation in the 91st Congress that would have put this approach in statutory form. My bill was similar to H.R. 16443 which was adopted by this House on November 30, 1970. However, this legislation was not considered by the Senate.

Again at the beginning of the 92d Congress, I introduced this legislation, H.R. 157. This bill is almost identical to H.R. 12807, now before this house.

Under the traditional approach as reflected in this legislation, members of this profession compete on the basis of their qualifications and experience. Then the firm or individual deemed to be the most qualified to design a particular project would be granted a contract assuming that after thorough negotiation he was willing to perform the work at a fee that is considered fair and reasonable to the government. This is called a competitive negotiation system. Any architectural or engineering firm interested in performing a project can have its qualifications and capability to design a project first ranked. Certainly, there are many firms that might be able to do a particular project. However, there are numerous considerations that must enter into the decision to insure quality, and which suggest the relative capability of the firms. Such variations as experience and expertise in government work might enter into this determination.

After the architectural-engineering firms have been ranked in order of qualification, the traditional approach of procurement, as reflected in this legislation, provides for fee negotiation with the highest ranking firm. If after the negotiations, the firm fails or refuses to accept the contract at the price the government considers fair and reasonable, then the next highest ranking firm begins negotiation.

As you can see, under this system, the government has the opportunity to acquire the services of the most qualified architects and engineers at a fair and reasonable cost determined by the government. This system protects the interests of the taxpayers. An architect or engineer must, having first demonstrated his qualifications in competition, negotiate his fee and demonstrate that, on the basis of the project, it is fair and reasonable. If a firm's position is found to be unreasonable, then negotiations can terminate and begin with the next ranking firm. This in no way destroys or limits competition as some would have us believe.

On the contrary, I believe it improves it. This system adds a new dimension to competition, that of quality and experience. If we were to change this method to allow procurement with first the amount of fee the factor in the selection of the architect-engineer, then each architect-engineer would be pressured to lower his fee, as well as the quality of his work. While many quality firms would be limited in their competition because of the fee, many firms which lack skill and experience can compensate for their deficiencies in the competition with lower fee quotations. There is no doubt but that there are numerous firms that could quote low fees, but can they perform quality work? Such an approach would force the Federal Government to compromise on quality. I do not think that such would be in the best interest of the American people.

Certainly, the taxpayer and this Government might achieve a cheaper project cost from an architect-engineer initially, but it would run the risk of lowering quality that can result in higher costs in the long run. It would definitely be difficult to justify such when we can easily insure against its occurrence. I think we would be doing a much greater service if we can insure quality for our money also.

The legislation that I have sponsored, and which is before us today, helps to insure that the best qualified architectural-engineering firm will be procured at a fair and reasonable cost to the Government. This approach has met with great success for many years and I think it imperative that we place this method in statutory form. I do not believe we can afford to sacrifice quality in design that a change in procurement procedure might bring about. I think it is in the best interests of the Government, and the American taxpayer, that this legislation be adopted.

Mr. Chairman, I urge approval of H.R. 12807.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Government Operations Committee, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to H.R. 12807, relative to the procurement of architect-engineer services by the Federal Government. The reasons why I oppose this bill are set forth in my dissenting views to the legislative report. See House Report 92–1188, page 26. I will include these views as part of my remarks. Also, I will include a letter from the Comptroller General of the United States, dated July 25, 1972, restating and affirming opposition to H.R. 12807. The Department of Justice and the Office of Management and Budget also are opposed to its enactment.

Mr. Chairman, this bill, to put it in the bluntest terms, is special-interest legislation. It is designed for the aid and comfort of certain professional groups. It is the result of an intense lobbying effort. According to an account in Business Week of June 10, 1972, the American Institute of Architects assessed its 24,000 members $10 a head for a special fund to launch a legislative campaign. The purpose of that campaign is to overcome the effects of antitrust actions by the Department of Justice, which has obtained consent decrees in antimonopoly suits against several professional societies which bar price competition in their codes of ethics. To date, consent decrees apply to the American Institute of Architects, the American Society of Civil Engineers, and the American Institute of Certified Public Accountants.

H.R. 12807 is a bad bill for many reasons:

It is against the letter of the procurement laws.

It is against the spirit of the antitrust laws.

It sets a bad precedent for other groups to seek special exemptions from the procurement and antitrust laws.

It tries to preempt the findings and recommendations of the Commission on Government procurement, which will report on this and other subjects later in the year.

It is detrimental, in my opinion, to the opportunities for new and innovative firms to get Government design or engineering contracts.

It is awkwardly drawn and out of context with other legislation relating to the procurement of goods and services by the Federal Government.

In sum, it is bad law and bad policy.

Let me touch briefly on each of these points.

The bill is against the letter of the procurement laws because these laws call for competitive negotiations. The Comptroller points out that architect-engineer or other professional services are not exempt from the law. Competition in this context does not necessarily mean price competition. It can mean technical competition. This bill insulates architect-engineer services from meaningful competition.

The bill is against the spirit of the antitrust laws. You will hear it said by sponsors of the bill that it does not violate the antitrust laws. Whether it does or does not, certainly the bill is anticompetitive in its thrust and direction. Why else would the Attorney General be conducting lawsuits and obtaining consent decrees?

The bill is bad precedent. Architect-engineer services are not that clearly defined. They merge into other technical and professional services procured by the Federal Government. Does "architect" include "landscape architect"? Does "engineer" include "sanitary engineer"? Where does the definition end? And if one group is exempt from competition, why not another group? Soon the procurement laws would be undermined.

The bill tries to preempt the findings and recommendations of the Commission on Government Procurement. That Commission is a creature of Congress. It was created to advise the Congress on statutory and administrative improvements in the procurement area. Its report will be available by December 31 of this year. Why the rush to enactment?

I ask, why the rush? The sponsors of the bill say all it will do is put into law what has been done in practice. If so, there is no need for haste. What has been done for 30 years can continue for a few more months. Why not wait for

the considered findings and recommendations of an expert group?

This bill is detrimental to opportunities for new business and small business in professional areas. A special survey by the Comptroller General, cited and summarized in my minority views, shows that the bulk of architect-engineer contracts are awarded to a small number of large firms. Twenty architect-engineer firms receive 60 to 75 percent of the Government business.

This bill is awkwardly drawn and out of context with the procurement laws. It does not amend the Armed Services Procurement Act. It does not amend the procurement title of the Federal Property Act. It creates a new title IX, tacked on to the Federal Property Act, and not only raises problems of interpretation but literally requires the agency head to negotiate the contracts. My dissenting views discuss the legislative complexities.

In sum, Mr. Chairman, H.R. 12807 is bad law and bad policy. It is special-interest legislation. It is anticompetitive. It sets bad precedent. It distorts the procurement legislation. And worst of all, perhaps, it denies the flexibility needed by the Government procuring agencies in determining what will best serve the Government's interest.

Mr. Chairman, later on, when the committee is in the House, I will ask permission to insert some additional material in the file, including the letter from the Comptroller General under date of July 25, so that it may be cleared for the other body.

I might say that this bill or a bill similar to this passed the House once before and it never was passed in the Senate. I predict the same thing will happen to it over there.

Mr. Chairman, the material is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 25, 1972.

HON. CHET HOLIFIELD,
Chairman, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: In response to your request, we are furnishing you our comments on H.R. 12807, 92d Congress, as reported out by the House Committee on Government Operations on June 28, 1972. (House Report No. 92–1188).

H.R. 12807 would amend the Federal Property and Administrative Services Act of 1949 to establish Federal policy with respect to the selection of firms and individuals to perform architectural, engineering and related services for the Federal Government. In our letter of April 10, 1972, printed on page 13 of the House report we recommended that H.R. 12807, as introduced, not be favorably considered because the bill would establish a method of procurement for architect-engineer services which would not allow for sufficient competition. We also expressed the view that action on the bill should be postponed until the Congress has had an opportunity to consider the views of the Commission on Government Procurement, which is considering the procurement of professional services, including architect-engineer services.

We have carefully reviewed our previous recommendation in light of H.R. 12807 as reported by the Committee and we find no basis for changing our views.

Section 902 in part declares it to be the policy of the Federal Government to secure architectural and engineering services on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices. We, of course, endorse this objective. We do not, however, believe that the selection procedures provided for by H.R. 12807 are best for achieving this goal. As I stated in my testimony on H.R. 12807 before the Subcommittee on Government Activities (printed on pp 14–16 of the House report) the concept of competitive negotiation can be successfully applied to the procurement of architect-engineer services without adversely affecting the quality of the services to be provided. I would emphasize that it has been applied to the procurement of other professional services such as management counselling and research and development without adverse effect.

Let me stress again at this point that competitive negotiation is not to be confused with the formalized competitive bidding procedures which generally require award to the responsible bidder submitting the lowest price providing the bid is responsive to the Government's advertised requirements. Competitive negotiation contemplates the consideration of factors in addition to price. The contracting agency is charged with the responsibility of awarding a contract for the required services to the best advantage of the Government, "price and other factors considered." Under competitive negotiation procedures, a consideration of "other factors" pertinent to the procurement may well require the contracting officer to select one offeror over another offeror submitting a lower price.

By committee amendment, section 902 contains a further policy declaration that the "Federal Government * * * publicly announce all requirements for architectural and engineering services * * *." As noted in your views on H.R. 12807 a survey made by our Office showed that the top twenty architect-engineer firms selected by the major Federal procurement agencies during fiscal year 1971 received the bulk of awards in terms of dollar value. Thus, this declaration is, in our view, a helpful step in increasing the opportunity for architectural and engineering firms to participate in the Federal Government's procurement of services.

Section 903 sets forth a mandatory procedure to be employed in the selection of contractors to perform architect-engineer services. As the first step in the selection procedure, the agency head would invite architect-engineer firms to submit statements of qualifications and performance data in accordance with the terms of the solicitation. Issuance of a solicitation would, of course, be necessary to comport with the policy declaration of section 902 requiring notice of the Government's requirements. In addition to the responses to the solicitation, the agency would also review and evaluate the annual qualification and performance data filed by architect-engineer firms. Section 903, as amended, would then require the agency head to "conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required." This requirement takes the place of the proviso to section 904(a) of the original bill which is eliminated. The proviso would have afforded the agency head an option to "request alternative methods of approach to the solution of problem and concepts of the scope of services required."

That discussions before selection are mandatory is an improvement in H.R. 12807. However, from the standpoint of fostering competition it seems to us that the real question is the scope and content of the required discussions. With respect to the effect of the discussion requirement, the Report (at p. 8) states:

"This new language assures as extensive an evaluation of alternative approaches and design concepts as is possible without requiring actual design work to be performed by the firms that are interested in obtaining the design contract.

"Unless the Government were willing to pay more than one A/E firm for their services before the time of contract, it is unrealistic to expect any firm to design the structure that is subject to the contract without some type of remuneration. * * *."

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"The language, of course, does not preclude the submission of such material on the part of any firm. However, this additional work, unless supported by clear manifestations of qualifications and excellence, should not be given undue consideration * * *."

It is recognized that appropriate agency implementation would be necessary to carry out section 903. However, the intent of section 903, as stated in the Committee report, militates against the meaningfulness of any discussions of design concepts both as to content and overall impact on the selection process. Also, total project costs seems to play little part in the discussions contemplated by section 903. As I said in my testimony, the Government's primary interest in this area should be with the total cost of construction, whether the design will be both functional and esthetic and whether the design will produce the lowest life cycle costs of the facility. Section 903 does not afford the agency head the latitude to explore thoroughly the factors necessary to a decision of which design approach offers the lowest total-life cycle cost for the proposed facility. The cost of architect-engineer services (which admittedly account for a small percentage of the total construction costs) should not be controlling. The design and life cycle costs are the pertinent factors that must be assessed if an intelligent judgment is to be made. The architect-engineer proposed fees should become decisive only when two or more firms making proposals are found to be equal in all other areas.

Finally, we renew our recommendation that legislative action be postponed pending the Commission on Government Procurement report on the procurement of professional services which will be made in December of this year. Passage of H.R. 12807 at this time would deny to the Congress the benefits of the Commission's report. During my testimony on H.R. 12807, I referred to the need to assess the anti-competitive nature of the architect-engineer selection procedures required by the bill. Since that time consent decrees eliminating the anti-competitive provisions of the codes of ethics of various professional societies have been approved by the courts. In view of these current developments, we think that it is even more important that the Congress should have the opportunity to consider the views of the Commission before acting. The question is not whether H.R. 12807 violates the anti-trust concept; rather, it is whether the Government as a major user of professional services should sanction in legislation a non-competitive philosophy.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

DISSENTING VIEWS OF HON. CHET HOLIFIELD

I am opposed to H.R. 12807 as reported from the Committee on Government Operations. This is, in a sense, special-interest legislation. It would freeze into law certain procurement practices with regard to architectural and engineering services. The Comptroller General has criticized these practices as not conforming to the basic procurement laws and as depriving the Government of the benefits of competition in this procurement area.

The issue, at bottom, arises from a statutory requirement for *competitive negotiations* when procurement by formal advertising is not feasible. This requirement is carried in the Armed Services Procurement Act.[1] There is no comparable provision in the Federal Property and Administrative Services Act, but the General Services Administration has entered the substance of the requirement in the Federal Procurement Regulations.[2]

Although the Armed Services Procurement Act does not exempt architect-engineer services from the requirement for competitive negotiations, the Federal departments and agencies generally treat them in a manner different from other negotiated procurements. It is customary to negotiate with a single firm selected as the most qualified on the basis of information on file or otherwise obtainable. In the event the negotiation is not successful because of disagreement about the fee, the next firm in order of qualification is chosen for negotiation.

The Comptroller General, after making a study of this procurement area pursuant to a directive from the Congress,[3] decided that the prevailing procurement practice did not accord with the statutory requirement for competitive negotiation. Recognizing, however, that this was a controversial area lacking a clear statement of congressional intent, he signified willingness to defer action to effect compliance with the law pending congressional clarification of the subject.[4]

Professional organizations of architects and engineers have lobbied strenuously for this bill to prevent possible action by the Comptroller General which would introduce competitive negotiations for the procurement of their services by the Government.[5] From their viewpoint, exempting legislation takes on added urgency and importance because a number of them have been the subject of suit by the Department of Justice for violation of the antitrust laws. The violation stems from agreements in professional codes of ethics not to engage in price competition for services sought by clients. Consent decrees have been obtained by the Department of Justice in three instances to date, resulting in the elimination of the price ban from codes to ethics. The American Society of Civil Engineers, the American Institute of Architects, and the American Institute of Certified Public Accountants have signed consent decrees.

H.R. 12807 does not, by itself, exempt architects and engineers from the antitrust laws, which apply to private as well as public business. What this bill does is constrain the Government from engaging in competitive negotiations for the procurement of their services, and it relieves architects and engineers from the obligation to compete on a price basis in dealing with the Federal Government. In this sense, the bill is anti-competitive and against the spirit of the antitrust laws.

The issue of price competition in this context has to be examined more closely. The statutory requirement for competitive negotiations is not limited to price. It includes competition on a technical basis. These factors of price and technique are closely interwoven. Thus, if architectural or engineering designs submitted by several competing offerors were judged equally satisfactory, it would be proper to make an award decision on the basis of the price (fee) most favorable to the Government. In another and more important sense, technical competition can yield a design which, even at a higher fee, could result in lower total costs, considering construction or maintenance and other costs incurred over the life of a project.

H.R. 12807 would prevent the Government from requesting competitive proposals for architect-engineer services in the search for innovative techniques and money-saving solutions. The only competition permitted by the bill is the ranking of firms for one-at-a-time negotiation, not the ranking of proposals for comparative evaluation. This means that the blue ribbon professional firms, those that are larger and longer-established, always get first crack at the Government business. Although some Government spokesmen contend that small architectural and engineering firms are given ample opportunity to obtain contract awards, the fact is that the awards are highly concentrated and the small firms are confined to the small jobs.

A special survey, made by the Comptroller General at the request of a Member of the subcommittee handling the bill, shows that the top 20 architect-engineer firms selected by each of three Government procuring agencies, during fiscal year 1971, received the bulk of the awards in dollar terms. The National Aeronautics and Space Administration awarded 77 percent of its architect-engineer business to the 20 top firms, the General Services Administration awarded 71.6 percent, and the Department of Defense awarded 61 percent. Only in the case of the Corps of Engineers (civil functions) did the percentage drop to 40.5 percent, probably reflecting the wider geographical and functional dispersion of the Corps' activities.

Great fears have been expressed by sponsors of this bill and if competitive proposals are required for each project, then the competition inevitably will become one of price bidding; and that the Government, in consequence, will be driven to select the inferior firm with the lowest offer at great risk to the quality of performance. The argument frequently is cast in terms of advertising for sealed bids. In my opinion this is a complete bugaboo. No one is suggesting that professional services of this kind be purchased through advertising and sealed bids. Architect-engineer services are negotiated. The Comptroller General does not contend, and neither do I, that architect-engineer firms should be selected simply on the basis of the lowest fees offered. The real point is that unless the Government has an opportunity to receive and evaluate competing proposals for the best way to get a job done, it will not be able to assure itself that the public interest is fully served. There is a proper place for competition in the procurement of architect-engineer as well as other kinds of services.

It is my belief that if we intend to effect improvements to the procurement rules currently in effect, we should strive to encourage the kind of competition which will produce better ideas, which at the same time are likely to be more economical to the Government. A good technical proposal, written in terms of a specific project, and spurred by competition, may well produce a new and worthwhile concept that will reduce the cost of construction or maintenance. To me, there is no assurance simply in the reputation or past performance of individual firms that the Government will obtain the most advantageous ideas and plans for a particular size or type of building or facility. It may be that the firms are mainly concerned with how their fees are computed, but the procuring agency should be most concerned about the total cost of the project and the intrinsic values of the ideas which different firms may have.

This bill would prevent such competition. Therefore, it sets a bad procedure, for Government procuring officers should not be prevented by statute from using their best judgment in choosing the most advantageous way to serve the public need. At the very least, procurement officers should have an option to invite competitive design proposals. This bill does not even accord them that option.

When an earlier version of this bill was brought to the House floor in the fall of 1970, an amendment proposed by a Member from Texas (Mr. Eckhardt) would have permitted procuring agencies to consider alternate conceptual designs in terms of feasibility and cost before entering into contract negotiations.[6] It would have given the procuring agencies some measure of flexibility in selecting the best qualified firm after comparing proposals. That amendment was adopted, and the bill passed the House but failed of passage in the Senate.

Even that modest gesture toward competition is eliminated from the present bill. H.R. 12807, as reported, does carry some awkward language requiring agency heads to conduct discussions with no less than three firms in ranking their qualifications for negotiation. It should be clearly understood that this language does not authorize competitive negotiations or comparative evaluations of specific proposals from architect-engineer firms. To emphasize the point, this language is not even carried in the section of the bill dealing with negotiations.

The bill also is bad precedent. I can foresee that if the bill is enacted, the door is opened to removing other technical and professional services from competition. Many other services are just as technical, sophisticated, and demanding as architect-engineer services. Why should we fence off by statute the procurement of these services, and then open the gate to other similar demands?

The bill is not only bad procedure and bad precedent, it is badly drawn. If the intent were simply to make it clear that architect-engineer services are not subject to the statutory requirement for competitive negotiation, then that purpose could have been effected by an amendment to the applicable section of the Armed Services Procurement Act or to the procurement title (III) of the Federal Property and Administrative Services Act. This bill does neither. It proposes a new title IX to the Federal Property and Administrative Services Act, with some new definitions and some new procedural language of uncertain meaning and application.

For example, the bill requires that contracts for architect-engineer services shall be negotiated by the "agency head." This term is defined to mean "the Secretary, Administrator, or head of a department, agency or bureau of the Federal Government." The

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[1] 10 U.S.C. 2304(g).

[2] 41 CFR 1-1.301-1, 1-3.101(c), 1-3.805-1 (a). The prefatory statement in section 1-3.805-1 contemplates that the procedures, as outlined, may not be applicable in some cases. Architect-engineer and other "special services" are mentioned by way of illustration. There is no mandatory exemption for such services, unlike the provisions of H.R. 12807.

[3] House Report No. 80-1748, July 20, 1966, p. 10. The study was initiated after the National Aeronautics and Space Administration sought unsuccessfully to get a waiver of statutory fee limitations in the procurement of architect engineer services. The fee issue is not treated to H.R. 12807.

[4] Report to the Congress by the Comptroller General of the United States, "Government-wide Review of the Administration and Certain Statutory and Regulatory Requirements Belating to Architect-Engineer Fees" (B-152306), April 1967, p. 33.

[5] According to an account in *Business Week*, June 10, 1972, p. 20, the American Institute of Architects assessed each of its 24,000 members $10 for a special fund to start a legislative campaign at the Federal and State levels to prohibit competitive bidding for architectural services.

[6] CONGRESSIONAL RECORD, vol. 116, pt. 29, p. 39084.

bill makes no provision for delegating this negotiating function to r procurement officer. One might suppose that the delegation is implied, except for the fact that the existing authority of the GSA Administrator or other agency heads to delegate is spelled out specifically with respect to property management in title II of the law, procurement in title III, and foreign excess property in title IV.[7] The failure to spell out such authority in H.R. 12807, which is a new title, would seem to impose upon agency heads the burden of personally negotiating for the procurement of architect-engineering services.

Finally, the bill is badly timed. The Commission on Government Procurement, which was created by the Congress to study Government-wide procurement policies, procedures, and practices and make recommendations for improvement, will submit its report to the Congress by the end of the year.[8] The procurement of architect-engineer services has received intensive study and will be one of the matters included in the Commission report. Before legislation on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

CHET HOLIFIELD.

Mr. BUCHANAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman and members of the committee, I am opposed to taking action on this bill at this time.

I am one of the two members of the Procurement Commission appointed by the House. Mr. HOLIFIELD, who has just spoken, is the other member. I served on the Government Procurement Commission, and that Commission, as you know is a statutory Commission which was appointed by the Congress with the purpose of making an indepth study of the many complex issues in the procurement of goods and services by the Federal Government. This Commission is mandated by law to submit its report to the Congress at the end of this year. As a matter of fact, Mr. HOLIFIELD and I have left a meeting of that Commission in process now, at the Capitol, in a 4-day session in connection with its deliberations. The Commission intends fully to discharge its mandate of reporting to the Congress by the end of this year. It seems to me it is ill-advised to take action on this bill now with regard to architect-engineer services prior to the time the Commission, which made an indepth study of this matter, makes its report.

I invite your attention to the report. There is a letter at the bottom of page 23 and the top of page 24 signed by the chairman of the Procurement Commission, Mr. Perkins McGuire, in which he points out two of the 16 study groups of the Commission submitted material on this matter which we have under consideration here today.

I was one of the commissioner advisers to the task force subcommittee which made a study in this area. We are now in the process of making our deliberations.

I might also point out there is at the present time no action going to be taken by the Comptroller General or by the Attorney General or by the Office of Management and Budget with regard to the present practice until after the Commission makes its report. So I see nothing that would be harmed by leaving the situation as it is.

So, Mr. Chairman, I personally feel it is ill advised, especially in view of the fact that the Commission has this matter under active consideration. The Commission had the opportunity to look into the matter in depth, and the Congress ought to wait, I believe, until the Commission has had an opportunity to make its report and its recommendations.

What we are doing essentially, if we enact this legislation, is to say by statute that this shall be the manner in which the procurement of architect and engineer services shall be done in the future. I think it would be much better for us to wait until we have had an opportunity for the recommendations of the Commission to be made public and for that report to be made to the Congress.

I think also, if you want to talk about the subject matter itself, that there are some other factors that ought to be considered. One of the points that is made in the argument for the enactment of this legislation is that the Comptroller General and others are advocating primary reliance upon price competition. I happened to have been an attorney before I came to the Congress, and in that profession I certainly did not feel that professional services should be based primarily on price competition. The services of doctors or lawyers, architects or engineers, should not be contracted for on just the price basis. Rather, other factors must be considered that can provide excellence within a competitive framework. Such sophisticated matters must be fully considered in any proposed legislation.

I would hope that the Congress would not pass this legislation at this time, but would await the results of the recommendations of the Procurement Commission, and then at that time take action based upon a careful consideration of that which has been recommended by the Procurement Commission.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise first to commend the chairman of the subcommittee who has served as a member of this subcommittee for a number of years and, second, I take this time to direct a question to the gentleman for the purpose of clarification of the legislation, and also for the purpose of making some legislative history.

Mr. Chairman, I would like to know whether, in your opinion, the services of landscape architects would come within the confines of the proposed legislation?

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, the bill would cover the various types of architects insofar as the term implies that the individual is professionally trained and qualifies under appropriate State law to practice the profession. The bill does not extend to other types of services, but, of course, does not exclude the use of this approach for the procurement of other types of services when allowed under appropriate provisions of law, regulations, or practice.

Insofar as landscape architects are concerned, this bill would apply when the controlling jurisdiction, under appropriate registration laws, requires that persons acquire and maintain a proper level of professional excellence.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman very much for his reply.

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

Mr. BUCHANAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time in order to concur in the answer given by the chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) as to landscape architects being included where the State or licensing authority would so consider them as architects.

I appreciate the gentleman from Pennsylvania (Mr. MOORHEAD) raising the question. I hope this will clarify it for the record, that we concur in the answer given by the Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of H.R. 12807. The legislation is needed. It is needed to clarify the situation with regard to the Government's relationship to architects and engineers.

The General Accounting Office's opinion, which raised questions about the relationship between government and A. & E.'s, has been interpreted differently by various agencies. Some are requiring bids, others are not. The GAO persists in its position that A. & E.'s must submit price quotations unless Congress clarifies the law. Agency personnel, faced with the uneasy prospect of acting contrary to GAO's recommendation, are beginning to bend to the pressure.

Within the last several months, in response to an objection raised over a Geological Survey invitation to engineers to submit price quotations with their qualifications to perform a particular job, the agency told the National Society of Professional Engineers:

I'm sure you recognize that the Geological Survey must operate within Federal Procurement Regulations . . . policies and procedures, GAO guidelines, etc.

Within the past year the Department of Commerce, in response to a Consulting Engineers Council protest over the agency's price competition requirement, said:

Perhaps you are aware of Comptroller General decisions that revolve around government requests for price information.

A February 23, 1971, letter from the Director of Contracts Management at the

[7] 41 U.S.C. 486(d), 257(a), and 514(b).

[8] Public Law 91-129, approved Nov. 26, 1969, as amended by Public Law 92-47, approved July 9, 1971.

Environmental Protection Agency cited not only the Comptroller General's opinion on this matter but also noted that the 91st Congress failed to enact H.R. 16443, in defense of its decision to request price quotations for professional services procurements. Interestingly, a January 20, 1971, letter from EPA's Water Quality Office is frank to admit that a contract for a highly technical engineering study was awarded on the basis of a low bid.

These are only a few examples which indicate that the General Accounting Office's views on price competition for professional services are almost certain to prevail unless Congress steps in and asserts itself on this matter. It is apparent that enactment of legislation, such as H.R. 12807, is the only action which the Comptroller General will accept as reflecting the intent of Congress.

This issue first arose in 1967 when GAO took a position that the traditional procedures were improper. Confusion has been growing since that time. There is a need for this legislation now to eliminate the growing confusion as to Congress' desires.

The traditional professional procedures covered by this bill have long provided the Government with quality design services at a fair and reasonable cost. No evidence has been provided to the contrary.

A. & E. services represent only a small fraction of a project's total cost but that fraction has a considerable influence on the remainder of the cost, both construction cost and lifetime maintenance cost. Professional services such as these cannot be precisely defined as to scope and, therefore, price competition in the usual "bidding" sense cannot result in serving the best interests of the Government.

Passage of H.R. 12807 will continue to assure A. & E. services in the best interest of the Government through: First, high quality design; second, economical construction and maintenance; and, third, protection of the health, safety, and welfare of the public.

H.R. 12807 should be passed.

Mr. FASCELL. Mr. Chairman, I rise in support of H.R. 12807, a bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

Basically, the tenets of this legislation hold that the traditional manner of selecting architects and engineers to work for the Government is sound. Under this system, architects and engineers interested in performing a particular contract are first ranked according to their qualifications and capabilities to design a particular facility. Having ranked the architects and engineers, the Government then proceeds to negotiate a fee with the highest ranking firm. If, after negotiations, the highest ranking firm fails to agree to perform the contract at a price Government negotiators consider fair, then negotiations with that firm are terminated and begun again with the next ranking firm.

I supported legislation similar to this in the 91st Congress, when it was considered and passed by the House, and I support the bill under consideration today when it was before the Government Operations Committee. I again support this proposal for several reasons.

First, this system favors selection of the most skilled and responsible members of the architecture and engineering professions. Under this system, architects and engineers find no need to compromise the quality of the design or the level of effort they will contribute to it in order to meet lower fee quotations of other architects and engineers.

Second, this system protects the taxpayers. Having won the competition on the basis of capability, the winning architects and engineers must then negotiate their fee. They must demonstrate, on the basis of projected costs, that this fee is fair and reasonable. They must accept whatever adjustment the Government demands if they wish to obtain the contract. They know that if they hold out for an unreasonable fee, the Government will terminate negotiations and award the contract to another architect and engineer at a fair price.

Third, if we were to go to regular competitive bidding, where each potential contractor is pitted against the others in terms of fee and quality of product, then we could not achieve an optimum method of procuring contractors' services for the Government. If architects' and engineers' fees were reduced using this bidding method, the savings would inevitably be reflected in a reduction of the architects' and engineers' design costs, rather than their projected margin of profit. This in turn means that the Government would tend to obtain lower quality plans and specifications which could mean high construction and maintenance costs and generally lower quality buildings and facilities.

Thus, I urge the passage of H.R. 12807 so that the Government has the opportunity to acquire the services of the most qualified architects and engineers at a price that is both fair and reasonable to the taxpayer.

Mrs. HICKS of Massachusetts. Mr. Chairman, we are all aware of the impact of the fruits of architecture and engineering upon our visual environment. Through their talents architects and engineers can contribute to the physical and visual well-being of the Nation's inhabitants by their design and construction of efficient and pleasant buildings. In view of the vast sums of tax dollars appropriated yearly for the design and construction of Federal buildings, the Government should strive to obtain the best professional services at the most reasonable cost to the taxpayer. This is not to suggest, however, that the Government should contract with a lowest bidder at the expense of safe, functional design and construction. Ideally the selection process for professional services of architects and engineers of the Federal Government should serve as a model for the Nation.

H.R. 12807/H.R. 157, the architect-engineer selection bill, seeks to establish a Federal policy for the selection of the professional services of architects and engineers by amending the Federal Property and Administrative Services Act of 1949 to include a new title IX on the selection of architects and engineers. In doing this the bill responds to an April 1967 recommendation of the Comptroller General that Congress clarify the legality of the traditional manner in which Federal departments and agencies select architects and engineers to perform services for the Federal Government.

Basically the bill does not represent a radical change from existing policy nor does it introduce any new ideas. What it would achieve is the legislative confirmation of traditional practices in relation to the Federal selection of architects and engineers while insuring the best results for the taxpayer and the Government.

The bill would define two steps in the selection of professional services from architects and engineers. First, architects and engineers interested in a Government contract would be ranked according to their qualifications and capability to construct or design the particular facility in question. Thus, quality is assured the Government at the beginning of the selection process. The agency in question would then rank at least three firms in order of professional capability. Second, after ranking at least three firms in the order of their qualifications, the agency would negotiate fees with the highest ranking firm. If the negotiations failed to produce satisfactory results, in that the firm would refuse to accept the agency's proferred fee, the agency would close negotiations with the firm and consider the next ranking firm. Thus, in the second step of selection, the interests of the taxpayer are protected by requiring the firm to accept the agency's offer.

Essentially, these steps are in accordance with the traditional method of selecting professional services of architects and engineers.

Two arguments have been raised in opposition to this approach. First, it has been argued that the ranking system would automatically eliminate smaller, less established firms and would give preference to the 20 or 30 large established firms in the Nation. Probably the larger firms would often be awarded contracts to manage the larger projects, but the smaller firms would not be excluded from these and other Government contracts. According to the bill, the agency head may, before ranking the highest qualified firm, request alternative methods of approach to the solution of the problem and concepts of the scope of services required. With this option, as Mr. George White, Architect of the Capitol, noted at hearings, the bill offers "the best and most feasible method for the appropriate selection of architects and engineers which will yield the highest quality of services for the least amount of expenditure of the taxpayer's dollar."

Another argument frequently raised by opponents of this bill is that by ranking the candidate firms before fee is considered, the Government may loose negotiating leverage and risk agreements to fees higher than warranted by the scale and complexity of the work. Such

a situation is unlikely to occur, however, since the procuring agency regulations would limit this fee offer to 6 percent of the estimated construction costs.

As the subcommittee of the House Committee on Government Operations established at the hearings held on H.R. 12807 and H.R. 157 on March 14 and April 18 of this year, the passage of these bills would prevent the development of a procurement system in which price would be the principal factor in selection of a firm with professional capability being relegated to a secondary consideration. In other words the Federal Government should not be a party to "price shopping" that undermines our engineering and architectural professions. This bill would legally embody the traditional methods of selecting architects and engineers and would indicate congressional approval of the selection method.

I would conclude by noting that the professional services of architects and engineers are more than mere commodities to be purchased at the lowest price. They are intangible reflections of visual senses and perceptions as well. We cannot expect to purchase these services and talents at the lowest price and still receive the highest quality for the price will sometimes be relative but the quality should never be compromised. The architect-engineer selection bill seeks to ascertain the best quality for the Government while imposing the least burden on the taxpayer.

Would you care to buy a medical operation at the lowest bid?

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of this bill as reported by the Committee on Government Operations. This bill, which would provide legislative sanction to the current method of selecting firms to perform architectural and engineering services for the Federal Government, provides for an effective and efficient manner in which to acquire government services.

I have always supported measures which insure the broadest possible competition in the procurement of public services. Such competition is our only insurance of equitable and reasonable prices. I support this bill because it would encourage the selection of the most qualified members of the architectural and engineering professions to perform work for the Government at fair prices.

It is mandatory that our Government contract with architectural and engineering firms of the highest caliber for the most reasonable fee. H.R. 12807 meets this need and I therefore offer my wholehearted support of this legislation.

Mr. KLUCZYNSKI. Mr. Chairman, this legislation has my full support.

More than 5 years ago, in April 1967, the Comptroller General formally advised the Congress that he had questions as to the legality of architect/engineer service procurement procedures that had been used by Government agencies for more than 30 years. He asked that the statutes involved be clarified.

This legislation clarifies the legality of the traditional system of A. & E. procurement, and I do not believe that Congress can further delay in removing any question of illegality from these procedures.

This bill simply casts in statutory form the traditional manner in which architects and engineers have been selected by Federal departments and agencies and also reflects the system that is generally used throughout industry, business, and State, and local governments.

If the Procurement Commission at some later date should recommend a system that offers the government a better advantage, then Congress can adopt a new approach.

Underlying the need for this legislation is a multibillion-dollar Federal construction program. The cost of designing the buildings and other structures that are involved in this program is relatively small in contrast to the total expenditure in construction funds. It is essential, in my mind, that we, at this time at least, maintain the system reflected in this bill, which optimizes competition among members of these professions for Government work on the basis of proven capability, competence, and experience, but also protects the taxpayers in requiring that the firm deemed to be the most qualified must, as a result of extensive fee negotiation based upon his projected cost, agree to perform the design work at a fair and reasonable price.

Routine competitive negotiation cannot fulfill this function as, at the time of contract, there is no standard of performance available by which to measure the level of effort or nature of the design various A. & E.'s would offer. In the absence of a standard competitive base, if the Government also considered the amount of the A. & E.'s fee at the time of determining their relative qualifications, firms would be forced to lower the level and quality of their effort in order to match the lower fee quotations of less responsible or less competent members of their professions and could end up to the disadvantage of the Government.

Accordingly, I recommend approval of this bill.

Mr. DORN. Mr. Chairman, I rise in enthusiastic support of this fair and reasonable legislation first introduced by the distinguished gentlemen from Texas. It has been my pleasure to join with Mr. BROOKS and sponsor this legislation since 1970, and I am delighted that we are again considering this legislation on the floor today. H.R. 12807 will assure that the Federal Government will continue to receive the highest quality of professional architectural and engineering design services at fair and reasonable prices. This bill confirms what for many years has been the method by which the Government has selected responsible firms to perform these professional services. Utilization of this system requires the Federal agency head to select firms on the basis of their professional qualifications and prior record. This procedure is an economical saving for the American taxpayer. Understandably, the best and proper design of a structure will result in a lower cost to the Government for construction, operation, and maintenance. Medical care for our people is not selected on a lowest bid basis, and neither should we allow Government contracts for professional services to be granted on the basis of cheapest price.

Mr. Chairman, this bill contains adequate safeguards for the public's interest. Should the agency head be unable to negotiate a fair and reasonable contract with the most qualified firm then he is bound by the law to negotiate with the next firm, and so on down the eligible list.

Members of the various professional architectural and engineering societies have supported this bill as a fair and practical manner in which to negotiate contracts. The professional architects and engineers in this Nation are dedicated and devoted to their respective professions. I am grateful to them for their service to our country and for the deep sense of integrity which is demonstrated daily by these men and women of science. The good reputation which has been generated by these professionals is vital as their livelihood and work standards depend on this established reputation.

Mr. Chairman, in supporting H.R. 12807, I also salute and commend our architects and engineers and hope that today's high school students will consider this noble vocation and join the exaulted ranks of the professional architects and engineers.

Mr. Chairman, this is sound fiscal and economy-minded legislation which is truly in the public interest. I support it and urge my colleagues to do the same.

Mr. MATSUNAGA. Mr. Chairman, H.R. 12807 deserves the strong support of this House. It would amend the Federal Property and Administrative Services Act of 1949 to establish Government policy in the procurement of architectural, engineering, and related services.

For more than 30 years the Federal Government has, in obtaining these services, used the method which H.R. 12807 would codify. The purpose of the legislation before us is merely to assure that the present system of selection is in accord with the intent of Congress. Moreover, the present procurement practices constitute the most efficient and effective method by which to acquire these professional services.

Stated simply, this system involves two steps: first, determine the qualifications of the professional; second, determine the fee.

In the usual bidding procedure, price plays a predominant role. The lowest bidder, whether he be saint or scoundrel, usually gets the contract. Too often the lowest bidder, understandably anxious to get the contract, has underestimated his costs and is forced into compromises in order to avoid serious losses in the execution of the contract. The Government is generally a sad victim of such an unfortunate contractual situation.

H.R. 12807, on the other hand, would prevent such a situation from occurring. Qualified architects and engineers would be rated by the Federal agency involved on a variety of factors—experience, expertise in a specialty, geographical considerations, workload and availability of senior staff, to name a few.

Having ranked the competitors in order of their capabilities to perform the specific project, the agency would, under H.R. 12807, as it does now, negotiate the fee with the highest ranking professional man or firm. If no reasonable fee can be agreed on, the agency then begins negotiations with the next highest ranking man or firm.

Thus, Mr. Chairman, despite its high ranking, the top firm must demonstrate that its fee is fair and reasonable, or the agency will break off negotiations and begin them with a competitor.

The system protects the interests of the taxpayers, and the interests of the professionals, who need not compromise solid quality to meet the cut-rate prices of ill-qualified competitors.

I urge the bill's adoption.

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

Mr. BUCHANAN. 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 the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'architectural and engineering services' includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government: *Provided, however,* That if deemed appropriate the agency head may, before selecting the highest qualified firm, request alternative methods of approach to the solution of the problem and concepts of the scope of services required. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals."

Mr. BROOKS (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 Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 19, strike out "to negotiate" and insert in lieu thereof "to publicly announce all requirements for architectural and engineering services, and to negotiate".

Page 3, lines 10 and 11, strike out "and shall select" and insert in lieu thereof "and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select".

Page 3, strike out "Government; in line 20 and all that follows down through the period on page 4, line 2, and insert in lieu thereof "Government."

Page 4, strike out "with any of the qualified firms" in line 16 and all that follows down through the end of line 19 and insert in lieu thereof the following: "with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. HICKS OF WASHINGTON

Mr. HICKS of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HICKS of Washington: On page 4, after line 24, insert the following:

SEC. 2. (a) Section 2304(g) of title 10, United States Code, as amended is further amended by inserting therein, immediately after the words "all negotiated procurements", the following: "(except procurements of architectural or engineering services)".

(b) Section 2304 is further amended by adding the following new subsection at the end thereof:

(i) In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(j)(1) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

(2) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firms, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

(3) Should the agency head be unable the negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

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

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

Mr. HOLIFIELD. Mr. Chairman, it is quite a long amendment and I think it would be wise to read the amendment. Therefore, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentleman from Washington (Mr. HICKS) is recognized.

Mr. HICKS of Washington. Mr. Chairman and members of the Committee, the purpose of this amendment is to meet one of the objections raised by the chairman of the full committee, the gentleman from California (Mr. HOLIFIELD), and that is to amend the Armed Services Procurement Act.

Mr. Chairman, this bill, as reported, does not cover architect and engineer service procurement in the Department of Defense and other agencies under the Armed Services Procurement Act of 1947 as amended. Military procurement does not fall within the substantive jurisdiction of the House Government Operations Committee and Mr. BROOKS, the

author of H.R. 12807, in scrupulous observation of committee jurisdiction limited the proposal he introduced to contracts by the General Services Administration. During the last Congress, when similar legislation came before the House, I offered an amendment extending the legislation to the Armed Services Procurement Act. As a member of the Armed Services Committee as well as a member of the subcommittee that has had this problem under careful review for a number of years, I believe that the proposal should extend to all A/E procurement throughout the Government.

I subscribe to this proposal and support it, but believe that this bill is deficient unless it applies to A/E procurement throughout the Government and that is the purpose of my amendment which I have offered. I urge the adoption of the amendment.

Mr. BROOKS. Mr. Chairman, I rise in support of the amendment. I feel that it would be helpful to extend the bill to the military.

Mr. BUCHANAN. Will the gentleman yield?

Mr. BROOKS. I am happy to yield to my good friend from Alabama.

Mr. BUCHANAN. Mr. Chairman, I say to the gentleman that I concur with the views of the distinguished chairman of the subcommittee and see no objection on this side to the amendment.

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

Mr. Chairman, I think had I a chance to see this amendment before it was offered, it would have been subject to a point of order in that it amends some legislation which was passed by the Armed Services Committee and is not under the jurisdiction of this committee, but I did not have an opportunity to look at the amendment and therefore was unaware of what the section referred to here in the United States Code contained, and I had no time to look it up. However, I am not going to address myself to it on the basis of a point of order. I am going to address my remarks to the substance of the amendment.

This amendment is a little over a page and a half of language, but it does not establish competition in the procurement of architects' and engineers' services either as to price or to design, or performance, or any other kind of a factor that you would consider in the obtaining of procurement services if you were spending your own money.

Down in paragraph (b) (1) it says that the agency—

Shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

What does "conduct discussions" mean? That does not mean the giving of additional firms the opportunity to present competitive designs to the agency buying the service. It might be a design even that would be more costly, but in terms of the overall endurance of the building, it might be far more economical. It might be cheaper in the capital investment cost and, therefore, save the Government money and still give the Government just as good a building. It might be the utilization of materials of a different kind, newer materials, or materials that would be more suitable and at the same cost.

To "conduct discussions" does not give that right of competition and design and presentation of new ideas and new concepts by smaller firms, and all that sort of thing. You are still restricted to three names at the top that have been arbitrarily selected on the basis of their past performance. Maybe they are good firms.

As I said in my prepared remarks a few minutes ago, over 70 percent of architect and engineering services go to 20 big firms.

What is the little architect and engineer going to do? How is he ever going to get a performance record commensurate with the big firms? The answer is he cannot.

"The selection of additional firms shall be made in order of performance"—what does that mean?

I prefer an architectural company A and I do not prefer B or C, or I do not prefer D or E. In other words, it is an arbitrary selection on the basis of the preference of the agency.

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

(By uanimous consent, Mr. HOLIFIELD was allowed to proceed for 1 additional minute.)

Mr. HOLIFIELD. So, Mr. Chairman, I say that this is an extension of the irresponsibility of this method of doing business with public funds through other agencies of the Government, beyond the GSA, which is the only agency under the jurisdiction of the Government Operations Committee.

I ask for the defeat of the amendment offered by the gentleman from Washington, (Mr. HICKS).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HICKS).

The question was taken; and on a division (demanded by Mr. BROOKS) there were—ayes 16, noes 20.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Strike the second sentence of section 903 and insert the following in lieu thereof—

"The agency head, for each project, shall solicit design proposals, including an estimate of the life cycle costs and the proposed fee for providing the required services, and, after a consideration of the design proposals submitted and the statements of qualifications and performance data on file with the agency or submitted in response to the solicitation, shall conduct discussions with no less than three firms regarding design and engineering concepts, estimated life cycle costs and proposed fees and the relative utility of alternative methods of approach for furnishing the required services. He then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required."

Mr. ECKHARDT. Mr. Chairman, the bill, as offered, does not take into account a comparison of both design and fee costs with respect to projects. The bill as drafted would favor those engineering firms which are well established in order of their presumed qualifications. Such would greatly favor established firms and would not take into account a comparison of innovative design which might result in lesser costs, as would be provided in this amendment.

The amendment would afford an opportunity to consider all the factors involved with respect to architecture and engineering; design concepts, the question of life cycles, the proposed fee for providing the required services, and other considerations which ought to be taken into account.

This amendment would simply permit all these factors to be taken into account.

I ask for an aye vote on the amendment.

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

Mr. Chairman, I want to confess to the Members that we have been a little slow in getting this legislation back to the floor again, after it passed the House in the last session of Congress, but we have worked on the problem for 5 years in an effort to reach the best solution.

There is no question about the fact that the fair way, the intelligent way, insofar as the public and taxpayers are concerned, is to have architect-engineer contracts awarded on the basis of the highest qualifications assuming a fair and reasonable fee can be negotiated. If we are going to discuss the fee along with the qualifications, we are going to compromise the quality of the services.

Submission of complex support data would rule out of competition all of the small architect-engineer firms that cannot afford to design a structure without having a contract.

Essentially, if one plans to build a building that will cost $100 million, the architect-engineer fee is going to run 3 or 4 or 5 or 6 percent. If one picks a bad architect-engineering firm, picks one that is not very well qualified, the cost of that building could escalate 5, 10, 20, or 50 percent. Anybody who builds buildings picks architects and engineers with extreme care, and then discusses with them how much to pay them.

I had occasion only yesterday to have lunch with one of the big contractors in this country. I asked him, "How do you employ architects and engineers?" He said, "I pick the best one I can get, and then work out a price agreement with him." He said, "I cannot afford, if I am going to survive as a businessman, to have a building constructed that is poorly designed, that might not be structurally sound and esthetically interesting, and that cannot be maintained and operated over a period of years."

I ask the Members to defeat this amendment as being in direct contravention of the intention of this legislation, and the procedure under which the Government, industry, and private business in this country has operated for many years.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I am pleased to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Suppose we had two firms of equal competence, but that one of them would do the job, say, for 10 percent less than the other, or that the architectural plans called for 10 percent less than the other. Which then would the law as amended indicate the agency would approve?

Mr. BROOKS. The law as we propose it and as has been practiced for many years by GSA, provides that the agency choose the three architect-engineers that are the most qualified, and then discuss fee with the highest qualified of the three.

It may be that his price is too high, and if he insists on his price, they can tell him, "We are not going to do that." Unless he agrees to a fair and reasonable price they reject him and go to the next qualified architect-engineer and negotiate a fee granting him a contract if he will agree to a fair and reasonable fee.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word. I should like to pursue my questions of the gentleman from Texas (Mr. BROOKS).

If I understand the amendment of the gentleman from Texas (Mr. ECKHARDT) it would provide that if there were two firms equally qualified in the eyes of the agency and one of them had a lower price, that price factor would go into the consideration of the determination as to whom would get the contract. Is that correct?

Mr. BROOKS. I do not believe that is quite so.

The rule and the procedure for many years, and the procedure now, is that they choose the three who are most qualified, and then negotiate a fair and reasonable price with the most qualified. If they are not pleased with the price they reject him. Then they go to the next of the three they feel are most competent to do the job.

My objection to the gentleman's suggestion that the fee to be paid be a consideration is that anybody who wants the job can cut his fee to get the contract and the Government gets a design of minimum quality.

Mr. BROWN of Ohio. My question was directed to explain this, because, if I understand it correctly, it does give us the opportunity to take into account the question of price, and I see nothing wrong or immoral or unprofessional or unconstitutional in trying to save the taxpayers some money.

Mr. ECKHARDT. Will the gentleman yield?

Mr. BROWN of Ohio. I am glad to yield to the gentleman.

Mr. ECKHARDT. The gentleman is absolutely right. My amendment does not in any way avoid consideration of qualifications, but if qualifications are equal, then the question of price looms up as the most important issue.

Under the original bill, as I understand it, you may not reach the question of a price comparison until you have found that the lower bidder is in fact more qualified than the higher bidder. It seems to me to be utterly ridiculous to require the Comptroller General or anyone else who is making the contract not to consider qualifications as well as price and design and life cycle and all of those other factors that go into a prudent contract.

Mr. BROWN of Ohio. Let me ask a hypothetical question. Under the bill without your amendment presumably you have to negotiate with the first firm on your list and only if you have found his price to be undesirable could you go to the second. Under your amendment, as I understand it, you would look at the top three qualified people and if one guy—let us say the second man—was 95 percent as qualified—although I must admit I do not know how such judgments are arrived at—and if he was willing to do the job for 10 percent less, then presumably the price differential would be taken into consideration along with his qualifications and the Government might be getting more for its money. Is that right?

Mr. ECKHARDT. Well, that is correct except, as the gentleman pointed out, it is difficult to decide whether one firm is 95 percent qualified. This is really a rather subjective judgment unless price can be taken into account.

What we are doing in this bill is simply assigning the job to the most prestigious firm.

Mr. BROWN of Ohio. But the gentleman does not see anything wrong with the Federal Government getting more for its money; does he?

Mr. ECKHARDT. Certainly not; and that is the purpose of this amendment.

Mr. BROOKS. Will the gentleman allow me to answer that question?

Mr. BROWN of Ohio. I will be happy to.

Mr. BROOKS. If they followed your procedure, it will cost the Government millions and millions of dollars. If you were planning to build a building in Ohio and you advertised for architectural engineering services and you get the lowest bidder on a straight price basis and let him build you a building, then you will have to dig into your principal to pay the deficit.

Mr. BROWN of Ohio. I will tell the gentleman I have had occasion to build buildings, and I must say the price had some consideration for me when I was dealing with my own money. I do not think the fact that we are dealing with the taxpayers' money should change our plans one iota in that regard.

Mr. BROOKS. We are not talking about construction of a building. This bill is designed to protect the taxpayers by selecting the most qualified A. & E.'s whose services are essential to efficient buildings.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the Eckhardt amendment.

Now, Mr. Chairman, we get right down to the guts of this thing, which is: do you want competition in the spending of public dollars the same as you would want it with your own?

The Eckhardt amendment says that the agency head shall solicit design proposals. Do you get that? Not to go to architect and engineering company A and say "Will you design me a proposal," but it says to solicit proposals, including an estimate of the life cylcle cost.

We can build a cheaper building whose life is 10 years, or you can build a better building, that costs more, that will last for 20 years, but it does not cost twice as much.

And then it says:

After a consideration of the design proposal submitted and the statements and qualifications and performance data on file with the agency or submitted in response to the solicitation, shall conduct discussions—

You know, I opposed an amendment that said "shall conduct discussions." Why? Because we give it the guidelines—

With no less than three firms regarding design and engineering concepts, estimated life cycle costs, and proposed fees—

That is just one of the factors—

And the relative utility of alternate methods of approach for furnishing the required services.

We are giving them the guidelines for the discussion, and then what happens?

He then shall select therefrom, in order of preference—

The one that he thinks is the best—

based upon criteria established and published by him—

Which I have just enunciated.

No less than three of the firms deemed to be the most highly qualified to provide the services required.

Now, he selects three of them, and from among those three picks the one he wants, but he has already discussed with him the design, he has had the performance records and data before him, he has had all the information he needs to make a wise selection, and then he selects all three.

But under the Brooks bill he selects three on the basis of performance data, and then he talks to A, if for any reason he does not like A then he talks to B, if for any reason he does not like B then he talks to C. Then he can select three more if he does not like any of the three of them. But if he selects the first one he has had but one design before him, one estimate on costs, one estimate on the method of approach and so forth. And I am not talking about the completed specifications that the architect and engineer would present; I am talking about the conceptual conception of the building to be built.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I think that anyone who has looked around Washington lately and has considered the buildings that have been built over the last two or three administrations has to conclude that there is a uniform style to them that might be identified as "early ugly." It seems to me that if you wish to build all of them alike, and not for attractiveness, we at least ought to have the opportunity to get that type of architecture done at the lowest possible cost.

Mr. HOLIFIELD. The gentleman is correct. If I am going to build a six-room house I am going to call up an architect and say, "I want six rooms, and what I want is such and such. Will you give me a conceptual design?" Then I

will look at it. Then I will say, "What do you think it will cost for that design?" And then I will select that, not on the cost alone but on quality, as one of the factors in the selection of a qualified architect. It is not on the basis of doing it for the cheapest price, it is based on doing it for the best results and the best quality of work, and the price that it costs.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding. One of the things that puzzles me a little about this is, is there any opportunity under the Brooks bill for a firm that may be a pretty good firm——

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

(By unanimous consent, Mr. HOLIFIELD was allowed to proceed for 2 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will permit me to continue: Is there an opportunity for such a firm to propose what might turn out to be a far better design for this particular building and to have an opportunity to show what it can do?

Mr. HOLIFIELD. Of course.

Mr. LONG of Maryland. I am a little worried about the possibility that only the top firms are going to get the business.

Mr. HOLIFIELD. That is what has happened under the procedures used heretofore. Seventy percent of the Government work has gone to 20 percent of the contracting firms.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. SCHEUER. Not only is 70 percent of all work going to 20 percent of the firms, but here on Capitol Hill, as has been discussed many times on the floor of this House, there are four or five firms that apparently have had over the decades an arm lock on all work on Capitol Hill.

I could not agree more that in the competitive stream, design concepts should be an integral part of all negotiations.

Mr. HOLIFIELD. The gentleman will get that in the Eckhardt amendment, but he will not get it in the Brooks bill.

Mr. SCHEUER. Let me say very briefly, the State Department is following that concept and they are awarding contracts for the designs of embassies overseas and they are using a competitive design process.

Mr. HOLIFIELD. The Brooks bill is the last bastion to protect the privilege of the architectural and engineering firms to deal on a noncompetitive basis in the awarding of public contracts.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the fact is that the end contract design itself is evidence of the competency of the firm and those who will be allowing the contract can have an opportunity to see this end product before the contract is awarded and before the building is built.

Mr. HOLIFIELD. That is right.

Here we are spending public funds and in my own case, if I were spending my own funds, we should have more than one design to look at.

The only way you can get the second design under the Brooks bill is to have a falling out with the architectural and engineering firm "A" and disregard him completely and then take the second man and look at his alone without competition.

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

Mr. Chairman, I want to underline just two or three things.

In the first place, we do not propose here some new system or some innovation. We propose to protect and preserve a system that has worked—and I think quite well—not only in the Federal Government but in the way that State governments and many people in private industry have handled this same matter of architectural and engineering services.

This is the system that the General Services Administration has testified that they favor our continuing. They also favor the enactment of this legislation to protect and to preserve what has demonstrated itself to be a good system.

Now we can consider the broad parameters of price under the present system. If a man or a firm makes an offer and is selected but will not come forward with a reasonable price, he can be rejected for that purpose.

But the fact is that the end product is what we seek. We are seeking to build buildings that are safe and sound and that will stand the test of time. We seek quality and excellence.

I am of the opinion that if we try to insist on some kind of design competition, we will rule out many of the smaller firms and many of the newer firms which would not be able to do the work at their own risk and expend the funds necessary to participate in such competition.

I think we would narrow the field rather than to broaden it.

Mr. BROWN of Ohio. How does the little firm get on the list? How do you get this favored treatment under the law, as proposed in the amendment?

Mr. BUCHANAN. Much of the work is done by the smaller firms at this point.

Mr. BROWN of Ohio. That is apparently not true in Washington on Capitol Hill from the statistics that the gentleman from New York gave and the gentleman from California.

Mr. BUCHANAN. I will say to the gentleman, I cannot assume responsibility for what may take place on Capitol Hill, but I would say this is a big country and these buildings have been built all over this country and have been for many years—and we have a system that is working.

A few moments ago, the distinguished chairman of the committee indicated that we should not run ahead of the Government procurement commission. If you pass this amendment, you are running far beyond and ahead of any recommendations that may have been made.

We are saying here: Let us preserve and protect a system that is working. Let us not try some innovation that may not work and that may result in poor quality.

If I were facing major surgery, I would not go out and get a group of doctors to submit bids on which one would operate on me the cheapest.

If I were involved in a lawsuit and I had much to gain or to lose by the outcome of that lawsuit, I would not go out for lawyers to submit bids on the price to determine who would represent me in that lawsuit. Nor do I think we should do this on architectural and engineering services. I do not feel it is wise to create the new system—this innovation.

In all the testimony we had, we have heard nothing advanced about the defects and the evils of the present system or the poor buildings that have been built.

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

Mr. BUCHANAN. I yield to the gentleman.

Mr. GROSS. I would like to see enough innovation to put an end to the kind of business that went on with the Rayburn Building. That started out and was supposed to cost some $65 million and it wound up costing $130 million.

The same contractor built a veterans' hospital in Massachusetts and it started to fall down before they ever got a patient into the hospital.

Mr. BUCHANAN. I will say to the gentleman in response that the Architect of the Capitol, at that point, as I understand it, had responsibility for that structure, and we are talking about securing the services of private architects and engineers on the basis of their competence, in vivid contrast to what happened on the Rayburn Building.

Mr. SCHEUER. Will the gentleman yield.

Mr. BUCHANAN. I will be happy to yield.

Mr. SCHEUER. The Rayburn Building was designed by private architects as would be selected under this procedure. The Architect of the Capitol did not have any role in the design other than to advise the architects as to some of the technical requirements of the job. It was designed by private architectural and engineering firms.

I would like to say that as one who had some involvement in the field of architectural and engineering development, it is common knowledge across the country that the present system of selecting Federal architects is not working and is not resulting in attractive economic architecture. I think the Rayburn Building is a perfect example of that.

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

Mr. Chairman, I just now came on the floor and was handed a copy of the amendment which I understand has been offered by the gentleman from Texas

(Mr. ECKHARDT). As a member of the full Committee on Government Operations, although not a member of the Subcommittee on Government Activities, it should be clear, that if we are tempted to adopt this amendment we are knocking out the very objective of the bill H.R. 12807 and that is to avoid competitive bidding for professional services. If you read the amendment carefully it says:

The agency head, for each project, shall solicit design proposals, including an estimate of the life cycle costs——

That means all emphasis—when the selection is made—shall be on the question of costs. I thought the purpose of the gentleman from Texas (Mr. BROOKS) was to clarify the selection of architectural/engineering services from among the best qualified members of the professions of architects and engineers at fair and reasonable prices.

This same legislation passed the House before in the last Congresses. I am certain we have all read about some of the tragedies in this country which may have been due to the faulty design of dams. I suggest maybe the best way to consider whether you are going to be for this measure today or not is to imagine yourself standing below a high dam and then look up to discover these are some cracks and fissures. This kind of sight should make you immediately wonder what engineer designed that dam, whether he was a competent engineer or not, and also whether all the mathematical computations had been carefully made as to stresses and strains by the very best engineers in the profession.

There have been too many tragedies within the last year in this country, due to collapse of weakened dams, to shop around for the cheapest possible engineers regardless of competence.

When we are sick we do not shop around for the cheapest physician—but instead get the very best available regardless of the cost. This proposal to require bidding by the architectural/engineering professions to slightly reduce costs is just not in the public interest in the long run, when we are building or constructing important government projects that must stand the test of time for 100 years or more.

Mr. BUCHANAN. Will the gentleman yield?

Mr. RANDALL. I will be glad to yield.

Mr. BUCHANAN. A moment ago the gentleman from New York indicated that it was common knowledge that the present system is not working. This subcommittee has held hearings both in this and the past Congress. We have not heard such testimony. But, I do believe, as the gentleman implies in the well, that if there is evidence all over this country of sound buildings, well built under the present system, then it is demonstrated it is one worth keeping because of the emphasis on costs.

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

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

Mr. RANDALL. I would be glad to yield to the gentleman from Texas, the chairman of the subcommittee that reported this bill.

Mr. BROOKS. It has been the feeling of heads of the GSA under both Democratic and Republican administrations that this system of choosing qualified architects at reasonable and fair fees protects the public interest and saves billions of dollars. It helps prevent shoddy buildings from being erected. Regarding the Rayburn Building, I believe the buildings in the congressional complex are generally selected by the Congress and not the GSA.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. RANDALL. I will be glad to yield.

Mr. BROWN of Ohio. We all know what it protects. We all know what the present arrangement protects. It protects the interest of the people giving out the contracts. I think that is sort of an obvious thing—the politics involved in this whole situation. It is very clear that what we ought to try to do is get a better job done for the citizens of this country in terms of what we get for the money we spend.

Mr. RANDALL. Of course, it is patently and obviously unfair to bring the Rayburn Building into debate over this bill. Whatever happened here was not the faul of the architects or engineers but repeated changes made by the Congressional Building Commission. There are thousands of government buildings all across this country which are smaller projects than the Rayburn Building that have been built well and economically by carefully selected engineers and architects. To single this one building as an exception, is not fair, nor is it pertinent to the debate on this bill.

Mr. Chairman, when all is said and done all that is provided for by this bill is to continue to select or procure architectural and engineering services in the time-honored and long respected system of picking these professional services just as an individual would select his doctor, his lawyer, or his dentist. That means the Government should select architects and engineers upon the basis of competence and skill based upon a reputation which must be earned or deserved or else it does not exist. Competitive negotiation on the other hand is just another description for a requirement that architects and engineers be made to bid against each other in a fort of haggling process similar or akin to some of the open air bazaars of the Middle East.

The most effective and efficient manner to procure professional services is provided by H.R. 12807, which on page 2 at lines 22 and 23 declares the policy of the Federal Government is to announce all of the requirements for all architectural and engineering services and negotiate contracts on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

How better could the purpose or objective of this bill be expressed than in the foregoing wording? The competence defined in the bill is not something that is determined by a self-serving brochure or letter of self-praise. Such competence can only be based on what has been demonstrated in the past and that means to cite the projects that have been handled by these architectural and engineering firms and have been completed to the satisfaction of the owner or sponsor of each completed project.

If there should be any concern that there will be any monopoly or exclusion of the many firms to the benefit of one favored firm, such a contingency is clearly provided against on page 3 of the bill where it is spelled out that the agency head shall conduct discussions with no less than three firms regarding the anticipated concepts and the relative utility of alternative methods. Then and only then is the agency head to negotiate a contract with the highest or best qualified firm at a price which the agency determines is fair and reasonable to the government taking into account the estimated value of the services, the complexity and professional manner thereof.

H.R. 12807 then proceeds to provide for the contingency where the most qualified firm cannot seem to be retained at a fair and reasonable price to the Government in such circumstances the agency may undertake negotiations with the second most qualified firm and then later on with the third most qualified firm. But the last section in the bill enables the agency when it is finally unable to negotiate a satisfactory contract with the three that may have been first selected to select additional firms and consider them in the order of their competence and qualifications and continue negotiations until an agreement is reached.

One question that we must all squarely consider before we can in good conscience vote for this bill is a consideration of whether this legislation violates the antitrust laws as the Comptroller General has seemed to imply. In this regard it is interesting to note that the Antitrust Division of the Department of Justice may have filed suits against the American Society of Civil Engineers and American Industry of Architect against the provisions of ethics of these organizations that it is not professional for members to submit price proposals that would amount to price competition for professional services.

Yet as late as April 18 of this year the report reveals that Mr. Bruce Wilson, Acting Deputy Assistant Attorney General of the Antitrust Division in direct response to a question raised by the gentleman from Texas (Mr. BROOKS) as to whether this bill violated the antitrust laws of the United States replied that this bill was clearly not in violation of the antitrust laws.

In all fairness, it should be made clear that the committee vote on H.R. 12807 was not unanimous but rather comes to the floor due to the defeat of a motion to recommit this bill to the subcommittee by a vote of 23 to 7. Because of such a division within the committee, I think perhaps we should take a brief look at the content of some dissenting views. First, let me suggest that every member of the committee respects our beloved chairman, the gentleman from California (Mr. HOLIFIELD). None of us could ever be disagreeable with him, but if we are

to be fair to ourselves, we must point out that in his dissenting views he seems to indicate this bill would prevent competition and set some kind of a bad precedent or procedure for Government procuring offices. Well, of course, a study of the bill will show there is competition among the three firms selected as the most qualified. This bill does not set a precedent of any kind because while the procurement procedures for the selection of professional services need clarifying the very same procedure in this bill has been followed for many years. This bill creates no new precedent.

Another point raised by our distinguished and beloved chairman from California is that the bill is badly timed. In this he is joined by his ranking counterpart, the gentleman from New York (Mr. HORTON), who predicates his objection entirely on the contention that Congress should wait until the Commission on Government Procurement has made a report on the procurement of architect and engineering services.

Both of these distinguished gentlemen suggest that we wait a few months without fixing any time as to when the report will be rendered. The worst thing about this kind of argument is that it contends the Congress has no business working its will until the Commission makes some kind of findings and recommendations. If my memory serves me correctly this Commission was proposed and created by the House Committee on Government Operations. It may very well be performing some useful functions, but it has been in existence for quite some time and at least two or perhaps more members of the Commission on Government Procurement have known for a long while of the pending bill as it provides for procurement of architects and engineers. If the Commission has any findings or recommendations, it certainly should have had them ready for consideration before we consider this bill today.

No, Mr. Chairman, an architect or engineer is just as much of a professional man as a doctor, dentist, or lawyer. As long as we continue to select those who operate upon our bodies or those who protect our lives and property then just so long should we continue in the best interests of our Government to select architects and engineers based upon demonstrated competence who will give us the best possible services rather than through some kind of bidding arrangement which may give us the cheapest but thereby not the best services.

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

Mr. Chairman, I am against the amendment offered. I heartily support the Brooks bill.

The Federal Government is embarked upon a multimillion-dollar construction program aimed at providing the necessary facilitits to meet the public's needs. It is of vital importance that this program be effective and efficient. This means that the design and construction of Federal buildings must be of the highest quality.

The legislation before us today is designed with this in mind. It encourages competition in the award of architectural and engineering contracts. It is tailored to select those members of these professions who are the most qualified. And, it requires those selected to agree to a fair and reasonable price for their services so as to protect the interests of the taxpayers. The bill also requires extensive discussions with architectural and engineering firms incident to the selection process, but does not require submission of preliminary designs and plans and other work which could prove costly and, in practical terms, deny the opportunity to compete for Government work to smaller firms and the younger members of these professions.

This bill has been very carefully considered, and a comparable proposal was approved by the House of Representatives during the last Congress. The bill deserves the support of all Members, and I hope that it will be approved by the House today and promptly enacted into public law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. ECKHARDT. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ECKHARDT. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ECKHARDT, BROOKS, HOLIFIELD, and BUCHANAN.

The Committee divided, and the tellers reported that there were—ayes 114, noes 276, not voting 43, as follows:

[Roll No. 283]

[Recorded Teller Vote]

AYES—114

Abourezk	Evans, Colo.	Mikva
Abzug	Findley	Miller, Calif.
Adams	Fish	Miller, Ohio
Addabbo	Ford, William D.	Minish
Anderson, Calif.	Fraser	Mink
Ashbrook	Gaydos	Mitchell
Ashley	Gibbons	Mollohan
Aspin	Goldwater	Mosher
Badillo	Green, Oreg.	Moss
Barrett	Green, Pa.	Obey
Bennett	Griffiths	O'Konski
Betts	Gross	Pelly
Biester	Hall	Pike
Bingham	Halpern	Price, Tex.
Brademas	Hansen, Idaho	Pryor, Ark.
Brinkley	Harrington	Quie
Brown, Ohio	Harsha	Railsback
Broyhill, N.C.	Hastings	Rangel
Burton	Hawkins	Rees
Carlson	Hechler, W. Va.	Reuss
Chisholm	Heckler, Mass.	Riegle
Conable	Holifield	Robison, N.Y.
Conte	Horton	Rosenthal
Conyers	Jacobs	Rousselot
Crane	Kastenmeier	Roy
Daniels, N.J.	Kemp	Roybal
Danielson	Latta	Scheuer
Dellenback	Leggett	Schmitz
Dellums	Link	Sebelius
Dennis	Long, Md.	Seiberling
Dingell	McClory	Shipley
Dow	McFall	Steele
Drinan	McKinney	Steiger, Ariz.
Dwyer	Macdonald, Mass.	Symington
Eckhardt	Mallary	Van Deerlin
Edwards, Calif.	Mathis, Ga.	Vanik
Erlenborn	Mazzoli	White
Esh leman		Wiggins
		Wolff

NOES—276

Abbitt	Garmatz	Peyser
Abernethy	Gettys	Pickle
Albert	Giaimo	Pirnie
Alexander	Gonzalez	Poage
Anderson, Ill.	Goodling	Poff
Andrews, Ala.	Grasso	Powell
Andrews, N. Dak.	Gray	Preyer, N.C.
Annunzio	Griffin	Price, Ill.
Archer	Grover	Pucinski
Arends	Gubser	Purcell
Aspinall	Gude	Quillen
Baker	Haley	Randall
Baring	Hamilton	Reid
Begich	Hammer-schmidt	Rhodes
Belcher	Hanley	Roberts
Bell	Hanna	Robinson, Va.
Bergland	Hansen, Wash.	Rodino
Bevill	Harvey	Roe
Biaggi	Hathaway	Rogers
Blackburn	Hays	Roncalio
Boggs	Heinz	Rostenkowski
Boland	Helstoski	Roush
Bolling	Hicks, Mass.	Runnels
Brasco	Hicks, Wash.	Ruppe
Bray	Hillis	Ruth
Brooks	Hogan	St Germain
Brotzman	Hosmer	Sandman
Brown, Mich.	Howard	Sarbanes
Broyhill, Va.	Hull	Satterfield
Buchanan	Hungate	Saylor
Burke, Fla.	Hunt	Scherle
Burke, Mass.	Hutchinson	Schneebeli
Burleson, Tex.	Ichord	Schwengel
Burlison, Mo.	Jarman	Scott
Byrne, Pa.	Johnson, Calif.	Shoup
Byrnes, Wis.	Johnson, Pa.	Shriver
Byron	Jonas	Sikes
Cabell	Jones, Ala.	Sisk
Caffery	Jones, N.C.	Skubitz
Camp	Jones, Tenn.	Smith, Calif.
Carey, N.Y.	Karth	Smith, N.Y.
Carney	Kazen	Snyder
Carter	Keating	Spence
Casey, Tex.	Keith	Springer
Cederberg	King	Staggers
Celler	Kluczynski	Stanton, J. William
Chappell	Koch	Stanton, James V.
Clancy	Kyl	Steed
Clark	Kyros	Steiger, Wis.
Clausen, Don H.	Landrum	Stephens
Clawson, Del	Lennon	Stratton
Cleveland	Lent	Stubblefield
Collier	Lloyd	Sullivan
Collins, Ill.	Lujan	Talcott
Collins, Tex.	McCloskey	Taylor
Colmer	McCollister	Teague, Calif.
Conover	McCormack	Thompson, Ga.
Corman	McDade	Thompson, N.J.
Cotter	McKay	Thomson, Wis.
Coughlin	McKevitt	Thone
Culver	McMillan	Tiernan
Curlin	Madden	Udall
Daniel, Va.	Mahon	Ullman
Davis, S.C.	Mailliard	Vander Jagt
Davis, Wis.	Mann	Veysey
de la Garza	Martin	Vigorito
Delaney	Mathias, Calif.	Waggonner
Denholm	Matsunaga	Waldie
Dent	Meeds	Wampler
Derwinski	Melcher	Ware
Devine	Metcalfe	Whalen
Dickinson	Michel	Whalley
Donohue	Mills, Md.	Whitehurst
Dorn	Minshall	Whitten
Downing	Mizell	Widnall
Duncan	Monagan	Williams
du Pont	Montgomery	Wilson, Bob
Edwards, Ala.	Moorhead	Wilson, Charles H.
Eilberg	Morgan	Winn
Esch	Murphy, Ill.	Wright
Fascell	Myers	Wyatt
Fisher	Natcher	Wydler
Flood	Nelsen	Wylie
Flowers	Nichols	Wyman
Ford, Gerald R.	Nix	Yates
Forsythe	O'Hara	Yatron
Fountain	O'Neill	Young, Fla.
Frelinghuysen	Passman	Young, Tex.
Frenzel	Patman	Zablocki
Frey	Patten	Zion
Fuqua	Pepper	Zwach
Galifianakis	Perkins	
	Pettis	

NOT VOTING—43

Anderson, Tenn.	Broomfield	Dowdy
Blanton	Chamberlain	Dulski
Blatnik	Clay	Edmondson
Bow	Davis, Ga.	Evins, Tenn.
	Diggs	Flynt

Foley	McClure	Rarick
Fulton	McCulloch	Rooney, N.Y.
Gallagher	McDonald, Mich.	Rooney, Pa.
Hagan	McEwen	Ryan
Hébert	Mayne	Slack
Henderson	Mills, Ark.	Smith, Iowa
Kee	Murphy, N.Y.	Stokes
Kuykendall	Nedzi	Stuckey
Landgrebe	Podell	Teague, Tex.
Long, La.		Terry

So the amendment was rejected.

Mr. HORTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the full 5 minutes but I do want to take this time to state that it is my intention to offer a straight motion to recommit this bill to the Committee on Government Operations.

As I explained during the course of debate, I am one of two Commissioners along with the gentleman from California (Mr. HOLIFIELD) on the Government Procurement Commission.

The Government Procurement Commission has under consideration and will report back to Congress this year recommendations in this very field.

It seems to me it is inappropriate for the Congress to act until this Commission has an opportunity to make its report.

I would hope that we would take no action on this bill and give the Government Procurement Commission an opportunity to make its report so that at that time we will have all of the information before us.

Accordingly, Mr. Chairman, I will move to recommit the bill to the Committee on Government Operations in the hope that that motion will pass.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. STEED, 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. 12807) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government, pursuant to House Resolution 1053, 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.

MOTION TO RECOMMIT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HORTON. I am, Mr. Speaker.

Mr. SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HORTON moves to recommit the bill, H.R. 12807, to the Committee on Government Operations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 12350, CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes:

CONFERENCE REPORT (H. Rept. No. 92-1246)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, 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 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 this Act may be cited as the "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years."

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there are further authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $200,000,000 for the fiscal year ending June 30, 1974. No State shall, with respect to any such fiscal year, receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) (1) For the purposes of carrying out the Project Headstart program described in section 222(a) (1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1973, and $500,000,000 for the fiscal year ending June 30, 1974.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

(3) For the purpose of carrying out the Follow Through program described in section 222(a) (2) such Act, there are authorized to be appropriated $100,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, IX, and X of the Economic Opportunity Act of 1964, there are authorized to be appropriated $1,000,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a) (3) and title IX of such Act.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of subsection (d) of this section, that with respect to each fiscal year—

(A) $402,400,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying out the Comprehensive Health Services program described in section 222(a) (4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a) (5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a) (6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a) (7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a) (8), $18,000,000 shall be for

the purpose of carrying out the Drug Rehabilitation program described in section 222(a)(9), $5,000,000 shall be for the purpose of carrying out the Environmental Action program described in section 222(a)(10), $15,000,000 shall be for the purpose of carrying out the Rural Housing Development and Rehabilitation program described in section 222(a)(11), $10,000,000 shall be for the purpose of carrying out the Design and Planning Assistance program described in section 226, $4,500,000 shall be for the purpose of carrying out the Youth Recreation and Sports program described in section 227, $7,500,000 (of which $2,500,000 shall be available for carrying out demonstration projects) shall be for the purpose of carrying out the Consumer Action and Cooperative program described in section 228, and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination) and title X (relating to evaluation); and

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development).

(d) Adjustments in allocations for the specific purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) of this section shall be made by the Director as follows:

(1) If the amounts appropriated pursuant to paragraph (1) of subsection (c) for any fiscal year are not sufficient to assure that the full amount of the allocation specified for each of the purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) will be provided for such fiscal year—

(A) the Director shall first allocate and make available (i) not less than $18,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Alcoholic Counseling and Recovery program, and (ii) not less than $30,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Emergency Food and Medical Services program; and

(B) the Director shall then determine the amount by which particular allocations (except for allocations under subparagraph (A) of this paragraph) are to be reduced, the sum of which reductions shall be equal to the total amount by which the appropriations are not sufficient to fund fully all such allocations.

(2) Any further adjustments increasing or decreasing such allocations (after any adjustments in such allocations as may be made under paragraph (1) of this subsection) shall be made by the Director in accordance with section 616 of the Economic Opportunity Act of 1964.

The Director shall promptly report to the Congress adjustments in allocations resulting from his determinations under this subsection.

(e)(1) There are authorized to be appropriated $58,000,000 for the fiscal year ending June 30, 1973, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, as amended, of which (A) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII, and (B) the amount of $13,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of $37,000,000 shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII;

(B) any amounts appropriated in excess of $37,000,000 but not in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII; and

(C) any amounts appropriated in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII.

(3) Section 833 of the Economic Opportunity Act of 1964 is amended (A) in subsection (b) thereof by striking out "under part A" and inserting in lieu thereof "under this title", and (B) in subsection (c) thereof by striking out "a volunteer under part A of this title" and inserting in lieu thereof "a full-time volunteer receiving either a living allowance or a stipend under this title".

(f) In addition to the amounts authorized to be appropriated and allocated pursuant to subsection (c) and (e) of this section, there are further authorized to be appropriated for carrying out the Economic Opportunity Act the following sums:

(1) $31,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Community Economic Development program under title VII;

(2) $50,000,000 for the fiscal year ending June 30, 1973, and $100,000,000 for the fiscal year ending June 30, 1974, to be used for the Legal Services program under title IX;

(3) $21,200,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7);

(4) $16,000,000 to be used for Domestic Volunteer Service programs under title VIII, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII for ninety days after the enactment of this Act of which amount $2,000,000 shall be available without regard to the limitation placed on the expenditure of funds by section 24 of this Act for programs, projects, or activities for which academic credit is granted to volunteer participants and $8,000,000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting: "for fiscal years ending prior to July 1, 1972, and not to exceed 20 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

TRAINING PROGRAMS FOR YOUTH

SEC. 5. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part.".

PROHIBITION OF ELECTIONS OR OTHER DEMOCRATIC SELECTION PROCEDURES ON SABBATH DAYS

SEC. 6. Section 211 of the Economic Opportunity Act of 1964 (42 U.S.C. 2791) is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The Director shall ensure that no election or other democratic selection procedure conducted pursuant to clause (2) of subsection (b), or pursuant to clause (2) of subsection (f), shall be held on a Sabbath Day which is observed as a day of rest and worship by residents in the area served."

COMMUNITY ACTION BOARDS

SEC. 7. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "five" and by striking out "six" and inserting in lieu thereof "ten".

(b) Section 211(b)(1) of such Act is amended to read as follows: "(1) one-third of the members of the board are elected public officials, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement,".

PARTICIPATION OF THE NON-POOR IN HEADSTART PROGRAMS

SEC. 8. Section 222(a)(1) of the Act is amended by striking out the comma and all the language following the words "make payment" and inserting in lieu thereof the following: "in accordance with an appropriate fee schedule established by the Secretary, based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds $4,320 but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and, if more than two children from the same family are participating, additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each additional child. No charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320, with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party. Funds appropriated for the purpose of carrying out this section shall be used first to continue ongoing Headstart projects, or new projects serving the children from low-income families which were being served during the preceding fiscal year. There shall be reserved for such projects from such funds an amount at least equal to the aggregate amount received by public or private agencies or organizations during the preceding fiscal year for programs under this section. The Secretary may defer but not later than April 1, 1973, the establishment of a fee schedule under this paragraph upon certification that the establishment of such fee schedule would hinder the orderly operation of such projects prior to such time."

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 9. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof

"pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

DRUG REHABILITATION PROGRAM

SEC. 10. (a) Section 222(a)(8) of the Economic Opportunity Act of 1964 is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hardcore unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process. That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 11. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to nonprofit rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families under this paragraph, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, but if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly."

PUERTO RICO

SEC. 12. (a) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(b) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 13. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

SPECIAL PROGRAMS AUTHORIZED

SEC. 14. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE PROGRAMS

"Sec. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has as a primary function the goal of bringing about through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuses education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shal determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources.

"CONSUMER ACTION AND COOPERATIVE PROGRAMS

"SEC. 228. (a) The Director shall make grants or enter into contracts to provide financial assistance for the development, technical assistance to and conduct of consumer action and advocacy and cooperative programs, credit resources development programs, and consumer protection and education programs designed to demonstrate various techniques and models and to carry out projects to assist and provide technical assistance to low-income persons to try to improve the quality, improve the delivery, and lower the price of goods and services, to obtain, without undue delay or burden, financial credit at reasonable cost, and to develop means of enforcing consumer rights, developing consumer grievance procedures and presenting consumer grievances, submitting consumer views and concerns for protection against unfair, deceptive, or discriminatory trade and commercial practices and educating low-income persons with respect to such rights, procedures, grievances, views and concerns.

"(b) No assistance may be provided under this section unless the grantee or contracting organization or agency is a nonprofit organization and has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of low-income persons in the project.

"(c) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness, or which have not yet been evaluated until such time as an evaluation is conducted and the effectiveness determined and to carry out evaluations of such projects, of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971 or June 30, 1972."

TERMINATION OF ASSISTANCE

SEC. 15. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211 (b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur."

SPECIAL ASSISTANCE

SEC. 16. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 234. (a) The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons and other low-income individuals who do not reside in low-income areas and who are not being effectively served by other programs under this title.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated (in addition to amounts otherwise authorized to be appropriated for carrying out the Economic Opportunity Act of 1964) $50,000,000 annually for the fiscal year ending June 30, 1973, and for the succeeding fiscal year."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 17. Section 224 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community and within any State so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 18. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

DAY CARE STANDARDS

SEC. 19. Section 522(d) of the Act is amended by adding a new sentence after the words "local levels." as follows: "Such standards shall be no less comprehensive than the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968."

PROHIBITION OF POLITICAL ACTIVITY

SEC. 20. Section 603 of the Act is amended by adding at the end thereof the following new subsection:

"(c) No part of any funds appropriated to carry out this Act, subpart (1) of part B of title V of the Higher Education Act of 1965, or any program administered by ACTION shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity, the Teacher Corps, or ACTION, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term 'election' has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term 'Federal office' has the same meaning given such term by section 301(c) of such Act."

DEFINITION OF LOWER LIVING STANDARD BUDGET

SEC. 21. Section 609 of the Act is amended by adding at the end thereof the following:

"(5) the term 'lower living standard budget' means that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the 'lower living standard budget'."

GUIDELINES

SEC. 22. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 23. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

POVERTY LINE

SEC. 24. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

"POVERTY LINE

"SEC. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 25. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in

such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration, and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAM.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1972, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of

farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS

SEC. 26. (a) Section 801 of the Economic Opportunity Act of 1964 is amended as follows: In the second sentence of section 801, after the words "to eliminate poverty" insert the words "and to deal with environmental problems focused primarily upon the needs of low-income persons and the communities in which they reside".

(b) Section 811(a) of such Act is amended:

(1) by striking out the first sentence thereof, and

(2) by inserting in lieu thereof: "Volunteers under this part shall be required to make a full-time personal commitment to achieving the purpose of this title and the goals of the projects or programs to which they are assigned."

(c) Section 820(a) of such Act is amended:

(1) by striking out the first sentence of subsection (a) and

(2) by inserting in lieu thereof: "The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty and otherwise in furtherance of the purpose of this title."

(d) The first sentence of section 821 of such Act is amended, effective July 1, 1972, by inserting before the period at the end thereof a comma and the following: "and such programs shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

LEGAL SERVICES PROGRAM

SEC. 27. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and the peaceful settlement of disputes within the system of justice;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appro-

priate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about the peaceful settlement of disputes within the system of justice; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter in this title referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person.

"(c) The Corporation, and legal services programs assisted by the Corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the Corporation, and legal services programs assisted by the Corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of at least six months following the date of enactment of the Economic Opportunity Amendments of 1972 for the process of incorporation and initial organization of the Corporation.

"(b) The Director of the Office of Economic Opportunity shall serve as the incorporating trustee for the purposes of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(a)(2), from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(b)(2), from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1972, all recommendations as provided in section 904(a)(2) for persons to serve on the initial board of directors shall be submitted to the President.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trustee shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) The responsibilities of the incorporating trustee shall terminate upon the first meeting of the board of directors, such meeting to occur following appointment of all members of such board.

"(g) During the ninety-day period immediately following the meeting referred to in subsection (f) of this section, the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation pursuant to section 906 of this Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of nineteen individuals appointed by the President, by and with the advice and consent of the Senate, one of whom shall be elected to serve as chairman annually by such board. Members of the board shall be appointed as follows: (1) Ten members from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State; (2) five members who are representative of the organized bar and legal education; (3) two members from among individuals eligible for assistance under this title; and (4) two members from among former legal services project attorneys. The American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association may submit recommendations to the President with respect to members to be appointed as provided in clause (2), the Clients Advisory Council may submit recommendations to the President with respect to members to be appointed in clause (3), and the Project Attorneys Advisory Council may submit recommendations to the President with respect to members to be appointed as provided in clause (4).

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1972;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under clause (1) of section 904(a), three at the end of three years, four at the end of two years, and three at the end of one year;

"(B) in the case of directors appointed under clause (2) of section 904(a), two at the end of three years, one at the end of two years, and two at the end of one year;

"(C) in the case of directors appointed under clause (3) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under clause (4) of section 904(a), one at the end of three years and one at the end of two years; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f)(1) No person who is a paid employee or consultant of the Corporation or of any grantee of the Corporation may serve on the board of directors.

"(2) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) The board shall, in consultation with the respective advisory councils, provide for rules with respect to meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a)(1) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualification, and method of selection and appointment, from among individuals who are eligible for assistance under this title.

"(2) Procedures for selecting members of the Clients Advisory Council must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such Council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council may submit to the President recommendations as provided in section 904(a) for persons to serve on the board of directors.

"(b)(1) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title.

"(2) Procedures for selecting members of the Project Attorneys Advisory Council must ensure that all areas of the country are rep-

resented, and in no event may more than one representative on such Council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council may submit to the President recommendations as provided in section 904(a) for persons to serve on the board of directors.

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of five members of the board, which shall include the chairman of the board, and at least one director appointed pursuant to clause (2) of section 904(a), and one appointed pursuant to clause (3) or (4) of such section. Not less than three of the members of the executive committee shall be from among those members of the board appointed pursuant to clause (1) of section 904(a) of this title. The chairman of the board shall serve as the chairman of the executive committee. The chairman of the executive committee may designate another member of the executive committee to act in his absence.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective ninety days after the date of the meeting referred to in section 303(f) of this Act, in order to carry out the purposes of this title the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs, and special emphasis programs to provide legal services to migrant or seasonal farmworkers, Indians, and the elderly poor;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title;

"(10) prescribe criteria to be used in determining the level of income (considering family size and other relevant factors) which will result in a person's being unable to obtain private legal counsel because of inadequate financial means, and hence a member of the client community; and

"(11) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants and contracts based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful settlement of disputes within the system of justice; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1972, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation, shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e)(1) The Corporation shall establish and publish procedures and guidelines to ensure that no funds or personnel made available by the Corporation shall be used to undertake to influence the passage or defeat of any proposed convention, constitutional amendment, code, statute, executive order, ordinance, regulation, rule, or similar enactment or promulgation considered in any form by any legislative body by representations to such body (or committee or member thereof) or any similar activity except where—

"(A) an attorney representing an eligible member of the client community is requested by such member to make such representation or undertake such activity and such representation or activity is carried out in a manner which does not identify the Corporation or any legal services program receiving assistance from the Corporation with such representation or activity;

"(B) personnel of the Corporation or any legal services program receiving financial assistance from the Corporation are requested by a legislative body (or committee or member thereof) to make such representation or undertake such activity.

"(2) Procedures and guidelines established by the Corporation under paragraph (1) of this subsection shall ensure that, where applicable, representations or activities permitted under that paragraph are undertaken in a manner which is consistent with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association.

"(3) No funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissible under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association.

"(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application and request the State bar association

for comments and recommendations on such grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding nor shall any funds or personnel made available by the Corporation pursuant to this title be used to provide legal services in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official, except as provided by regulations issued by the Corporation.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d)(1) The Corporation shall insure that all employees of the Corporation or of legal services programs assisted by the Corporation, while engaged in activities carried on by the Corporation or by legal services programs, refrain (A) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (B) from any voter registration activity other than legal representation in civil judicial or administrative proceedings or in connection with legal advice as to adherence to applicable, local state or federal registration requirements, and (C) from any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office.

"(2) Employees of the Corporation shall be deemed to be State or local employees for purposes of chapter 15 of title 5 of the United States Code.

"(3) Programs assisted by the Corporation shall be deemed to be State or local agencies for purposes of clauses (1) and (2) of section 1502(a) of such title.

"(4) The Board of Directors shall set appropriate guidelines for the private political activities of full-time employees of legal services programs assisted by the Corporation.

"(e) The Corporation shall insure that all employees of the Corporation or of legal services programs assisted by the Corporation, while engaged in activities carried on by the Corporation or by legal services programs assisted by the Corporation, refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities:

"(1) any illegal demonstration, picketing, boycott, or strike; or

"(2) any form of direct action which is in violation of an outstanding injunction of any Federal, State, or local court; or

"(3) any form of direct action which is designed to involve physical violence, destruction of property, or physical injury to persons.

"(f) The board of directors of the Corporation shall issue rules and regulations to provide for the enforcement of this section, which rules shall include as one available remedy, but not be limited to, provisions, in accordance with the types of procedures prescribed in the provisions of section 914 of this Act, for emergency suspension of assistance to a legal services program assisted pursuant to this title, summary suspensions of an employee of the Corporation or of any legal services program assisted by the Corporation, and the termination of assistance and employment as deemed appropriate for violations of this section.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, to the extent authorized by the Corporation the substance of such reports may be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit and may be available for inspection to the President of the United States and Members of Congress.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available for inspection to the person conducting the audit, and, upon request, to the President of the United States and to Members of Congress, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The President or any of his duly authorized representatives and the Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem ap-

propriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. (a) Except as provided for in subsection (b) of this section, nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"(b) Nothing in this section shall be construed as limiting the authority of the Office of Management and Budget or the Office of Economic Opportunity to initiate and to conclude necessary reviews respecting adherence to the provisions of this title, and to review and submit comments upon the Corporation's annual budget request at the time it is transmitted to the Congress.

"(c) Reviews under subsection (b) of this section shall be conducted in accordance with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing the confidentiality of the attorney client relationship.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1972, whichever is the earlier, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1972, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1972 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b)(1) The Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such Corporation of financial assistance to legal services progams assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(2) Effective six months after the date of enactment of this Act, or ninety days after the date of the meeting referred to in section 903(f) of this Act, whichever is later, section 222(a)(3) of Economic Opportunity Act of 1964 is repealed.

(3) The Director of the Office of Economic Opportunity shall conduct a study of alternative methods of delivery of legal services to eligible clients including but not limited to judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the Congress on or before June 30, 1973, concerning improvements, changes, or alternative methods for delivery of such services.

(4) Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 626. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

EVALUATION

SEC. 28. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE X—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 1001. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 1002. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director on a cooperative basis with such agency, with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 1003. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director shall consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 1004. (a) The Director shall publish summaries (prepared by the evaluator) of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations,

proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act.

"EVALUATION BY OTHER ADMINISTERING AGENCIES

"SEC. 1005. The head of any agency administering a program authorized under this Act may, with respect to such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this title. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs."

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 154, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

FUNCTIONS OF DIRECTOR

SEC. 29. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 30. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

And the Senate agree to the same.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PATSY T. MINK,
LLOYD MEEDS,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
WILLIAM A. STEIGER,
EARL B. RUTH,
Managers on the Part of the House.

GAYLORD NELSON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI E. STEVENSON III,
JENNINGS RANDOLPH,
ROBERT TAFT, JR.,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
J. GLENN BEALL, 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 amendment of the Senate to the House bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, 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 points in disagreement and the conference resolution of them are as follows:

The House bill authorized $2,304,066,000 for fiscal year 1972 and $3,000,000,000 for fiscal year 1973. Of these amounts $350,000,000 a year was reserved for local initiative programs and a specific authorization of $500,000,000 for fiscal 1972 and $1,000,000,000 for fiscal 1973 was authorized for Project Headstart.

The Senate amendment authorized the following amounts:

[In millions]

	1972	1973	1974
Department of Labor programs:			
Title IABE	$900.0	$950.0	$950.0
Special NYC	500.0	500.0	500.0
Health, education, and welfare programs:			
Headstart	500.0	500.0	500.0
Follow through	100.0	100.0	100.0
ACTION programs: VISTA	37.0	58.0	
OEO programs:			
Total titles II, III, VI, VII, IX, X	(950.0)	(1,000.0)	(1,000.0)
Local initiative [1]	328.9	328.9	328.9
Legal services [1]	7.15	71.5	71.5
Comprehensive health	114.0	114.0	114.0
Emergency food	62.5	62.5	62.5
Family planning	25.0	25.0	25.0
SOS	8.8	8.8	8.8
Alcoholic counseling	18.0	18.0	18.0
Drug rehabilitation	18.0	18.0	18.0
Environmental action	5.0	5.0	5.0
Rural housing	10.0	10.0	10.0
Consumer action	7.5	7.5	7.5
Design and planning	10.0	10.0	10.0
Youth recreation and sports	6.0	6.0	6.0
T. & T.A., SEOO, R. & D.	117.6	117.6	117.6
Title III migrants	38.0	38.0	38.0
Titles VI and X	18.0	18.0	18.0
Title VII	58.0	58.0	58.0
Other	33.2	83.2	83.2
Add ons:			
Title VII		62.0	62.0
Legal services		100.0	100.0
Rural housing		5.0	5.0
VISTA	16.0		
SOS		21.2	21.2
Urban housing	20.0	20.0	20.0
Special assistance	50.0	50.0	50.0

[1] These amounts are reservations as well as authorization levels.

The Senate amendment provided that in the case where appropriations were not sufficient to meet authorizations the Director must allocate in each fiscal year at least $18,000,000 for Alcoholic Counseling and Recovery and $30,000,000 for the Emergency Food and Medical Services program. There was no comparable House provision.

The Conference agreement contains the following authorizations of appropriations:

[In millions]

	1973	1974
Department of Labor programs:		
Title I.A., B. & E	$950.0	$950.0
Special NYC	100.0	200.0
Health, education, and welfare programs:		
Headstart	700.0	500.0
Follow Through	100.0	100.0
ACTION programs (VISTA)	58.0	
OEO programs (total for titles II, III, VI, VII, IX, X)	(1,000.0)	(1,000.0)
Local initiative	328.9	328.9
Legal services	71.5	71.5
Comprehensive health	114.0	114.0
Emergency food	62.5	62.5
Family planning	25.0	25.0
SOS	8.8	8.8
Alcoholic counseling	18.0	18.0
Drug rehabilitation	18.0	18.0
Environmental action	5.0	5.0
Rural housing	15.0	15.0
Consumer action	7.5	7.5
Design and planning	10.0	10.0
Youth recreation and sports	4.5	4.5
T. & T. A., SEOO, R. & D.	117.6	117.6
Title III	38.0	38.0
Titles VI and X	18.0	18.0
Title VII	58.0	58.0
Other	79.7	79.7
Add ons:		
Title VII	31.0	31.0
Legal services	50.0	100.0
SOS	21.2	21.2
Special assistance	50.0	50.0
Title VIII (VISTA)	16.0	
Total	3,076.2	2,952.2

The Conference agreement also contains the mandatory spending levels contained in the Senate amendment for the Alcoholic Counseling and Recovery program and the Emergency Food and Medical Service program.

In section 3(c)(2) of the Conference Report, the term "reserve and make available" is used in connection with the reservation of funds for local initiative programs. By this the conferees mean that the sums required to be "made available" shall be newly obligated during each of the fiscal years for which such sums are required to be made available.

The Senate amendment authorized the Secretary of HEW to establish procedures to assure that not less than 10% of the enrollment opportunities in Project Headstart in the nation be available for handicapped children. There was no comparable House provision. The House recedes.

The House bill extended the authority for programs under the Act for two additional years. The Senate amendment extended the provision for three additional years. The House recedes.

The Senate amendment extended the length of time a person can serve on a community action board from three to six consecutive years and increased the total number of years a person may serve to twelve years. There was no comparable House provision. The conference agreement extends the length of service on a community action board to five consecutive years and increases the total number of years to ten.

The House bill required that the public officials who comprise one-third of each community action agency board be elected officials except where fewer than the requisite number of elected officials were available and willing to serve, in which case appointive public officials could be counted toward fulfilling the requirements of this subsection. There was no comparable Senate provision. The Senate recedes with the understanding that elected officials refers to those with general governmental responsibilities or responsibilities encompassing anti-poverty programs—not to officials with limited or administrative responsibilities in specialized areas, such as a water district commissioner.

The House bill established guidelines which must be followed by the Secretary of Health, Education, and Welfare in promulgating fee schedules for the participation of non-low-income children in Project Headstart. No charge could be made with respect to any child who was a member of a family with an annual income less than $4,320. A graduated fee schedule was prescribed up to the level of the lower living standard budget as determined by the Bureau of Labor Statistics. Beyond that point the Secretary is given

discretion. There was no comparable Senate provision. The Senate recedes.

The Conference agreement further provides that if the Secretary of HEW certifies that the establishment of such a fee schedule would substantially impair the ongoing Headstart programs, he may postpone their effectiveness, but under no circumstances may such establishment be postponed beyond April 1, 1973.

The Senate amendment allowed addicts enrolled and participating in methadone maintenance treatment or therapeutic programs to participate in the program. The House bill limited participation to rehabilitated addicts. The House recedes.

The Senate amendment allowed the Director to undertake special programs assisting employers in dealing with problems of employee "drug abuse and dependency". The House bill only allowed programs dealing with "drug abuse". The House recedes.

The Senate amendment required that priority be given to areas within the States having the highest percentage of addicts. There was no comparable House provision. The House recedes.

Both the House bill and the Senate amendment called upon the Director to establish procedures whereby addicts undergoing rehabilitation and participation in this program who, during the course of such rehabilitation, became non-low-income as a result thereof would nevertheless remain eligible to participate in this program until they had completed a full course of rehabilitation. The House bill also made clear that there is to be no exception to income criteria for initial entry into the program. The Senate amendment had no comparable provision. The Senate recedes.

Both the House bill and the Senate amendment established an Environmental Action program through which low-income persons would be paid for working on projects to combat pollution or to improve the environment. The Senate amendment also required that such work projects be those which would not otherwise be performed. There was no comparable House provision. The House recedes. The purpose of the provision in the Senate amendment is to insure that the program be operated in such a way as not to displace persons currently employed in similar tasks, but the conferees wish to make clear that they do not expect the Director to arbitrarily use the language as an excuse for not funding programs authorized under this section.

Both the House bill and the Senate amendment authorized a new program to be known as Rural Housing and Rehabilitation. In addition, the Senate amendment allowed the use of persons enrolled in Mainstream programs in the construction, rehabilitation, and repair of housing for low-income persons under this paragraph. The House recedes. The conferees wish it clearly understood that this new program in intended for a limited number of sponsors in order to fully demonstrate its potential. The conferees expect that the program will be administered in the national office of the Office of Economic Opportunity and that no regionalization of the program will take place until Congress has had an opportunity to assess its effectiveness.

The Senate amendment placed the administrative responsibility for the Youth Recreation and Sports Program with the Director of the Office of Economic Opportunity. The House bill placed such responsibility with the Secretary of Health, Education, and Welfare. The House recedes. The conferees wish to make clear that the Director of the Office of Economic Opportunity is given the discretion to continue to enter into delegation agreements he considers appropriate.

(a) The Senate amendment specifically required the participation of all significant segments of low-income population to be served. There was no comparable House provision. The House recedes.

(b) The Senate amendment provided $6,000,000 per year. The House bill authorized $3,000,000 for carrying out the purposes of this section. The conference agreement provides for an authorization of $4,500,000 per year for each of the fiscal years ending prior to July 1, 1974.

The House bill and the Senate amendment authorized the Director to provide financial assistance for projects designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. The Senate amendment authorized $50 million for fiscal year 1972 and the two succeeding fiscal years. The House bill authorized $50 million for fiscal year 1972 and such sums as may be necessary for each succeeding fiscal year, creating in effect a permanent authorization. The House recedes.

The House bill provided for the equitable distribution of financial assistance under the Act to all significant segments of the low-income population within a State and within a community. The Senate amendment required such equitable distribution only within a community. The Senate recedes.

The House bill prohibited the use of funds appropriated for Teacher Corps or ACTION from being used to finance any activity designed to influence the outcome of any election, or for voter registration, or to pay the salary of any officer or employee of OEO, Teacher Corps or ACTION who in an official capacity engages in such activity. As used in this amendment, "election" and "Federal office" are defined as in the Federal Election Campaign Act of 1971. There was no comparable Senate provision. The Senate recedes.

The House bill required that any standards for day care programs be no less comprehensive than the interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. There was no comparable Senate provision. The Senate recedes.

The Senate amendment amended section 616 of the Economic Opportunity Act to increase the portion of an allocation that may be transferred from one program or activity to another from 15% to 25%. The amendment also deleted the limitation which placed a ceiling on the amount that may be transferred into a program. Existing law provided that such transfers could not result in increasing by more than 100% any program for which there was available $10 million or less or by increasing by 25% any program for which amounts available were in excess of $10 million. The House bill reduced the authority of the Director to transfer earmarked funds to 10% of the amount appropriated or allocated. The House bill further limited the degree to which the program or activity could be increased. The conference agreement increases the portion of an allocation that may be transferred from one program to another to 20 per centum.

The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

The Senate amendment prohibited the Director from providing financial assistance to anyone under this Act unless the grant, contract or agreement under which funds are to be provided specifically provides that no person with responsibilities in the operation of such program will discriminate because of race, creed, color, national origin, sex, political affiliation or beliefs. There was no comparable House provision. The House recedes.

The Senate amendment prohibited sex discrimination, to be enforced in accordance with Civil Rights Act procedures. There was no comparable House provision. The House recedes.

The House bill required the national poverty action plan to be presented by December 31, 1971. The Senate amendment required submission by August 1, 1972. The House bill required subsequent plans no later than December 31st of succeeding years. The Senate amendment required subsequent reports on January 31st of each year. The dates provided in both the House and Senate bill presented a situation where it would have been impossible for the agency to comply. Therefore, the conferees dropped the specific date that the national poverty action plan was to be presented to the Congress. It is the intention of the conferees, however, that at the earliest possible date the Office of Economic Opportunity submit such a plan.

Both the House bill and the Senate amendment consolidated all evaluation activities into a single title. They differed in the following respects:

(a) The Senate amendment specified that such evaluations may be made of programs under the Office of Economic Opportunity Act, or related Acts. There was no comparable House provision. The House recedes.

(b) The Senate amendment qualified the directives to develop evaluation standards with the words "to the extent feasible". There was no comparable House provision. The House recedes.

(c) The House bill required the results of evaluation to be considered in renewing financial assistance. There was no comparable Senate provision. The Senate recedes.

(d) The Senate amendment required the Director to exchange data "on a cooperative basis with such agency". There was no comparable House provision. The Houses recedes.

(e) Under the House bill the Director would "consult where appropriate with States to sponsor jointly funded evaluations" while the Senate amendment read "may consult when appropriate". The Senate recedes.

(f) The House bill required the publication of evaluations where the Senate amendment only required the publication of summaries of such evaluations. The conference agreement requires that summaries prepared by the evaluator be published. The conferees want to make clear that the publication of such summaries in no way relieves the Director from existing obligations to make evaluation reports in their entirety available to the Congress.

(g) The Senate bill authorized the head of any agency administering a program authorized by the Act to conduct evaluations or take other actions authorized under this title but specified that nothing in this section would preclude the Director from conducting such evaluations or taking such actions as otherwise authorized under the Act. There was no comparable House provision. The House recedes.

Both the House bill and Senate amendment established a new title of the Economic Opportunity Act to create a National Legal Services Corporation. They differed in the following respects:

(a) The House bill indicated the policy of providing Legal Services "as a means of securing orderly change, responsiveness and reform", while the Senate amendment stated the policy as "the peaceful settlement of disputes within the system of justice". The House recedes.

(b) The House bill provided that the Corporation be granted tax exempt status. The Senate amendment provided that the Corporation be eligible for tax exempt status if it met the requirements of the Internal Rev-

enue Code. Further, the Senate amendment provided that if such treatment was provided the Corporation, then the Corporation and programs assisted by the Corporation were subject to the provisions of the Code regarding the conduct of tax exempt organizations. The House recedes.

(c) The House bill provided for an incorporating trusteeship composed of:

The Attorney General, Director of the Office of Economic Opportunity, Associate Director for Legal Services, Chairman of the Executive Committee of the National Advisory Committee to Legal Services, the presidents, or their designees, of the following organizations: American Bar Association, Association of American Law Schools, National Bar Association, National Legal Aid and Defender Association, and American Trial Lawyers Association.

The Senate amendment required that the Director of the Office of Economic Opportunity serve as incorporating trustee and carry out his responsibility in consultation with, the National Advisory Committee to Legal Services and appropriate Office of Economic Opportunity regulations.

The conference agreement provides that the Director of the Office of Economic Opportunity shall serve as the incorporating trustee. While deleting any statutory requirement that the Director of the Office of Economic Opportunity consult with the National Advisory Committee for Legal Services, the conferees expect that the Director will take advantage of the expertise of and consult with the National Advisory Committee in carrying out his responsibilities under this section.

(d) Both the Senate amendment and House bill required the establishment of advisory councils; the Senate amendment required adequate regional representation in the initial as well as the regular councils. The House recedes.

(e) The House bill required the Director to supply to the incorporating trusteeship a list of all legal services programs. There was no comparable Senate provision. The House recedes.

(f) The Senate amendment provided for the termination of the responsibilities of the incorporating trustee upon the first meeting of the board after the appointment of all board members. There was no comparable House provision. The House recedes.

(g) The House bill provided for a board of directors of 17 individuals appointed by the President, one to be elected as chairman, as follows:

6 from members of the general public, three of whom shall be members of the highest court in any jurisdiction.

2 from lists submitted by the Judicial Conference.

2 from lists submitted by the Clients Advisory Council—both of whom must be persons eligible for assistance.

2 from lists submitted by the Project Attorneys Advisory Council.

5—one each—from lists submitted by each of the following organizations:

American Bar Association

Association of American Law Schools

National Bar Association

National Legal Aid and Defender Association

American Trial Lawyers Association

The Senate amendment provided for a board of directors of 19 members appointed by the President, one elected by a majority to serve as chairman, to be appointed as follows:

10 from the general public—six of whom shall be members of the highest court in any jurisdiction

2 from recommendations of the Clients Advisory Council—at least one of whom must be a person eligible for assistance

2 from recommendations of the Project Attorneys Advisory Council

5—one each—from recommendations of the following organizations:

American Bar Association

Association of American Law Schools

National Bar Association

National Legal Aid and Defender Association

American Trial Lawyers Association

One of the directors shall represent and be from among groups who speak other than English as a predominant language.

The Conference agreement provides that the Corporation shall have a Board of Directors consisting of nineteen individuals all of whom are appointed by the President with the advice and consent of the Senate, one of whom shall be elected annually to serve as Chairman. The members of the Board shall be appointed as follows: ten members from individuals in the general public, at least six of whom shall be members of the bar of the highest court of a State; five members who are representative of the organized bar and legal education; two members selected from individuals eligible for assistance under this title; and two members from among former legal services project attorneys. The American Bar Association, The American Association of Law Schools, the National Bar Association, the National Legal Aid and Defender Association and the American Trial Lawyers Association may submit recommendations to the President with respect to those members who are representative of the organized bar and legal education. The Clients Advisory Council may submit recommendations to the President with respect to the members to be appointed to the board who are individuals eligible for assistance under this title. The Project Attorneys' Advisory Council may submit recommendations to the President with respect to the members to be appointed to the board who are former legal services project attorneys. "Representative of" means "an outstanding individual" from the organized bar or legal education, and does not mean that an individual is on the board to represent a specific organization.

The conferees expect that the Committee on Labor and Public Welfare of the Senate, prior to submitting its report to the Senate on nominations to the Board of Directors of the Corporation, will hold public hearings to afford interested parties a chance to be heard in respect to the individuals nominated by the President.

The conferees are mindful that 20% (57 of 266) of the Legal Services grantees provide substantial amounts of service to Spanish-speaking clients. For Calendar Year 1969, 12.5% of the recipients were estimated to be Spanish-speaking. Therefore, while not retaining the Senate provision requiring such an appointment, the conferees expect that at least one director would represent and be chosen from the population within the nation of persons who speak a language other than English as their predominant language.

(h) The House bill prohibits any employee or consultant of the Corporation or grantee from serving on the board. The Senate amendment provided that if any association making recommendations for any appointment to the board is an applicant for a grant and provides legal representation funded under this Act to members of the client community such appointment shall be invalid and be added to those made by the President. The conference agreement includes the House provision.

(i) The House bill provided that the board may establish an executive committee of from 5 to 7 members of the board, one of whom is to be the chairman of the board, one of whom is to be a board member originally recommended by the Client Advisory Council or Project Attorneys Advisory Council, one of whom is to be a board member originally recommended by the professional legal organizations, and one of whom is to be a board member who was appointed from the general public. The Senate amendment allowed the board to establish an executive committee of five board members consisting of the chairman, one member from recommendations of the legal or professional organizations, and one member from recommendations of the Client's Advisory Council or Project Attorney's Advisory Council. Not less than three members are to be from the general public, and the chairman of the board must be chairman of the executive committee.

The conference agreement allows the Board to establish an Executive committee of five members, three of whom shall be from the members from the general public, one of whom shall be from the organized bar and legal education and one of whom shall be from individuals eligible for assistance under this title or former project attorneys. The chairman of the Board shall be a member of the executive committee and serve as its chairman.

(j) The Senate amendment authorized special emphasis programs for migrants, Indians, and the elderly poor. There was no comparable House provision. The House recedes.

(k) The House bill authorized the Corporation to prescribe criteria to be used in determining the level of income which will render a person a member of the client community. There was no comparable Senate provision. The Senate recedes.

(l) Both the Senate amendment and the House bill restrict the use of funds or personnel for the purpose of lobbying.

The House bill applied this restriction to all attorneys while engaged in legal service activities who were not representing clients or a group of clients or who were not requested by a legislative body or member thereof, to make such representation. The Senate amendment restricted such activities except where the attorney was requested to provide such representation by a client provided that the attorney did not identify the corporation or individual program with the purpose of such representation, or by a legislative body or member thereof.

The Senate amendment further required the Corporation to insure that representations permitted under this section are carried out in a manner that is consistent with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association. The conference agreement contains the more comprehensive Senate language.

(m) The Senate amendment required that the Corporation request the State bar association for comments and recommendations on approved grants or contracts for programs operated within the State. There was no comparable House provision. The House recedes.

(n) The House bill prohibited the Corporation from providing legal services in civil suits to persons who have been convicted of a criminal charge where such civil suit arises out of alleged acts or failures connected with the criminal conviction and is brought against a court official or law enforcement official. There was no comparable Senate provision.

The Conference agreement prohibits the Corporation from providing legal services in civil actions to persons who have been convicted of a criminal charge where such civil action arises out of alleged acts or failures to act connected with a criminal conviction and such action is brought against a court official or law enforcement official, except as provided by regulations promulgated by the Corporation.

(o) Both the House bill and Senate amendment prohibited voter registration activity other than "legal representation". In the Senate amendment the exception reads "legal representation in civil, judicial (or administrative proceedings or in connection with legal advice as) to adherence to applicable local, State or Federal registration requirements". The House recedes.

(p) The Senate amendment made employees of the Corporation and programs assisted by the Corporation subject to provisions of the Hatch Act. There was no comparable House provision. The House recedes.

(q) The Senate amendment further prohibited employees from illegal picketing, boycotting or any action in violation of an outstanding injunction or any activity designed to involve violence or damage to property or injury to persons, and required the board to issue rules and procedures to enforce these prohibitions. There was no comparable House provision. The House recedes.

(r) Both the House bill and the Senate amendment required that copies of evaluations be made available upon request to grantees or contractees. The Senate limited such availability to the extent authorized by the Corporation but made the President and Members of Congress eligible to receive such reports. There was no comparable House provision. The House recedes.

(s) The Senate amendment required that 20% of the funds appropriated to the Corporation be used to provide funds to eligible clients 55 years of age or older. There was no comparable House provision.

The Conference agreement deletes the requirement that 20 percent of the funds appropriated to the Corporation be used to provide legal services to eligible clients of 55 years of age or over. By deleting this requirement, the conferees wish to make clear that it is their intention that the Corporation establish regulations and guidelines to insure that the elderly poor receive an equitable portion of the funds appropriated to the Corporation. In this regard, the provisions of section 906(a)(3) of this Act provide for special emphasis programs for the elderly poor, as well as migrant or seasonal farm workers and Indians.

(t) The House bill allowed the President or his duly authorized representative and the Comptroller General access to books, documents, etc., of recipients of aid from the Corporation. The Senate amendment allowed such access only to the Comptroller General. The Senate recedes.

(u) The Senate amendment allowed the Office of Management and Budget and O.E.O. to initiate and conduct reviews respecting adherence to this title and to review and comment on the Corporation's budget submission, provided that such reviews are in accordance with the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing confidentiality of the attorney-client relationship. There was no comparable House provision. The House recedes.

(v) The Senate amendment required the Director to cooperate in the orderly transfer of functions and responsibility from O.E.O. to the Corporation. There was no comparable House provision. The House recedes.

(w) The Senate amendment required the Director to make a study of alternative methods of delivering legal services and make recommendations to the Congress by June 30, 1973. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Design and Planning Assistance Programs, providing for the Director to fund to community-based design and planning organizations to provide technical assistance and professional services to community organizations and to continue existing section 232 programs of a comparable nature and authorized $10 million for each fiscal year. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Consumer Action and Cooperative Programs, providing for the Director to fund programs in consumer advocacy and protection and to continue existing section 232 programs of a similar nature, and authorized $7.5 million for each of three fiscal years. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Urban Housing Demonstration Projects, to authorize the Director to provide financial assistance for demonstration projects in urban areas, and authorized $20.0 million for each of three fiscal years. There was no comparable House provision. The Senate recedes.

While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counselling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII, Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

The Senate amendment prohibited the Director from delegating his functions under section 221 and title VII of such Act, notwithstanding the provisions authorizing delegation of programs of section 602 of the Economic Opportunity Act. There was no comparable House provision. The House recedes.

The Senate amendment combined the existing title I–D Special Impact Program and title III–A Rural Loan Program into a new unified Community Economic Development Program (title VII). This new title provided expanded authorization for grants as well as loans to rural cooperatives. There was no comparable House provision. The House recedes.

The rules of the House forbid managers on the part of the House from accepting Senate amendments that provide for appropriations within authorization bills. It was felt that the transfer of funds from one agency to another and the requirement that interest payments on loans from a revolving fund be returned to the fund rather than to the Treasury would violate the rule against including appropriations provisions in authorizing legislation.

It was therefore necessary for the conferees reluctantly to delete those provisions of title VII that detailed the operation of the newly authorized Community Development and Rural Development revolving funds, to delete those provisions that would have transferred the assets of the existing title III–A loan fund from the Department of Agriculture back to the Office of Economic Opportunity for consolidation with the new Rural Development revolving fund, and to delete those provisions in title VII that would have repealed title III–A. As approved by the conferees, title VII authority for a Rural Development Loan revolving fund will exist in addition to the authority in title III–A for the present Rural Loan revolving fund. It is the intent of the conferees, to the extent not prohibited by law, that the revolving funds authorized by title VII operate as is common with such funds, i.e., that repayments of principal shall be returned to the fund to be available for new loans and that the budget provide for the appropriation of the amount of the interest paid on such loans to the fund, to be used to offset the cost of operating such funds. Further, it is the intent of the conferees that the Office of Economic Opportunity seek to operate the Rural Loan fund provisions of title VII and those under title III–A in close conjunction pending legislation to transfer the title III–A loan fund to this title. In deleting the language in title VII that detailed the operation of the new revolving funds it was necessary to delete the provision authorizing the use of interest payments to the funds to defray administrative expenses. However the conferees wish to make it clear that it is their understanding that the statutory authority of the Director to make payments out of the existing title III–A revolving fund for "loans, participation, and guarantees" encompasses the same authority as is provided in other federally supported revolving funds to defray such costs as are necessarily incurred in the administration of loans from such revolving funds.

The Senate amendment amended title VIII of the Act by making clear authority for VISTA volunteers to work on environmental problems focused primarily on the needs of low-income persons and the communities in which they reside. There was no comparable House provision. The House recedes.

The Senate amendment added a new section to title VI requiring frequent review and revision of the poverty levels based on the changes in the consumer price index. There was no comparable House provision. The House recedes.

The Senate amendment authorized persons who are otherwise eligible and live in public and private institutions to participate in Neighborhood Youth Corps programs. There was no comparable House provision. The House recedes.

The Senate amendment amended section 211 by requiring the Director to insure no local community action agency election be held on a Sabbath Day. There was no comparable House provision. The House recedes.

The Senate amendment amended the Federal property and Administrative Service Act of 1949 by requiring the GSA to continue its policy of making excess property available to a grantee of any agency under a program established by law for which funds had been appropriated. There was no comparable House provision. The Senate recedes because the rules of the House prohibit House conferees from agreeing to a nongermane Senate amendment.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PATSY T. MINK,
LLOYD MEEDS,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
WILLIAM A. STEIGER,
EARL B. RUTH,
Managers on the Part of the House.

GAYLORD NELSON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI E. STEVENSON,
JENNINGS RANDOLPH,
ROBERT TAFT, JR.,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 7060, RETIREMENT OF FIREFIGHTERS UNDER CIVIL SERVICE RETIREMENT PROGRAM

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1056 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1056

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. 7060) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations. 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 Post Office and Civil Service, 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 Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. 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. 7060, the Committee on Post Office and Civil Service shall be discharged from the further consideration of the bill S. 916, 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. 7060 as passed by the House.

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

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

Mr. Speaker, House Resolution 1056 provides an open rule with 1 hour of general debate for consideration of H.R. 7060, the purpose of which is to include firefighters within the provisions of the Code relating to retirement of government employees engaged in hazardous occupations. The resolution further provdies that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment. After passage of H.R. 7060, the Committee on Post Office and Civil Service shall be discharged from further consideration of S. 916 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.

Under the civil service retirement law, early retirement privileges are granted to employees serving in hazardous positions. They may retire at age 50 with 20 years of service at 2 percent of the high 3-year average salary for each year of service.

The retirement must be recommended by the head of the employing agency and his recommendation must be approved by the Civil Service Commission.

Heretofore, positions granted the preferential retirement have been in the field of law enforcement. H.R. 7060 would extend the hazardous occupation provisions to Federal firemen who primarily perform work directly connected with the control and extinguishment of fires, or the maintenance and use of firefighting equipment.

Over 10,000 Federal firemen would be affected by the legislation at an estimated cost of $6.7 million in each of the next 30 years.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. Speaker, the distinguished gentleman from Texas has explained House Resolution 1056 and the purpose of the bill H.R. 7060. I will simply add some additional comments, Mr. Speaker.

In addition to having to do with hazardous duties under the civil service retirement law, the bill specifically authorizes retirement at full annuity at age 50 after 20 years of firefighting service for about 12,300 Federal firefighters, most of whom are employed by the Department of Defense. Under present law, retirement at full annuity is possible only after employees reach age 55 and complete 30 years of service. The bill would also provide a more liberal formula for computing the annuities of these employees.

This bill would increase the unfunded liability of the Civil Service Retirement and Disability Fund by approximately $198,700,000. This increase would require amortization through appropriations of $6,700,000 in each of the next 30 years.

Both the U.S. Civil Service Commission and the Office of Management and Budget are opposed to this bill. They note that hazardous duty is usually compensated by higher pay, which, in turn, produces a larger retirement benefit. They further point out the overly liberalized benefits in this bill will have little effect on recruiting, only a minor effect on retention, and yet a far-reaching morale effect on other Federal employees in hazardous occupations who are not similarly benefited.

Minority views have been filed by Congressmen GROSS and DERWINSKI. In addition to the argument presented above, they note that the injury frequency rate among Federal firefighters is considerably less than that of municipal firefighters primarily due to better fire prevention techniques.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. 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. 440, RETIREMENT OF IMMIGRATION AND CUSTOMS INSPECTORS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from New York (Mr. DELANEY), I call up House Resolution 1055 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1055

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. 440) to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations. 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 Post Office and Civil Service, 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 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 now printed in the bill. 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.

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

Mr. YOUNG of Texas. 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 1055 provides an open rule with 1 hour of general debate for consideration of H.R. 440, the purpose of which is to extend to customs and immigrant inspectors the same retirement benefits accorded to law enforcement personnel under the hazardous duty provisions of the civil service retirement law.

Employees serving in hazardous positions are granted the privilege of retiring at age 50 with 20 years of service at 2 percent of the high 3-year average salary for each year of service.

The retirement must be recommended by the head of the employing agency and his recommendation must be approved by the Civil Service Commission.

Positions granted the preferential retirement have been in the field of law enforcement. H.R. 440 would extend the hazardous occupation provisions to customs and immigration inspectors. No customs or immigrant inspectors who had

not in fact been exposed to hazards over a 20-year period would be eligible for such preferential consideration.

It is estimated that additional cost to the Government will be $3.2 million in each of the next 30 years.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. Speaker, as stated by the distinguished gentleman from Texas (Mr. YOUNG), House Resolution 1055 does provide a 1-hour open rule for the consideration of H.R. 440, customs and immigration inspectors early retirement.

The alleged purpose of H.R. 440 is to give customs and immigration inspectors the same preferential treatment already provided for Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement law.

This bill would authorize retirement at full annuity at age 50 after 20 years of service for about 5,000 customs and immigration inspectors. This bill would also provide a more liberal formula for computing the annuities of these employees.

With regard to cost, it is estimated that this bill would increase the unfunded liability of the Civil Service retirement and disability fund by approximately $51,400,000. This would result in additional costs of $3,200,000 in each of the next 30 years.

The U.S. Civil Service Commission and the Office of Management and Budget are both opposed to this bill. They note that hazardous duty is generally compensated by higher pay levels which results in higher retirement pay. They conclude that the overly liberalized retirement benefits in this bill will have little effect on recruiting and only a minor effect on retention, while creating additional demands by other Federal workers who do not get this preferential treatment.

Minority views were filed by Congressmen GROSS, DERWINSKI, JOHNSON of Pennsylvania, MILLS of Maryland, and MALLARY opposing this bill as unwarranted, costly, and likely to open the floodgates of a host of other Federal employees who can equally argue for similiar retirement treatment. These Members recommend that rather than approach this subject on a piecemeal basis, as has been the practice in the past, the committee should thoroughly restudy the entire subject of preferential early retirement.

Mr. Speaker, I personally have been friendly with the customs and immigration inspectors since back in 1936, when I was a member of the FBI. I have great respect for them. I have worked with many of them time and time again.

In all honesty, Mr. Speaker, I do not believe there are very many of them—perhaps a few percentage points—who actually engage in hazardous duty. From our mail we know that we get requests time and time again to check on the immigration status of some individual, to find out if that individual can stay as a permanent resident, rather than have to go home. We write letters by the scores to our home offices asking them to check the files.

I have great respect for the office in Los Angeles, Calif., who have always been most cooperative.

In all honesty, I do not believe it can be said that they spend too much of their time chasing bank robbers, or kidnapers, or going into hijacking of airplanes. I am inclined to believe we might be going just a little bit too far in this bill, if we include all of the customs and immigration inspectors—all of them—as being engaged in hazardous duties; 5,000 of them would be included.

I repeat again, Mr. Speaker, I do want to be sympathetic, because I feel they have been cooperative with me, but I feel it would be going a little bit too far to say that all of these men are engaged in hazardous duties and thus entitled to special preference such as is given to those who really are engaged in hazardous duties.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. 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.

RETIREMENT OF FIREFIGHTERS UNDER CIVIL SERVICE RETIREMENT PROGRAM

Mr. WALDIE. 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. 7060) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

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

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. 7060, with Mrs. GRIFFITHS 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 California (Mr. WALDIE) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. GROSS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. WALDIE).

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

Madam Chairman and members of the committee, the bill before us now is the bill that would extend early retirement benefits to firefighters. I make that distinction because the next bill is the one that deals with the customs and immigration inspectors. This bill deals with the firefighters, and I make that distinction further because this bill was before this House on a prior time. We passed it 2 years ago and the Senate passed it, and the President vetoed it. This bill has been passed now by the Senate in this Congress without opposition, and it is before the House again.

It seems to me the merits of the bill are pretty obvious. The code section at the present time permits early retirement benefits to be provided to those employees of the Federal Government whose primary duties involve law enforcement. The procedure whereby that beneficial result comes about is as follows. In an agency in which employees are located whose primary duties involve law enforcement the head of that agency may recommend to the Civil Service Commission that particular employees within his agency fall within that definition. So when they seek early retirement they may be accorded it if his recommendation is favorable and the Civil Service Commission concurs.

This bill simply says that if it is proper for law enforcement employees to have early retirement because of hazard then that would dictate similar treatment for fire-fighting employees.

The reason why you permit law enforcement employees to have early retirement is because they are subjected to great hazards in the performance of their duties. The statistics are quite clear that the hazards to which members of the Federal Bureau of Investigation, for example, are subjected are not as extensive, as a matter of fact, as the hazards to which firefighters in the Federal installations are subjected. The number proportionately of deaths that occur to the employee force of firefighters in the Federal installations is higher than the number of deaths incurred in the FBI, for example. The amount of injuries that occur statistically to the firefighters engaged in that hazardous occupation is greater than statistically the amount of injuries that occur to the FBI special agents. Therefore, if the Congress decided in their wisdom, and properly so, that FBI agents were subject in their law enforcement duties to great hazard and therefore should be entitled to early retirement benefits, it would seem equally clear that there was an inadvertent perhaps omission to permit language that would include hazardous occupations other than law enforcement.

That is exactly what this bill does. It permits the inclusion of language in the statute which now limits hazardous occupations by definition to those engaged in law enforcement. It now includes language, if this bill is adopted that states the definition of hazardous occupation will extend to those also engaged in firefighting for the Federal Government. The mere inclusion of that language in this statute by congressional enactment, however, would accord no precise benefit to any particular Federal employee.

The fact is, though, if Congress enacts this bill and thereby permits an agency to determine that particular firefighters within that agency are engaged in such activities as may constitute hazardous employment, and therefore should be entitled to early retirement, all we in the Congress are doing is authorizing the agency to make that determination. Additionally, the Civil Service Commis-

sion has to examine and confirm the agency's decision. So in fact we ourselves, acting on behalf of this legislation, do not make any determination whatsoever. We do not say a single firefighter in Federal employment is entitled to early retirement. By the passage of this bill all we do is permit the agency heads to determine that firefighters in their employ should be entitled to early retirement, and that decision must be confirmed by the Civil Service Commission.

It is responsible legislation, and I urge its adoption.

Mr. MATSUNAGA. Madam Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Madam Chairman, I rise in support of the bill H.R. 7060, and in support of the position taken by the gentleman in the well. I commend the gentleman for bringing this legislation to the floor; it is long overdue.

As Members of the House well know, this is legislation which passed both Houses late in the 91st Congress, only to be "pocket vetoed" by the President. It is my firm belief that that veto was a mistake, based on misinformation. That is why, on the first legislative day of the 92d Congress, I reintroduced my bill (H.R. 227) which is virtually identical to H.R. 7060.

Approximately 36,000 people qualify under the current early retirement provision, which permits retirement at age 50, after 20 years service or more.

The rationale of the present law is that Federal law enforcement personnel are subjected to hazardous duties and must, therefore, maintain a youthful, vigorous work force. This reasoning applies equally to Federal firefighting personnel.

Everyone seems willing to admit that firemen are indeed engaged in a hazardous occupation. That is a gross understatement. Firemen have a job death rate five times that of the average industrial occupation.

The administration, however, seeks to distinguish between firemen generally and federal firemen. The latter, it is said, operate in the "controlled environment," and thereby somehow avoid the degree of hazards faced by municipal fire departments.

In answer to that assertion, we need only to examine the facts: for fiscal year 1968, Federal firefighters battled over 19,000 fires. In those fires, 376 persons lost their lives, and $295 million worth of property was lost.

A study conducted last year by the Naval Fire Officers' Association uncovered even more startling statistics. Of the total of 2,707 employees covered by the survey, 336, or one out of every eight, had retired with some form of disability in the 5 years immediately preceding. The total number of injuries sustained during the survey period was 1,390, affecting more than 50 percent of the firefighters.

Statistics from the State of Illinois indicate that Federal fire departments have three times as many men retired with disabilities as the average municipal fire department.

Clearly, Madam Chairman, the dangers faced by Federal firemen are equal to, if not greater than, those encountered by municipal firemen. Federal firemen must extinguish fires in substandard housing, barracks, ship manufacturing areas, and hospitals. Many of these structures are of World War II vintage, constructed of highly combustible material, with inadequate fire stops and fire exits, and open stairwells.

The substantial risks that face Federal firemen should be borne by a young, vigorous corps of men. The most efficient way to obtain that vigorous firefighting force is to permit older firemen to retire at an earlier time than normal. In addition, of course, the Federal firefighter deserves the measure of equity that H.R. 7060 would grant him. There are approximately 10,000 Federal firemen, about 350 of them in my own State of Hawaii. These brave men serve, at the risk of their limbs and even their lives, as an insurance policy against the loss of lives and property in federally controlled areas.

For these two overriding reasons—to insure a physically strong Federal firefighting force, and to recognize the great risks to limb and life involved in firefighting, I urge the House to approve H.R. 7060 today.

Mr. WALDIE. Madam Chairman, I reserve the balance of my time.

Mr. GROSS. I yield myself such time as I may consume.

Madam Chairman, I invite the attention of the Members to the minority views contained in the report accompanying this bill.

I am opposed to this bill. It is bad legislation, and should be defeated. The President vetoed an identical bill in the last Congress, and I am confident that if this bill is enacted, it too will be vetoed.

The civil service retirement fund was never intended to be used to accomplish any type of personnel objective. Its sole purpose is to provide decent annuities for Federal employees after retirement.

Certainly the fund was never intended to compensate employees for engaging in hazardous duties. Hazardous duty compensation, where warranted, is and should be a part of salary rather than involved in the retirement system.

Federal firefighters, in view of certain physical requirements relevant to the nature of their duties, now enter the service at a grade higher than other similar occupational specialties. Additionally, in recognition of substantial amounts of standby time required in their jobs, they are paid additional premium pay up to 25 percent. Consequently, the average salary today of a Federal firefighter is slightly under $11,000 per year, and this figure is used for calculating their retirement.

It should also be pointed out that Defense installations, where these firefighters work, have comprehensive fire prevention programs and more supervision, and unlike municipal firefighters, they work under an extremely controlled environment. Therefore, the injury frequency rate among Federal firefighters is considerably less than that of municipal firefighters. In 1970, for example, municipal firefighters in the United States suffered 36.33 man-hours lost time because of injury for every million hours worked—where firefighters in the Department of Defense, the principal employer of firefighters, lost only 2.21 man-hours per million hours worked. Obviously the degree of hazard is definitely low.

There is another compelling reason for rejecting H.R. 7060. The objective of Congress in providing preferential retirement rights and benefits for law enforcement personnel was to improve the quality, efficiency, and productivity of that activity by making law enforcement a young man's service. It was believed that the preferential retirement provisions would reduce turnover in the service and encourage retirement at an earlier age because the liberalized retirement formula made this economically feasible. This preferential retirement provision was not provided because of hazard—but primarily because the duties they performed required a young and vigorous force. There is no demonstrated need for encouraging Federal firefighters to retire at an earlier than normal age, and it appears there is little indication they would. As a matter of fact, great numbers of Federal firefighters are retired from city and municipal governments and pursue a second career to retirement in the Federal service.

I might also point out, Madam Chairman, that enactment of this bill would set a most undesirable precedent. There are countless other occupational specialties in the Federal service which could, and would, claim similar preferential treatment. A case in point is the next bill on today's schedule which would give preferential retirement treatment to Customs' employees.

If these two bills are enacted today, we can expect a long procession of similar bills providing identical treatment for a long list of occupations which in the past have been seeking this advantage. This list includes: deputy marshals, whose duties are limited to office administration, civilian marine officers, employees in any occupation where there is a greater than normal exposure to disease or accident, employees engaged in operating civilian-manned vessels or dredges, immigration inspectors, appraiser guards in the Bureau of Customs, postal employees who carry firearms and whose duties include protection of the mail, civilian armed guards charged with maintaining security of U.S. naval shore establishments, Panama Canal ship pilots, aircraft pilots, collection officers with Internal Revenue Service, coal mine inspectors and investigators, and employees engaged in construction or maintenance of high-voltage powerlines. I repeat—that if this bill is enacted, the employees in these occupations would, with persuasive logic, demand equal treatment in the matter of more liberal retirement rights and benefits.

Madam Chairman, in fairness to all other Federal employes who have a very important stake in the retirement fund and who would be called upon to pay for this preferential treatment of Federal firefighters. I urge that this bill be defeated.

Mr. GROSS. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Madam Chairman, I rise in support of H.R. 7060, a bill which would include firefighters under the preferential early retirement provision of the Civil Service Retirement Act.

Before getting too far into the arguments as to why firefighters should be accorded early retirement, let me just say at the outset that this legislation is not to placate firefighters—but rather to finally recognize and properly reward them for demanding and hazardous duties. In doing so, we will assure that the firefighting service will be a young, able work force capable of effectively carrying out its responsibilities.

The firefighter's occupation is hazardous. Many of these firefighters are permanently employed in the Forestry Service. The vast majority are employed by the Department of Defense, the type and degree of hazard is different than that experienced by a municipal firefighter.

To illustrate, a large number of Department of Defense installations have predominately combustible structures with substandard building spacing and substandard housing and barracks-type buildings prevailing. Many Department of Defense firefighters are engaged in and are exposed to fires involving dangerous cargo—weapons systems aboard ships and aircrafts, both conventional and nuclear—radiation sources; exotic fuels; liquid oxygen; heavy chlorine and liquified petroleum gas fillings and storage operations; large fuel dispensing and storage operations; chemical and propellant storage and handling operations; missile and rocket manufacturing and testing; ammunition storage, rework and loading operations; heavy industrial operations; bacteriological operations; and many other operations that expose them to toxic and explosively hazardous fire situations.

Federal firefighters are required to perform these duties during emergency situations, all times—day and night, and are exposed to extreme heat and cold. It is reported by noted physicians that this is a burden on the cardiovascular system. Hypertension is also a result of exposure to extreme cold conditions.

It should also be borne in mind that Federal firefighters are required to work a 72-hour week, and work intermittently day and night.

Madam Chairman, it seems evident that firefighters do indeed qualify for preferential early retirement, and it is up to the Congress to see that they get it. I urge approval.

Mr. GROSS. Madam Chairman, I yield 10 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Madam Chairman, H.R. 7060, which I introduced, is before us today in an attempt to bring equity to Federal firefighters by extending to them preferential early retirement benefits.

Both Houses of Congress passed this bill during the 91st Congress, but unfortunately, the President saw fit to veto it. I am hopeful this will not be the case this time. Under this bill Federal firefighters, for the first time, would be eligible for full retirement after attaining age 50 with 20 years of service. The annuity would be computed at the rate of 2 percent of the employee's high 3-year average salary multiplied by his total years of service.

The opponents of this legislation have focused their fire on several arguments, which I will try to refute. Their first argument is that Federal fighters are already being compensated for their hazard by higher levels of pay. Let us examine this. At the present time, Federal firefighters do receive a differential in pay of 25 percent, but they receive it for working 72 hours a week, for working intermittently, night and days, for working on Sundays—41 Sundays annually—and for work on holidays without any additional compensation.

I might also add, Madam Chairman, because of the long irregular hours and low entrance grade for firefighters GS–3—$5,828—recruitment of firefighters is a serious problem. In fact, in testimony before our Subcommittee on Retirement, Health Benefits, and Insurance in 1971, the International Association of Firefighters reported that the Civil Service Commission had found it necessary as a recruitment incentive, to give additional compensation to firefighters, along with the 25 percent premium pay, in the Great Lakes area, the San Francisco area, and the District of Columbia. Firefighting is one of the most dangerous professions in the world. The fact that the firefighters fatality rate is 275 percent greater than the rate for the overall workforce. Federal firefighters experience three itmes the average of compensable injuries incurred by the total Federal civilian employee population.

Permit me to list the various types of potential hazards indigenous to a Federal firefighter at military bases, which employ the majority of Federal firefighters: special weapons, chemicals, waterfront craft, nuclear power, missiles, reactors, radioactive sources, liquid oxygen, highly flammable gaseous oxygen, stored radiation materials, removal of missile fuels, nuclear power reactors where situated, presence of numerous missile-laden vessels, required standby services for transfer of LOX—liquid oxygen when combined with benzene becomes a high explosive mixture—radiation materials, ammunition, missile loadings and unloadings.

Firefighters perform their duties during emergency situations, at all times of the day and night, while exposed to extremely high temperatures. Noted physicians say that this is a burden on the cardiovascular system. The pulse rate increases and the stroke volume of the heart decreases.

Federal firemen also perform much of their duties in the extreme cold. Authorities, in their research, have found that this may produce persistent hypertension. A firefighter is exposed to carbon dioxide and other poisonous gases, which unquestionably do damage to the heart and vascular system.

At a nearby Federal installation, in a 5-year period, 10 percent of the firefighting force was lost because of heart ailments—the average age of these men was only 44 years.

In February 1971, questionnaires were sent to Navy and Marine Corps fire chiefs by the Naval Fire Officers Association. A total of 80 questionnaires were completed, which covered 2,707 Federal civilian firefighters. The results, based on the past 5 years, were as follows: total number of injuries—1,390; heart attacks—on duty 51, off-duty 91; deaths—on duty 11; off-duty 71. The major cause of deaths was heart attacks which accounted for 49 of the total listed. Disability retirements—heart, 79; back injuries, 44; hypertension, 37; emphysema, 21; eyesight, 20; hearing, 19; arthritis, 19; and other, 97.

Madam Chairman, I bring these facts and statistics to the attention of our colleagues to demonstrate that the occupation of firefighting is one of the most hazardous in the world. In my own district, I have a number of military installations. One is the Naval Ordnance Laboratory at Indian Head, Md. I do not know of any place in the world more hazardous than that facility, where they make propellants, rockets, and torpedoes, and the firefighters there have an unbelievably difficult and hazardous job.

And, still another argument is that to include firefighters under preferential early retirement provisions would create a bad, costly precedent. I disagree. I sincerely believe that our committee and the Congress is fully capable of deciding what groups of employees are deserving and which ones are not deserving of early retirement benefits. As in plenty of other circumstances, we will decide each case on its merits.

The comments made regarding "controlled environment" used by the gentleman from Iowa when applied to firefighting at Department of Defense military installations is not only a misnomer but is in fact, grossly untrue.

Statistics clearly demonstrate that Federal firefighters are confronted with a variety of hazardous and complex situations which in many instances far exceed those encountered by municipal firefighters.

While it is readily admitted that there are installations where only common type hazards prevail, the vast majority of activities, that is, air stations, shipyards, missile and test centers, naval stations, ordnance and weapons stations, and research of development type stations, do in fact expose the firefighting force to a greater degree of potential hazard and possible injury than those faced by the average municipal firefighter.

The vast majority of Federal firefighters at military installations are called upon to respond to an ever increasing variety of emergency situations seldom encountered by his municipal counterpart. For example—at air stations, firefighters fight aircraft-type fires as well as structural type fires; at naval shipyards engaged in nuclear powered shipbuilding or repair work, firefighters

are often subjected to radiation hazards far in excess of that which is considered routine or normal. Additionally, the vast majority of military installations employing firefighters have mutual aid pacts with adjoining cities and towns which require response into these areas when major fires occur. In reality the Federal firefighters are called upon not only to combat fires at their own installation but are required to assist at major conflagrations occurring in areas outside of their own jurisdictions.

A large number of our Department of Defense installations have predominately combustible structures with substandard building spacing and substandard housing and barracks type buildings prevailing. Many DOD firefighters are engaged in and are exposed to fires involving dangerous cargo—weapons systems aboard ships and aircraft, both conventional and nuclear—radiation sources; exotic fuels; liquid oxygen; heavy chlorine and liquified petroleum gas filling and storage operations; large fuel dispensing and storage operations; chemical and propellant storage and handling operations; missile and rocket manufacturing and testing; ammunition storage, rework and loading operations; heavy industrial operations; aircraft overhaul and flight operations; shipboard berthing overhaul and repair operations; fuel, weapons and component testing and evaluation operations; heavy wooded and brush firefighting operations; bacteriological operations; and many other operations that expose them to toxic and explosively hazardous fire situations.

A few examples of the results of these exposures are:

In December 1971 at Naval Air Station, Memphis, three firefighters sustained burns while rescuing trapped building occupants. Five occupants were rescued and two persons perished in the fire. At this same activity one firefighter perished in a 1967 fire, 12 other firefighters were injured. At another fire that same year 18 firefighters were injured in a building fire.

In 1968 at Naval Air Station, Kingsville, Tex., one firefighter was killed when an aircraft struck the firetruck on which he was riding. A building fire at Naval Air Station, Jacksonville, Fla., caused injury to nine firefighters.

At Wright Patterson Air Force Base, three firefighters perished due to suffocation at a large building fire.

At Chanute Air Force Base, Ill., in 1970, one firefighter died from suffocation in a basement fire.

At MacDill Air Force Base, Tampa, Fla., three firefighters perished as a result of a helicopter crash, in 1969.

At Travis Air Force Base, Calif., in 1951, five firefighters perished and four firefighters were permanently disabled as a result of a fire and crash that took the life of General Travis. One firefighter died at this base in May 1971 as a result of a fire deliberately started during a riot.

Five firefighters died at a major Danang fire in 1967. Two firefighters perished at an aircraft fire at Bien Hoa in 1968. Another B–12 aircraft explosion killed two firefighters in 1969, in another Vietnam crash.

At the Naval Base in Subic Bay, Philippine Islands, six firefighters suffered chemical eye burns in 1968 and required medical airlift to Clark Air Force Base.

At the Long Beach Naval Shipyard, there were 11—22 percent of the fire department—firefighter disability retirements under age 55 in the past 3 years.

At Air Missile Test Center, Point Mugu, Calif., the fire department has experienced seven disability retirements in the past 3 years, five heart attack victims and 20 firefighter on-the-job injuries.

At the Charleston, S.C., Naval Shipyard, six firefighters were involuntarily separated in the past year because of failure to pass the rigid medical requirements imposed on firefighters exposed to radiation hazards.

At George Air Force Base, Calif., three fire chiefs suffered heart attacks between 1956 and 1964, and two firefighters died when an airplane crashed into a fire vehicle.

These are just a few statistical examples that were readily available. Other statistics gathered during this very brief and sketchy survey indicate that "on the job injuries, heart attacks, deaths and disability retirements" among Federal firefighters are increasing. The latest survey depicting these statistics, was conducted on February 4, 1971 and is enclosed for your information. As you can see, prior to that time we were experiencing over five deaths, over nine heart attacks, over 91 injuries, and over 22 disability retirements every month in the Federal Fire Service.

The U.S. Civil Service Commission's Fire Protection and Prevention Position Classification Standards—GS–081—of April 1971 recognizes the hazardous nature of Federal firefighting. On pages 3 and 4 of these Standards they state, under the heading, "Hazardous Nature of Firefighting":

> There is no such thing as a "safe" fire. While most are kept under control, all fires have the potential of causing physical harm to persons and property. The nature of the fire protection occupation is such that fire fighters are regularly exposed to fires that are out of control, and therefore, to a variety of dangerous situations. Hazards encountered by firefighters include (1) the possibility of burns and other effects of heat, smoke inhalation, falling materials, explosion; (2) exposure to toxic materials and bacteriological agents; (3) dealing with victims of fire in varying states of fright and panic, or participating in mob or riot control; (4) operating or riding on firetrucks at high speeds under adverse conditions, e.g., through congested areas, etc.

A fire is a fire and the same type fires and hazards that burn, cripple and kill municipal firefighters also burn, cripple and kill Federal firefighters as is portrayed in death and disability statistics.

The same human nature trends of ignorance and carelessness that prevails in the civilian community also prevails on military installations. This together with the scope and type of hazards prevalent at most military installations, overrides any probability of Federal firefighters working in a so-called controlled environment.

The same criteria used to justify preferential treatment of law enforcement personnel will, under this legislation, be applied to Federal firefighters, as it should be. In fact, Mr. Chairman, employees of 14 Federal agencies are presently receiving hazardous duty retirement benefits. These include the employees of the Federal Bureau of Investigation; Secret Service; U.S. marshals; Department of Correction, District of Columbia government; U.S. prison guards; border patrol; Fish and Wildlife Service; headquarters of special investigation—Air Force, Army, and Navy; U.S. Board of Parole; U.S. Customs Service; IRS, agents and investigators; and Immigration and Naturalization Service.

The time has come, Madam Chairman, to play fair with the Federal firefighter by providing him and the service the retirement benefits which will insure a young, capable work force.

I strongly urge prompt and strong approval of this important legislation.

Mr. GROSS. Madam Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Madam Chairman, there are many arguments against firefighter early retirement.

Extension of preferential early retirement benefits to Federal firefighters would have serious precedential effects for other groups of Federal employees with "hazardous" duties. It should be noted that the basis for early retirement is not the element of hazard, per se, in an occupation, but rather, the need for a younger and more vigorous workforce than would ordinarily be the case.

There have been no job-related fatalities in the firefighter force of the Department of Defense for the last 2 calendar years.

The importance of a young and vigorous workforce to the Federal firefighting capability has not been demonstrated. In fact, retirees from municipal fire departments and from the military service have proven to be a valuable source of personnel for Federal fire departments.

The retirement system is not an appropriate means for solving personnel problems, or for recognizing arduous or hazardous work. Hazardous work should be, and is, reflected in classification of the positon which, where hazard is an element, in turn establishes a higher rate of pay and increases retirement benefits.

The average retirement age of firefighters retired for disability—53—cited in the committee's report is exactly the same as that of disability retirees from other occupations and is thus not a valid measure of the degree of hazard in an occupation. Furthermore, if a firefighter is unable to perform his duties because of physical disabilty, he can be retired, even if under age 50, on a guaranteed minimum annuity of 40 percent of high three, which is equal to using the 2 percent—law enforcement—multiplier for 20 years. Finally, if disability is service connected,

FECA pays 66⅔ percent of final salary—and 75 percent if there are dependents—which is considerably better than disability retirement.

Madam Chairman, may I restate my firm opposition to H.R. 7060.

This legislaton, H.R. 7060, is another attempt to extend preferential retirement benefits to firefighters. As recent as 1970, the President vetoed a similar bill. And, there is not anything to suggest he would not do the same thing again.

In the President's veto message, he cited the following reasons for his decision:

First, Federal firefighters already receive compensation for the hazards of their work in the form of higher levels of pay and higher retirement benefits;

Second, a case has not been made that firefighters, who work in a controlled environment and are exposed to a lower incidence of fires, qualify for early retirement benefits, as do law enforcement personnel; and

Third, enactment of the bill would unfairly provide preferential retirement treatment to one particular group of employees with hazardous duties, at the exclusion of other groups of employees with an equal degree of hazard who do not qualify for such benefits.

Madam Chairman, the thoughts as expressed by the President in 1970 are just as pertinent now as they were then. Approval of this bill would not be in accord with the purpose of the current provisions in the retirement law, and any departure from this purpose would result in an ill-conceived concept with costly consequences. The retirement system is a proper and necessary employment tool to enable management to recruit qualified employees. Likewise it is helpful to employees to know that some day, when they grow older and no longer can function as effectively as they once did, they can retire on annuity without facing serious financial problems. However, the retirement system was never intended as a substitute for compensation to the employee. Compensation to any employee should be reflected in wages, not through the retirement system.

Madam Chairman, the cost of this bill is $108.7 million in an additional unfunded liability. Frankly, I know it will pass but I presume it will be vetoed.

Mr. DANIELS of New Jersey. Madam Chairman, I rise in support of H.R. 7060, the purpose of which is to extend to Federal firefighters the same treatment the civil service retirement law accords other Federal personnel engaged in hazardous duty.

For more than 20 years, the retirement law has provided for early retirement entitlement and a preferred computation formula for certain employees whose duties involve hazardous conditions. Historically, the law has recognized hazardous occupations as only those in the criminal law enforcement segment of the Federal workforce.

However, a review of the hearings before the Retirement Subcommittee indicates that the work of firemen is often more perilous than that of persons engaged in enforcing criminal laws. Data published with respect to fire losses involving Federal property is, I believe, indicative of the magnitude of responsibility and risk undertaken by civilian employees of the Government's firefighting service. For example, in one recent year the Government suffered property losses of more than one-quarter billion dollars in 22,000 fires. Injuries incurred in those incidents exceeded 1,700, and deaths totaled 354. More recently, this data revealed that 376 persons died and over 2,200 were injured in fires that incurred losses amounting to almost $300 million.

Certainly, under these circumstances, this legislation not only is justified, but will correct an inequity of more than 20 years' standing. Therefore, Madam Chairman, I urge adoption of the bill.

Mr. LEGGETT. Madam Chairman, this legislation is long overdue. In my view, the hazards of Federal firefighters' duties indicate the desirability for early retirement benefits for a number of reasons:

First, firefighting is indubitably hazardous. The occupational fatality rate for firefighters is six times the national industrial average;

Second, when a man gives us 20 years of his life under hazardous conditions, that is enough for us to ask. He has earned retirement; and

Third, studies show that each year after age 50 a man is kept in service as a firefighter, the greater his chances of having a serious accident. It is inevitable that his strength and speed will reduce with age.

We already recognize these principles in our earlier retirement provisions for Federal law enforcement officers. Now I believe fairness requires us to extend these same benefits to firefighters.

Mr. STEELE. Mr. Chairman, at this time, I would like to express my support for favorable passage of H.R. 7060. It is time that we extend to our Nation's firefighters the same early retirement benefits now enjoyed by our Federal law enforcement personnel.

Since the civil service retirement law pertains to those people employed in hazardous duties, there is no doubt that Federal firefighters should be included in this category. Our Nation's firefighters are daily confronted with hazards which most of us never encounter in a lifetime. Many of these hazards are far more perilous than those encountered by law enforcement personnel already covered by the civil service retirement law. At the present time, there is an estimated 10,000 Federal firefighters who are not covered by the preferential retirement benefits of the civil service retirement law.

Additionally, the rate of occupational deaths is proportionately higher for firefighters than for FBI agents who receive the early retirement benefits. As aptly pointed out in the committee report on H.R. 7060, the ability of the average man to avoid and overcome the hazards of firefighting decreases as he grows older. Each year the firefighter's susceptibility to injury increases. In light of these factors, Federal firefighters should be afforded early retirement.

Today, in our consideration of H.R. 7060, we should vote favorably to include Federal firefighters in the provisions of the civil service retirement law, granting those men who daily risk their lives fighting fire the same preferential early retirement already received by their law enforcement counterparts. It is my hope that after successful passage in the House, our colleagues in the Senate will act upon this bill swiftly and favorably, so that these men may have the opportunity to receive the retirement benefits they deserve.

The CHAIRMAN. Are there any further requests for time?

Mr. WALDIE. There are no further requests, Madam Chairman.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

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 the first sentence of section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

The CHAIRMAN. Are there any amendments to be proposed to the committee amendment? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mrs. GRIFFITHS) 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. 7060) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, pursuant to House Resolution 1056, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER. Pursuant to the provisions of House Resolution 1056, the Committee on Post Office and Civil Service is discharged from the further consideration of the bill S. 916.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. WALDIE

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

The Clerk read as follows:

Mr. WALDIE moves to strike out all after the enacting clause of S. 916 and to insert in lieu thereof the provisions of H.R. 7060, as passed, as follows:

That the first sentence of section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

The motion was agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7060) was laid on the table.

GENERAL LEAVE

Mr. WALDIE. 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 material on the bill just passed, H.R. 7060.

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

There was no objection.

RETIREMENT OF IMMIGRATION CUSTOMS INSPECTORS

Mr. WALDIE. 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. 440) to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. WALDIE).

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. 440, with Mrs. GRIFFITHS 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 California (Mr. WALDIE) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. GROSS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Madam Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE), a member of the committee.

Mr. WHITE. Madam Chairman, this bill makes a simple addition to the existing law for civil service employees and reads, according to the report of the committee: "Duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States"—And these are the words added by this bill, and only these words—"or are primarily to perform work as an inspector in the Immigration and Naturalization Service or in the Bureau of Customs"— and that is all it adds.

Why include Immigration and Naturalization Service, and the Bureau of Customs inspectors? Because every day that they are on duty 8 hours or more a day they expose themselves to hazards more than most law enforcement officers in this country.

As a Congressman from the border area of Texas, I have had the opportunity all my life to observe their work and the requirements of their jobs on the border, and more so since I have been a Member of the Congress.

At El Paso at times it has been estimated that there are over 30 million crossings a year, and of course that includes many people who live in Mexico and who come back and forth each day, but there are many, many others who cross who are tourists and others, and these customs inspectors and Immigration and Naturalization Service inspectors day after day are committed to exposing themselves to the hazards of narcotics peddlers and users, alcoholics, renegades, desperadoes, and fugitives from justice, which are no small part of what happens along the border, and most of whom are very desperate, especially when they are about to be apprehended.

Many immigration and customs men have been injured and some have been killed in such attempted passages across the border of Texas, and in other areas of this country. They all subject themselves to heavy stress on nerves each day. Every person who comes up to them, second after second and minute by minute, are potential hazards to them.

Immigration men are charged with illegal attempts to break our borders.

Customs inspectors are our first line of defense against smuggling of all kinds into this country.

Both immigration and custom men are maintaining surveillance on our borders against narcotic users and pushers and undesirables who would enter our country, including subversives.

They have to be on constant alert to deal with the dangers that they encounter all day long and every second.

Let me quote some figures with reference to another area on the Texas border—Laredo—to give you some illustration of the hazards which to a small degree they must face, considering that Laredo is a smaller community than El Paso County, but it also has a great deal of traffic.

In a 12-month period from May 1970 up to and including April 1971, in Laredo, Tex., alone they had felony arrests of 190—pistols seized, concealed and loaded 21; switch blades and knives seized 1,329.

Most of these were of a felony nature. These seizures included dangerous drugs and narcotics in the number of 408.

That is just at one particular point—one particular post.

These men, in my notion, should be treated equally with other law enforcement and others who are under stress every day.

The principle is well recognized that those who are under stress must have early retirement because they are worn out at an earlier age. Without this particular bill, these men are going to be forced into retirement at an earlier age, with inadequate income to maintain their families in a decent manner under their responsibilities.

So, in order to continue to have good men join the Customs Service and the Immigration Service, to keep these men in the Service, and to maintain the highest degree of surveillance of our borders, I urge you to pass this particular bill.

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

Madam Chairman, again I call to the attention of Members the minority views in the report accompanying the bill.

I oppose this bill for substantially the same reasons that I opposed the firefighters bills. It is bad legislation, and it certainly should be defeated.

The customs inspector's primary duties consist of baggage inspection, discharging and lading, weighing, gaging, searching cargo, and searching vessels and other carriers entering the United States from foreign destinations.

I do not doubt that these inspectors do occasionally encounter criminals or detain persons suspected of criminal offenses, but such encounters are incidental to their primary duties. In cases where the inspector does not perform the normal duties of his position but is assigned to criminal law enforcement work as his primary duty, he can qualify for the early retirement provision.

There is certainly no evidence that a young and vigorous work force is necessary for performing the duties of a customs inspector. In fact, the opposite is generally acknowledged to be the case. It is often the older, more experienced inspectors who develop the essential "sixth sense" said to be invaluable in spotting illegal entrants, contraband goods, narcotics, and so forth.

I think it is clearly evident, as I indicated earlier with the firefighters bill, that we would be setting a very unwise precedent here today. First we seek to extend preferential retirement benefits to the firefighters—and now to the customs inspectors. Later we can anticipate a continuing series of bills that will extend these same benefits to countless other employees whose duties involve some form of hazard.

Again, as I indicated earlier, the civil service retirement fund is not the instrument for compensating employees for hazardous duties. Any degree of hazard involved in an occupation is, and should be, compensated for directly through premium pay.

If we are to maintain the integrity of the civil service retirement fund, this bill—and similar bills—should be rejected.

Enactment of this bill will increase the unfunded liability of the civil service retirement fund by $60.4 million. This is a cost which will be borne by all Federal

employees, yet only a select group will receive any increased benefits. Mr. Chairman, I repeat, this bill should be rejected.

Mr. WALDIE. Madam Chairman, I yield such time as he may consume to the gentleman from New York, a member of the committee (Mr. BRASCO).

Mr. BRASCO. Madam Chairman, at the outset I want to commend my colleague and friend, the gentleman from New York (Mr. ROONEY) for his energetic and diligent efforts in pressing this legislation over the years. Regrettably, he cannot be here personally today to assist in its passage since illness prevents it. However, he asks all of his colleagues and friends to support the bill, H.R. 440.

Madam Chairman, I have been a member of the Post Office and Civil Service Committee for the past 6 years, and interestingly enough, every time we consider legislation involving the term "hazardous duty," the same debate occurs. If we fall into that trap here this afternoon. we will miss the main thrust of this legislation.

Over the years Congress has enacted much legislation to insure the sanctity of our borders and protect the safety of the American people. Much of this legislation necessitates enforcement by Federal law enforcement agencies. The complete effectiveness of what we do rests in their hands. It is recognized that there are hazardous aspects of their duties, and, indeed, it is my opinion that hazardous duty occurs when one's responsibility may put him in a position that exposes his person to danger.

Because of the pressures of these responsibilities, the need to maintain a young, vital force is imperative. Therefore, Congress in its wisdom granted this category of Federal employees liberal retirement benefits. However, today there are 5,000 Customs and Immigration inspectors who are not accorded these benefits. While these inspectors' normal duties consist of baggage inspection, discharging, loading, and searching cargo, searching vessels and other carriers entering the United States, controlling the arrival and the departure of persons at ports of entry, and developing information to determine a person's right to enter this country, it is also a fact that these duties go hand-in-hand with the enforcement of Customs and Immigration laws.

Let us consider what aspects of enforcement we are talking about. The enforcement of which I speak includes acting upon suspected or actual violations of law, and, when necessary, making searches, seizures, and detaining suspected violators.

Consider one of these inspectors who, during the course of his duties, happens to open a piece of baggage that contains a quantity of narcotics. As he looks into the eyes of the would-be perpetrator of the crime, one of the most critical crimes that faces this Government today, the smuggling of illegal drugs into our country, is he not, indeed, in danger? Is not his person exposed?

While we speak in glowing terms of the need to support our law enforcement personnel, the need to uplift their morale, the need to support the integrity of their positions, these 5,000 inspectors are left out of these liberal retirement benefits because we deem their duties not to be hazardous.

I would venture to say that these inspectors are our first line of defense with respect to unlawful acts occurring at our Nation's borders. It is my belief, and the consensus of the committee, that these inspectors are essentially law enforcement officers, performing duties within the purview of the terminology "hazardous duty."

I urge the committee to vote favorably on H.R. 440.

Mr. GROSS. Madam Chairman, I yield the gentleman from Illinois such time as he may consume.

Mr. DERWINSKI. Madam Chairman, after that poetic and eloquent address from my dear colleague from New York, there is very little I could or should say except to reiterate the points five of us made in the minority views, and to emphasize that in principle the arguments against this bill do not really differ from the arguments against the previous bill.

Judging from the steamroller which is in effect this afternoon on the previous bill, as well as on this one, and recognizing the unique—I was going to say unique and historic—type of legislative skill exhibited by the gentleman from California (Mr. WALDIE), I know the best course of action is to step aside gently to safety and, therefore, I am not going to take my usual tough position against legislation I cannot quite accept. But, for the sake of the RECORD, I have an argument emphasizing the true facts in this case, and I hope, if there are moments of leisure over the weekend, the Members will give serious attention to these remarks and to what might have been.

Madam Chairman, extension preferential early retirement benefits to customs and immigration personnel, whose primary duties are nonhazardous baggage inspection and other port-of-entry functions, would have serious precedential effects for other groups of Federal employees with "hazardous" duties. It should be noted that the basis for early retirement is not the element of hazard, per se, in an occupation, but rather the need for a younger and more vigorous work force than would ordinarily be the case.

There is no evidence that a young and vigorous work force is necessary for effective customs and immigration work involving baggage inspection, discharging and loading, weighing, gaging, searching cargo, and so forth. In fact, the opposite is generally acknowledged to be the case: It is often the older, more experienced inspectors who develop the essential "sixth sense" said to be invaluable in spotting illegal entrants, contraband goods, narcotics, and so forth.

Moreover, the early retirement formula provided law enforcement personnel today no longer serves to keep that force young and vigorous. The 1970 retirees under that option retired with longer average service—29.1 years—than other—nondisability—retirees—27 years—and at an average age of 57.3 in contrast to nondisability retirees' average age of 62.5 years.

The retirement system is not an appropriate means for solving personnel problems or for recognizing arduous or hazardous work. Hazardous work should be, and is, reflected in classification of the position which, where hazard is an element, in turn establishes a higher rate of pay and thus increases retirement benefits.

Madam Chairman, passage of this bill would, in my opinion open the gates for a flood of requests from other groups of employees for similar preferential treatment.

In expressing its opposition to this bill, the Civil Service Commission stated that the civil service retirement system is not the appropriate medium for solving the special personnel problems that exist in different occupational groups. A chaotic situation could develop rapidly if the retirement law were amended to provide different sets of rules for various occupations.

An element of hazard is recognized in the work of Customs employees. However, a hazardous element in these positions is usually compensated for by a higher scale of pay which in turn produces a larger retirement benefit. It is felt that the liberalized benefits provided for in this bill will have little effect on recruiting and only minor effect on retention, except for those employees eligible for retirement—yet it would have a far reaching adverse effect on other employees in hazardous occupations who are not similarly benefited.

A Custom inspector's primary duties consist of baggage inspection, discharging and lading, weighing, gaging, searching cargo, and searching vessels and other carriers entering the United States from foreign destinations.

We do not doubt that these inspectors do occasionally encounter criminals or detain persons suspected of criminal offenses, but such encounters are incidental to their primary duties, and this hazard is taken into account in establishing position classification and rate of pay.

The Civil Service Commission has concluded that Customs and Immigration inspectors are clearly outside the wording and purpose of the law enforcement retirement statute and strongly opposes the passage of this bill.

I, therefore, urge the defeat of H.R. 440.

Mr. DANIELS of New Jersey. Madam Chairman, I rise in support of H.R. 440, the purpose of which is to extend to customs and immigrant inspectors the same preferential retirement treatment the law has accorded enforcement officers of the Bureau of Customs and the Immigration and Naturalization Service for the past 24 years.

Although the principal duties of these inspectors are not the investigation, apprehension, or detention of offenders of criminal laws, they are, nevertheless, charged with the enforcement of the Federal immigration and customs statutes. The fact of the matter is that inspectors form the first line of enforcement of the pertinent laws. They are

essentially law enforcement officers, notwithstanding the titles of their positions or their job descriptions.

Therefore, Madam Chairman, equity would seem to dictate that the more liberal treatment be accorded these supportive personnel involved in customs and immigration work, to the same extent that we earlier favored firefighting personnel employed by the U.S. Government.

I recommend the adoption of this legislation

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 440

A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(c) of the Civil Service Retirement Act, as amended, is amended further by adding in the first sentence after "who has been tranferred to a supervisory or administrative position," the following words: "including the positions of customs and immigration inspectors, admeasurer, and appraisers' guard".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

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

That the first sentence of section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work as an inspector in the Immigration and Naturalization Service or in the Bureau of Customs".

The CHAIRMAN. The question is on the committee amendment.

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, Mrs. GRIFFITHS, 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. 440) to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations, pursuant to House Resolution 1055, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

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

The bill was passed.

The title was amended so as to read: "A bill to include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALDIE. Mr. Speaker, 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. 440 and to include therewith extraneous matter.

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

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. MIKVA. Mr. Speaker, I regret that I was unable to be present when the House voted on H.R. 14542, Air Force officers authorized strength.

Had I been present, I would have voted "no" on roll 281.

LESSONS IN WELFARE CASE NO. 7

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, Little Johnny No Doe's mother Lou Ella, has taken pen in hand to write her mother in Atlanta. You want me to read it, do you not, Mr. Speaker?

NEW YORK, N.Y.
July 6, 1972.

ALMA NO DOE,
Atlanta, Ga.

DEAR MOM: Guess what! Frankie, Johnny's father has a job and he wants me to come to Connecticut and marry him. Isn't that wonderful! That's what I'm writing about. Do you think I should do it? The way I figure it, we've got four options. I can marry him and we'll all three live in Hartford, Connecticut. After taxes and work expenses, Frankie's $5,000 in earnings would net out to $4,164 or $1,388 each for the three of us. If I stay here with Johnny and don't work, I get $2,172 in cash AFDC and food stamp bonus. That's $1,356 each for the two of us plus, of course, medicaid worth about $535 for us two. I'm not sure that being with that man is worth giving up medicaid for!

Of course, I could stay here with Johnny and work. That way I could earn $4,000 gross, but I'd have work expenses and taxes of $1,800. My total net earnings, AFDC, and food stamps would be $4,285 or $2,142.50 each for Johnny and me plus medicaid. That's pretty good.

The best deal is for Johnny's father to come here and work for $5,000. He could live with us, but as long as we don't get married and as long as he doesn't claim paternity of Johnny, the child and I can still get welfare and food stamps. Nobody really checks on whether Johnny's father gives us money. You know this way we'd have $2,154.67 each. plus Little Johnny and I could get medicaid.

I tell you, Mom, it's exhausting to figure these things out, but some caseworkers can be really so helpful. But Mom, I'd love to be married. Do you suppose you could make me a bridal veil?

Love,

LOU ELLA.

OPTIONS FOR LOU ELLA

1. *Stays in NYC with Johnny III; gets job paying $2.00 per hour, with work expenses totaling $1,800:*

Plus wages	$4,000
AFDC	1,845
Food stamp bonus	240
Gross	6,085
Minus social security taxes	208
Federal taxes	172
City taxes	22
Day care	1,000
Transportation	250
Miscellaneous (lunches, uniforms, etc.)	118
Total work expenses	1,800
Equals	6,085
Minus	1,800
Net	4,285

Cash, earnings, & food bonus for 2 people (i.e., $2,142.50 each.) + eligible for medicaid with average value of $535 for 2 people.

2. *Goes to Hartford, Connecticut to marry Johnny's father who earns $5,000:*

Plus wages	$5,000
Minus social security	260
Federal taxes	208
State taxes	0
City taxes	0
Transportation	250
Miscellaneous	118
Total work expenses	836
Equals	5,000
Minus	836
Net	4,164

Net income for 3 people (i.e., $1,388 each). Not eligible for medicaid, nor food stamps.

3. *Stays in NYC and doesn't work:*

Plus AFDC	$2,472
Food stamps	240
Total	2,712

For 2 people (i.e., $1,356 each). Eligible for medicaid with average value for 2 people of $535.

4. *Johnny's father moves to NYC and rooms with Lou Ella but doesn't marry Lou Ella or claim paternity of Johnny:*

Plus Father's wages	$5,000
AFDC for Lou Ella and Johnny	2,472
Food stamp bonus for Lou Ella and Johnny	240
Total	7,712

Minus Father's work expenses and taxes equals 6,464 cash and food bonus for 2 persons divided between 2 (i.e., $2,154.67 each); and Lou Ella and Johnny are eligible for medicaid with average value of $535 for 2 persons.

SPEAK UP, MISS FONDA, WHICH SIDE ARE YOU ON?

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend

his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, yesterday at a press conference I displayed a number of pictures of atrocities and terrorist activities by the North Vietnamese against the South Vietnamese and disclosed that I was sending these to Jane Fonda with the request that she hold a press conference to denounce the inhumane actions of the North Vietnamese as vigorously as she has falsely condemned the United States with regard to hospitals and dikes in North Vietnam.

Also, Mr. Speaker, I formally requested Miss Fonda to denounce the North Vietnamese for their failure to conform to the Geneva accords on the treatment of POW's and MIA's. A letter with these requests along with the photographs was mailed to Miss Fonda yesterday.

In this election year, the American public must be told if Miss Fonda will side with her own country and against North Vietnam with regard to these two issues. One, a deliberate violation of the Geneva Convention relating to POW's and MIA's by North Vietnam and, two, the inhumane brutality of the North Vietnamese in their conduct of the war. The American people have a right to know, before Miss Fonda's statements receive such wide publicity, where her allegiance lies.

During the press conference yesterday, a correspondent asked the question "Was 'Hanoi Hannah' (Miss Fonda) an advance agent to Hanoi prior to GEORGE McGOVERN's crawling and begging?" At the time I did not feel this was appropriate to the subject of the press conference. In fact, correspondent Sara McLenden quickly interrupted the other correspondent stating it was irrelevant and I let the matter drop at the press conference yesterday.

However, I subsequently learned, that at a Paris press conference held Tuesday by Miss Fonda, that she had involved President Nixon, Candidate GEORGE McGOVERN, the POW's and MIA's, and the Hanoi government all in the question. Undoubtedly, this was intentional for Jane "Hanoi Hannah" Fonda stated at the conference that she was bringing a message to the American people to the effect that only GEORGE McGOVERN could secure release by Hanoi of the POW's and MIA's and that the American people should work for GEORGE McGOVERN's election, because if President Nixon was reelected the POW's, at least according to "Hanoi Hannah Fonda," feared they would be prisoners forever.

Mr. Speaker, I am of the personal opinion there is a strong probability that Jane Fonda's remarks at the Paris press conference were made by and at the direction of the Hanoi government. There is no doubt but what the North Vietnamese would like to see a GEORGE McGOVERN victory in November. There is no doubt but that Jane Fonda would be a willing courier for them. There is no doubt but that Jane Fonda would try to influence the election as desired by the North Vietnamese enemy and hope that a person who would crawl and beg to Hanoi could be placed in office.

From what has transpired it is clear that Hanoi is directly trying to influence the American elections and that Jane "Hanoi Hannah" Fonda is their willing collaborator in this effort.

SALUTE TO AHEPA

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

Mr. GOODLING. Mr. Speaker, I am happy to announce that today marks the golden anniversary of the Order of Ahepa, the American Hellenic Educational Progressive Association.

The Order of Ahepa was founded July 26, 1922, in Atlanta, Ga., and its jurisdiction extends to 49 States, Canada, and Australia, with 430 local chapters. The Order of Ahepa is a secret fraternal organization, which is nonpolitical and nonsectarian. The word "AHEPA" is an acrostic, and is derived from the first letters of the following: American Hellenic Educational Progressive Association.

Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens.

OBJECTS OF AHEPA

To promote and encourage loyalty to the United States of America.

To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

To instill in its membership a due appreciation of the privileges of citizenship.

To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

To promote a better and more comprehensive understanding of the attributes and ideals of hellenism and hellenic culture.

To promote good fellowship, and endow its members with the perfection of the moral sense.

To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

AHEPA is held in high esteem in this country, Mr. Speaker, because of the very fine contributions the organization has made to America. It functions on the premise that citizenship is not a one-way street and that as a citizen, or one who wants to become a citizen, receives, so should he also give.

I am, indeed, proud to offer my congratulations to AHEPA on this day of its golden anniversary, and I feel confident that the great contributions this organization has made to America in the past are but a harbinger of those things it will contribute in the future.

DOMINICAN REPUBLIC ACTION DAMAGES AND DEFIES UNDERSTANDING

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

Mr. FASCELL. Mr. Speaker, for the second time I address my remarks to the general problem of expropriation of American property abroad and the specific conduct of the Government of the Dominican Republic, which seized and has held without compensation a very substantial amount of property owned by a Florida corporation and shipping company, Seaway Lines, Inc.

On March 6 my statement in the RECORD briefly outlined the acts of official malfeasance within the Dominican Republic leading to the seizure of Seaway's property in May of 1968.

Briefly, what occurred was the victimization of an American shipping line, Seaway, resulting from the failure of the Dominican Fruit Co., a Dominican corporation. The Dominican company's properties were taken over by the Dominican Government in total disregard of the fact that a major portion of these properties had already been mortgaged or sold outright to the American corporation, Seaway. When the Dominicans did this, they defied an injunction issued by one of their own courts; they defied recorded, legal, notice of the American firm's interest in these properties; they turned their back on negotiations between their Government and Seaway for the preceding year looking to a sale of these properties to the Government, and they disregarded additional factual notice that a U.S. firm owned these properties sufficient to have brought caution to any purchaser anywhere in the world.

But these rules do not apply within the Dominican Republic. Its Government ignored the U.S. firm's interest; it proceeded to purchase this property from its former owner, the insolvent Dominican corporation, paying off all of the Dominican corporation's debts—except that owed to Seaway, amounting to over a half million dollars; the Dominican Government sweetened the pot with a payment of a half million dollars to the President of the Dominican corporation. Seaway, the U.S. corporation, found its land—under prior mortgage to it—sold to the Dominican Government, against whom no foreclosure can be secured. It discovered that the equipment purchased by it a year earlier—both mortgage and equipment sale having been recorded in meticulous compliance with Dominican law—had been sold out from under it in a transaction that it knew nothing about until its officials read of it in the newspaper.

Openly and avowedly, the Dominican corporation concedes it flouted Dominican law, and that it did so under the sanction of its Government. It is quite clear that this is or ought to be unconscionable if not downright scandalous.

Seaway Lines, whose only mistake was to do business in the Dominican Republic in the first place, was deprived of over $527,000 in 1967 by this conduct of the Dominican Government and the Govern-

ment now wishes to close the books on the episode.

I raise this matter now before the Congress for several reasons:

First. It has been reported to me by representatives of Seaway that the Dominican Government has informally indicated that it refuses either to negotiate a settlement of this matter or bring it to arbitration. Either course was acceptable to the U.S. firm. Apparently the Dominican Government desires to ignore its dubious role in this matter and let the dispute stand as one between two corporations.

Second. Efforts have been made by Seaway's representatives to invoke our own administration's policy of January 19, 1972, which purported to place strict sanctions against expropriating powers which receive benefits from the U.S. bilateral arrangements such as foreign aid, or which receive benefits from U.S. participation in international lending institutions, such as the World Bank and the Inter-American Development Bank. From the Dominican position that has emerged, no one in Santo Domingo either knows or cares about this new U.S. policy.

Third. The Gonzalez amendments, passed by the Congress in March of this year, made such conduct by a foreign government—direct expropriation or conduct tantamount to expropriation—specific grounds for instructions to the U.S. representatives on the World Bank and the IADB to vote against any loan request by the Government. From the Dominican position that has emerged, no one in Santo Domingo either knows or cares about this new U.S. law.

Fourth. I call attention to the words of the conference committee convened to resolve differences in last year's Sugar Act legislation:

> In agreeing to the expropriation provisions, the conferees take note of certain claims by American business against foreign governments which have not been settled. Some of these involve companies which have been expropriated. Others involve companies which have satisfactorily performed contract work and have not been paid. The conferees wish to make their intention clear and unmistakable that these claims must be satisfactorily settled with expedition. The Congress is mindful of the fact that this is a 3-year extension of the Sugar Act. Sugar-supplying countries are themselves put on notice now that their record of settlement of outstanding claims by U.S. citizens will be a factor in future Congressional determinations of quotas. Report No. 92-381, 92d Congress, 1st Session.

From the Dominican position that has emerged, no one in Santo Domingo either knows or cares about the considered views of the American Congress on a matter that is of crucial importance to the Dominican economy. The present Sugar Act expires in 2 years; having been alerted to these problems I am certain the Congress will not forget its own admonition to expropriating countries in the next 24 months.

Fifth. Every Member of Congress is fully aware of the general expropriation problem; there are others within the Congress who know well of the Seaway claim. I now wish to report that after 5 years of expropriation, and after 14 months of efforts by our own State Department urging the Dominican Government for either good faith negotiation or arbitration, the Dominican Government persists in its rejection of its obligations under its own law, under all civilized law, and under international law. It persists in its attitude in spite of clear expressions of concern from both the executive and legislative arms of our Government. How can future interests vital to both governments be amicably maintained and influenced predicated on an attitude which ignores or defies domestic and international law and specific congressional intent?

Sixth. Finally, it is, of course, recognized that Americans who do business and invest overseas do so at their peril, but the executive and the Congress have made it quite clear that they expect fair and equitable treatment especially where the foreign government is directly involved as the Dominican Government is in this case. If the attitude in this case were the criteria one would certainly have to caution any external capital, public or private, about investing in the Dominican Republic.

What is really lamentable is that the Dominican Government insists on ignoring the whole issue—as if it will go away—by itself.

DISASTER ASSISTANCE

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

Mr. HARSHA. Mr. Speaker, I am introducing today a bill to amend the Public Works and Economic Development Act of 1965 to add disaster assistance and for other purposes. The program which this bill would amend is, I believe, one of the most successful programs ever established by Congress for the aid and development of the well-being of this country.

I would like to invite the attention of this body, however, to the fact that the distinguished chairman of the Public Works Committee is also introducing a bill which has the same general goal as mine. The mutual goal of both bills is to provide further support for the Economic Development Administration and to give them additional tools to carry on the excellent work they have been doing. These tools include additional loan guarantees, a new provision for lease guarantees, and an expanded public works impact program.

I have chosen to introduce my own bill rather than to cosponsor the bill of my good friend, the chairman of the Public Works Committee, because I feel that several provisions of his bill cannot be fully accepted, and further refinement and some change is necessary before such provisions should be enacted into law.

Therefore, I am introducing my bill to amend the Public Works and Economic Development Act of 1965, not for the purpose of opposing the general principles set forth in Mr. BLATNIK's bill, but in an effort of cooperation that would enable the Committee on Public Works during its forthcoming deliberation on the two proposed measures to arrive at a bill which they could report to the House confident that it could be acceptable to all.

In short, Mr. Speaker, I hope that when this bill is reported out of committee, whether it be the chairman's bill or mine, it will contain the best portions of both bills and incorporate the changes that I have proposed and, in truth, be a fully bipartisan bill that this House will have before it for its consideration.

ON THE FIFTH ANNIVERSARY OF LEO S. TONKIN AS FOUNDER AND DIRECTOR OF THE WASHINGTON WORKSHOPS FOUNDATION

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

Mr. PEPPER. Mr. Speaker, this week on Capitol Hill the final 1972 Washington Workshops Congressional Seminar convenes, concluding the fifth annual series of this unique and innovating approach to the study of American Government.

I know that many of my colleagues are aware of the number of fine, intelligent American youth that have participated in the Washington workshop foundation programs—literally thousands since the foundation's inception in 1967 A number of these students have gone on to become delegates to both the Democratic and Republican National Conventions, retain permanent staff positions on Capitol Hill, and hold elective offices in their local communities—all of these accomplishments realized after previous participation in the congressional seminar.

I should like to bring to my colleagues' attention the dedication and perseverance of one outstanding American who conceived, implemented, and guided this most successful educational enterprise—Mr. Leo S. Tonkin, director of the workshops. On the occasion of his fifth anniversary as director of the workshops, I ask my colleagues to join me in heartily commending Mr. Tonkin for his prescience in involving young Americans in our political system and for his continuing faith in the potential of our youth in bringing better government for all Americans.

Under Mr. Tonkin's directorship, the Washington workshops has assiduously maintained a policy of nonpartisanship to insure a balanced and equitable perspective on the study of American Government. I find Mr. Tonkin's philosophy most prudent and wise, and indeed am reminded of a pronouncement by John Milton:

> Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making.

Mr. Tonkin has vitalized this philosophy in his leadership of the Washington workshops, and I again extend my congratulations on his fifth anniversary and continued success of the congressional seminar.

OFFICE OF MANAGEMENT AND BUDGET: "SOUND FISCAL MANAGEMENT" OR FROZEN FUND FIASCO?

The SPEAKER pro tempore (Mr. GIAIMO). Under a previous order of the House, the gentleman from Texas (Mr. PICKLE) is recognized for 60 minutes.

GENERAL LEAVE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. PICKLE. Mr. Speaker, nearly 200 years ago, the Constitution established the basic framework of our Government. Today, we face a set of circumstances and events that lead me to believe one agency in the executive branch of our Government is tampering with the rights and obligations of the Congress.

The Office of Management and Budget, or the OMB, apparently claims to have accumulated sufficient knowledge and experience to be intimately familiar with the general welfare programs of this Nation, of their potentials and their shortcomings. On the basis of this supposed intimacy, the agency seems to believe itself able to legislate, to monitor, and to administer the bulk of national objectives alone and without the counsel of the elected representatives of the people of this land.

The OMB has shown widespread fascination to assure a multijurisdictional stance over the Nation's problems. Their tools are selectively to impound appropriations that the Congress lawfully has approved and occasionally to dictate the manner in which moneys released shall be expended.

Quite frankly, I think article I of the Constitution of the United States gives the Congress more than theoretical authority to provide for the general welfare. I feel strongly that the OMB has shown an increased tendency to encroach upon, if not abrogate, congressional action and intent through the impoundment of funds we have appropriated for various programs and projects.

It is my intention to review the elements that have fashioned this economic supergovernment and to suggest that we must somehow unclog this machinery.

I have here at the easel before me, Mr. Speaker, a little poem "Ode to Circular A–95" which I would like to insert at this point in my remarks. It is just an artful short poem which pertains to the operation of our government, and comes from the able pen of our distinguished colleague the Honorable JIM WRIGHT of Texas. While its format is humorous, its meaning should not be taken lightly:

ODE TO CIRCULAR A–95

We have bureaus, departments and boards of review,
And various assortments of agencies who
Write guidelines to restrict
And draw charts to depict
The wandering maze that we try to go through.
But it boggles the mind to seek comprehension
As witnesses speak in the fourth dimension
And glibly refer with such effortless ease
To each thought and concept in governmentese.

There is AASHO and ARBA and T–E–U
And TOPICS and ARC and the C–E–Q;
There is AWP and AHSWP and A–S–A–P,
And all are involved with the D–O–T

P–W and EDA have an O–E–D–P
That sometimes runs afoul of R–C & D,
But if SODA and SCEDD seem confusing to you
They're quite simply explained by a man named Gigoux.

The O–E–P tries to get help quick
To disaster-hit towns that are stricken and sick,
But the O–E–P works through C of E,
S–B–A, H–E–W and H–U–D,
Its own F–C–O and the D–O–T
And how all this gets done is a mystery to me.

There is NEPA and EPA and F–A–R,
And "Impact Statements" from near and far;
There's the P–B–S of the G–S–A
For which one Bob Kunzig has overall say;
But follow the thread and you'll finally see
That all of it's run by the O–M–B.

And though you might think there's no man alive
Who understands Circular A–95,
I am told that some do
And though they be few
They are less naive than I, or you
Who are trying to prune this red tape tree
With the very dull sword of Don Quixote—
And I sometimes think how foolish are we.

AASHO—American Association of State Highway Officials.
ARBA—American Road Buidlers' Association.
TEU—Transportation-Envornment and Urban Systems.
TOPICS—Traffic Operations Program to Improve Capacity and Safety.
ARC—Appalachian Regional Commission.
CEQ—Council on Environmental Quality.
AWP—Annual Work Program.
AHSWP—Annual Highway Safety Work Program.
ASAP—Alcohol Safety Action Projects.
DOT—Department of Transportation.
PW & EDA—Public Works and Economic Development Act.
OEDP—Overall Economic Development Program.
RC & D—Resource Conservation and Development.
SODA—Southern Oklahoma Development Association.
SCEDD—Southern Colorado Economic Development District.
OEP—Office of Emergency Preparedness.
C of E—Corps of Engineers.
SBA—Small Business Administration.
HEW—Health, Education and Welfare.
HUD—Housing and Urban Development.
FCO—Federal Coordinating Officer.
NEPA—National Environmental Policy Act.
EPA—Environmental Protection Agency.
FAR—Federal Assistance Program.
PBS—Public Building Services.
GSA—General Services Administration.
OMB—Office of Management and Budget.
A–95—OMB Circular A–95 implementing Intergovernmental Cooperation Act.

That question we look at today is whether the will of the people, as expressed through legislation passed by Congress and signed into law by the President, is to be followed in the manner outlined in the Constitution—or whether the President, acting largely through the OMB, can ignore the Congress and the Constitution.

No Member would be so cavalier, it seems to me, as to disapprove of the OMB solely because that agency closed the petcock and prevented funding of a particular Federal project in his own district. But combined together, the individual experiences of each of us in this House point to major problems in the management of Federal tax moneys, and to major violence being done to the delicate separation of powers in the U.S. Government.

May I stress I am not here to complain about the OMB's director, the capable and conscientious Mr. Casper ("Cap") Weinberger, or his able and well-meaning staff. To a great extent, they do useful, essential work.

Moreover, I am aware that it is popular to invoke the Constitution and predict the downfall of the Republic every time a problem arises, and I will be the first to admit that the future of the Nation does not hinge altogether on our activities today. But I do think I am not exaggerating when I say the impoundment of funds, particularly as it is being practiced today, raises extremely important constitutional questions and threatens the most fundamental powers of the Congress.

There are those who excuse the practice of freezing funds, or try to minimize the problem, by pointing out that it has taken place both in Democratic and in Republican administrations and say, therefore, there is no problem.

There are those who say that impoundment has killed programs they did not like as often as programs they did favor, and, therefore, somehow it is justified.

And, of course, most of us have not been concerned with the actions of the OMB until they hurt us in our own districts, and then we were concerned solely with that specific project.

Although I am extremely concerned about the nature and extent to which the present administration is using impoundment, I acknowledge that the "freezing" of expenditures is nothing new. It has happened to all political parties. It has curtailed the actions of many philosophies.

My distinguished friend, former President Lyndon Johnson, said this about the impoundment of funds many years ago when he was in the U.S. Senate:

> Do we have a centralized control in this country? Do we no longer have a co-equal branch of government? I had the thought that we had a constitutional responsibility to raise an army; I had the thought that we had a responsibility to appropriate funds. I had the thought that once the Congress passed the appropriation bill and the President approved it and signed and said to the country that 'this has my approval' that the money would be used instead of sacked up and put down in the basement somewhere.

That Mr. Johnson later impounded funds as a President does not detract from the validity of the questions he asked as a Senator. Instead, it illustrates that the problem is not one of Democrat versus Republican, of liberal versus conservative. The problem is a constitutional one: the legislative powers of the Congress versus the power of the Executive to ignore the mandate of Congress.

Increasingly, the Congress has been coming out on the short end.

We must not be lulled into accepting increasing Executive control over our Constitutional powers because there is no sense of urgency about it all. Fundamental changes in institutions or societies seldom are sudden, seldom come about by a single event. Such changes evolve slowly—but this does not make the change less important. If we allow the Constitution and our own powers to be usurped by the OMB, it will make little difference that the deed took place over 10 or 20 years rather than 2 or 3.

My concerns and conclusions are shared now by many legal scholars. It appears executive prerogative over the constitutional powers of the Congress is more than a crack in the door. It appears the door is closing fast on the ability of the Congress to effect any meaningful legislation at all.

I submit we are going to be forced to deal with this frozen fund fiasco—or the results of it—before too long if Congress wants to exercise its responsibilities.

Many of us consider case work one of the greatest services we render in the Congress. Helping a constituent or constituent group when they run afoul of the bureaucracy occupies at least half and sometimes more of our time. It is easy to immerse ourselves in such activity and ignore the broad, complicated problems we are talking about today.

But increasingly, this is becoming more difficult to do. First, our constituent problems often relate directly to the freezing of funds. Second, how effective do you think we will be in solving any problem if we continue to let slide our power over appropriations and programs of the Federal Government?

How many of us, for example, have been able to get a satisfactory answer—get any meaningful answer—out of the Postal Service since Congress relinquished its power over this agency? We long ago began to forsake our share of responsibility for military and foreign affairs.

We are in the process of giving up additional powers in the revenue sharing bill.

If we continue to give up our constitutional responsibility for appropriations, little is left. And a powerless Congressman is of little use to his constituents even before the most insignificant agency.

We are going to be forced to face our problems with the OMB and frozen funds.

I suggest we begin now. Later it will be even more difficult. And our successors will look back and say what a weak and shortsighted bunch we were.

STATUTORY AUTHORITY TO IMPOUND FUNDS *

Basic statutory authority for impoundment derives from the Anti-Deficiency Acts of 1905 and 1906. These acts sought to prevent, and I quote, "undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year." These acts further provided that apportionments could be waived or modified in the event of "some extraordinary emergency or unusual circumstances which could not be anticipated at the time of making such apportionment."

The Anti-Deficiency Act was amended in 1950, giving the then-Bureau of the Budget somewhat more discretion. But even these amendments do not give the Executive total authority over the direction of expenditures by the Federal Government.

The Office of Management and Budget was created by the President under Reorganization Plan No. 2 of 1970.

In essence, the functions vested by law in the Bureau of the Budget were transferred by the President to the Director of the OMB.

By Executive order, the functions of OMB were defined, and I include this order to show that preparation of the budget as such was no longer to be the dominant overriding concern of the new agency.

I include this order also to show that in no part does it direct the OMB or give the OMB power to alter or override prerogatives and priorities set in congressional legislation:

"Statement of Functions.—By Executive Office of Management and Budget. Such functransferred to the President of the United States by part I of Reorganization Plan 2 of 1970 were delegated to the Director of the Office of Management and Budget. Such functions are to be carried out by the Director under the direction of the President. The Office's functions include the following:

"1. To aid the President to bring about more efficient and economical conduct of Government and service.

"2. To assist in developing efficient coordinating mechanisms to implement Government activities and to expand interagency cooperation.

"3. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.

"4. To supervise and control the administration of the budget.

"5. To conduct research and promote the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

"6. To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

"7. To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations.

"8. To plan and promote the improvement, development, and coordination of Federal and other statistical services.

"9. To plan and develop information systems to provide the President with program performance data.

"10. To plan, conduct, and promote evaluation efforts to assist the President in the assessment of program objectives, performance, and efficiency.

"11. To plan and develop programs to recruit, train, motivate, deploy, and evaluate career personnel.

"12. To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government all to the end that the work programs of the several agencies of the executive branch of the Government may be coordinated and that the moneys appropriated by the Congress may be expended in the most economical manner with the least possible overlapping and duplication of effort."

The following statement from the Congressional Research Service of the Library of Congress sums up the OMB's present statutory authority to impound funds:

Even as amended it is hard to see how the language of this section can be interpreted to give the Bureau of the Budget unlimited discretion to apportion reserves. The establishment of reserves is authorized "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments *subsequent to the date on which such appropriation was made available.*" This seems to preclude the establishment of reserves simply because of a disagreement of policy between the Executive and Legislative Departments on the basis of the facts existing at the time the appropriation was made.

In other words, the antideficiency acts provide for the sound fiscal management of the appropriations and policies set by the Congress. They do not give statutory authority for the OMB and the President to ignore congressional appropriations and policies.

Yet I think you are aware that is precisely what is happening today.

HISTORY AND EXAMPLES OF IMPOUNDING

Abraham Lincoln impounded funds under under his war powers as Commander in Chief during the War Between the States. And the late Senator Carl Hayden used to tell the story of how the Bureau of Indian Affairs refused in the early part of this century to build a bridge on an Indian reservation in Arizona.

But the impounding of funds still was not much of an issue. Departments and agencies communicated their financial needs informally to the Congress with no coordination by the executive branch. As the country grew, however, the system displayed obvious difficulties, and in 1921 the Bureau of the Budget was founded. It was a part of the Treasury Department until 1939. Then, because of the vast financial problems of the depression and the organizational problems created by the New Deal agencies and laws, the Executive Office of the President was created and the Bureau of the Budget became an official arm of the President.

This agency wielded increasing power over the various agencies and departments in determining their budget requests. Although this power was of concern to some, I do not think anyone ever basically questioned the right and duty of the President to formulate a budget and use an instrument such as the Bureau of the Budget to do it.

The first major conflicts between the President and the Congress occurred after World War II when President Franklin Roosevelt used impounding as

* For additional exposition of the legal and constitutional issues involved see "Impoundment by the Executive Department of Funds which Congress has authorized it to spend or obligate," Congressional Research Service of the Library of Congress, and Hearings, U.S. Senate Subcommittee on Separation of Powers, March 1971.

a major method to convert from peacetime to wartime priorities. And up until very recently, almost all impoundment questions have centered around military appropriations. President Harry Truman froze the funds for the U.S.S. *United States* and for military aircraft. President Dwight Eisenhower impounded funds for the Nike-Zeus missile. President Kennedy impounded funds for the B–70 bomber.

Yet perhaps because the major cases were isolated and sporadic, no great and united long-range concern was voiced.

Recently, however, the use of impoundment by the OMB has developed into a tool of broad policy legislation that cuts at the heart of congressional duties and rights. Often it is done without a figleaf of statutory or constitutional authority. This development is the fault of neither Republican nor Democrat. But it does seem to coincide roughly in time with the Reorganization Plan of 1970 when the word "management" was put in alongside the word "budget" in the metamorphosis of the Bureau of the Budget into the OMB.

Although the OMB contends that most of its actions stem from the Anti-Deficiency Act, a surprising amount of money is impounded with no attempt to justify it under existing law.

In the May 22, 1972, CONGRESSIONAL RECORD, Senator LEE METCALF of Montana inserted a statement from the OMB on budgetary reserves—or impoundments. In this statement OMB listed some $9.4 million which it purported to hold in reserve for routine financial administration under the Anti-Deficiency Act.

Even if we suppose for the moment that all these funds legitimately did come under the guidelines of the Anti-Deficiency Acts, there was another $1.5 billion which the OMB did not even bother to try to place under such statutory authority.

The reason given for these impoundments was, "to carry out broad economic and program policy objectives."

Mr. Speaker, I want to know whose broad economic and program policy objectives are being carried out here. And I want to know by what authority the tax moneys of the people of this Nation are so managed. I submit to you that the objectives carried out in this section of the OMB statement were not the objectives of this Congress.

The very first item on the impoundment list of $1.5 billion being held for "broad economic and program policy objectives" was $107 million for the Rural Electrification Administration.

Mr. Speaker, the last time I requested a major special order was to discuss the financial needs of the REA. Many of you here today participated with me and my good colleague JOHN MELCHER of Montana in that special order last June 7.

The critical need for additional funds for the program was amply shown. The Appropriations Committee held hearings and the Congress passed an REA appropriation $216 million in excess of what the President had recommended in his budget. Seldom has an appropriation leaving this Congress had a clearer mandate of support. Yet the OMB promptly impounded precisely that amount of the appropriation that was over the budget request.

Later, after much pleading, cajoling, arguing, and bargaining, they released, as though it were a great gift, only half of the additional funds. The OMB condescended to be kind to the people: With a little smille and a blown kiss OMB gave us half the money. And the Congress complacently accepts that procedure.

A budget drawn up by the OMB seems to carry here the force of law. An act of Congress signed by the President does not.

At this rate, we might as well sit around and make paper airplanes out of the laws we pass.

Mr. Speaker, I submit that the people of this land, acting through the broad and diversified voice of the Members of this legislative body, are a better judge of the "broad economic and program policy objectives" we should be seeking than is the OMB.

In hearings before the Senate Subcommittee on Separation of Powers, Senator WILLIAM SPONG, Jr., of Virginia, pleads a case which, in light of subsequent events, dramatically illustrates the danger of allowing the OMB to supercede the desires of the Congress.

It seems the nearby community of Arlandria, Va., has a history of extreme flooding. Between 1963 and 1968 they suffered five floods with a total damage in excess of $8 million. Every indication pointed only to more flooding, more serious flooding. Senator SPONG obtained an emergency authorization of $175,000 for planning a flood control project to protect Arlandria. He also was granted quick legislative approval of the necessary appropriations.

But OMB sat on the funds for more than a year. They have released them now, but there have been muddy and desperate weeks in Arlandria and other communities since the onslaught of hurricane Agnes.

How many other communities have been denied protection from floods because of the whims of OMB?

OMB is toying with more than a balanced budget when they deny communities that are vulnerable to floods the funds they need for flood control projects. They are doubling their risks that they will be coconspirators with violent weather and havoc when the need for flood control projects is clearly shown and authorized by Congress.

Perhaps the framers of the Constitution knew what they were doing when they set up the delicate separation of powers between the Executive and the Congress rather than creating an early-day OMB.

I hope we will not let their wisdom slip through our fingers now.

Mr. Speaker, desperately as the funds were needed for the examples above, and clear as the congressional mandate was in their support, some may still want to argue that impoundment here was necessary for "sound fiscal management." But no such argument can be proposed in the case of appropirations to increase the number of Interstate Commerce Commission agents in charge of enforcing railway car service rules. No such argument can be made because these agents return annually to the Federal Treasury more in collected fines and penalties than their combined salaries could hope to reach. Moreover, they are one important tool that will help to get the Nation's railroads back on their feet—help to prevent desperate, expensive Federal subsidies, and hopeless financial snarls such as we still face with the Penn Central.

The Investigations Subcommittee of the House Interstate and Foreign Commerce Committee, of which I am a member, has been holding hearings on the shortage of freight cars in the national rail system. We found that a great deal of the problem was not that we did not have enough cars, but that we could not get them where we needed them when we needed them. We found that car service rules which require rail carriers to return freight cars to their proper owners with as little delay as possible can be instrumental in increasing utilization of the present freight car fleet. We found that the ICC had only 46 agents over the entire Nation to enforce these car service rules. For the past 2 years, the Congress has appropriated money to increase the number of car service agents. The OMB is sitting on the funds.

Each one of these 46 agents returned a net profit to the Treasury in collected fines and penalties. It might be uncharitable to suggest that perhaps the OMB is being influenced by parties who do not want to see the ICC strengthened or made more effective. But for whatever the reason they have impounded these funds, it certainly cannot be for "sound fiscal management," and the impounding definitely runs contrary to policy enacted by Congress and signed into law by the President.

Nor can I see how "sound fiscal management" plays a role in a conflict which arose over a proposed basinwide study of the Colorado River in Texas. The river is a large one, touching or passing through 52 Texas counties and serving as the sole source of water for much of its basin. The study was ordered by the Environmental Protection Agency. The quarrel which arose with the OMB was not over spending the funds, but over the manner in which the funds were to be spent. Congress passed an appropriation for the U.S. Army Corps of Engineers to conduct a study to be funded 90 percent by the Federal Government and 10 percent by the State. The OMB insisted that EPA conduct the study and that it be funded on a 50–50 matching basis. I will not go into the delays and negotiations—we all have gone through similar ordeals. In the end—9 months later—it was agreed that the Corps of Engineers could conduct the study but that it would be funded on a 50–50 matching basis. And I found myself in the interesting position of having to persuade my folks back home to act contrary to a law I had specifically requested—just in order to get anything done.

The OMB acted as judge and jury—

not on fiscal concern, but on a jurisdictional approach. The OMB decided who was to do the study and how it was to be done; the question of money hardly entered into it.

According to testimony before the Senate Subcommitee on Air and Water Pollution, the OMB ignores not only the mandates the laws of Congress, but also the advice of experts within the executive branch itself. The specific instance I refer to here concern the guidelines the EPA had drawn up—as it was required to do under the law—for States to follow on establishing and fulfilling air and water pollution standards. The OMB revised these guidelines, and, according to witnesses, revised them to reflect industry's point of view rather than the public point of view. It is not a question of whether we as Members would favor industry or the public, but rather that OMB decided these questions of law.

There was a further interesting instance, reported in the February 2, 1972, issue of the Washington Post. It concerned a comprehensive plan by the Environmental Protection Agency to save our mighty Great Lakes. The Congress, it appears, shall not have an opportunity to discuss the merits of this proposal because the article relates that the OMB has already vetoed it.

Thus we have the OMB substituting its own views for that of the Congress on matters of legislation and substituting its own views for those of the experts in EPA on matters of environmental protection.

These are specific examples of how the OMB ignores the Congress and dictates its own priorities and policies. The scope of these actions comes clear when we take a look at the full range of frozen funds.

We can look at the $58 million for rural sewer and water grants and realize that this represents some 2,000 pending applications from small communities whose hopes for water and sewer facilities stand stagnant.

We can look at the hundreds of millions of funds for the Department of Housing and Urban Development being withheld and realize this means people are going without adequate housing in the richest country on earth. And we can realize that aid for acute and almost incomprehensible urban problems are to be delayed yet another year, and another year, and another.

We can look at the $50 million being withheld from the Farmers Home Administration farm operating loan fund and we can make all the speeches we want praising the family farm—but those farms will go right on dying all the faster without those funds.

We can look at the terrible damage the OMB has done to the model cities program, the food stamps program, water and sewer programs, mass transportation projects, urban renewal, and the Environmental Protection Agency—but I think we can agree that nowhere can we look at a more callous disregard of the Congress and the people by the President and the OMB than in the action they have taken to gut the nation's health care programs.

In no other area has the need been shown so clearly. In no other area has the Congress expressed its policy and intent more emphatically. Yet we find that although the Congress has authorized more than $1.3 billion for health care programs in fiscal 1973, the OMB budget calls for only $438.7 million. Although the Hill-Burton authorization is $417.5 million, the OMB budget calls for no, I repeat no money for construction of hospitals and public health centers.

As our distinguished colleague, the Honorable PAUL ROGERS, pointed out in the May 10, 1972, CONGRESSIONAL RECORD, it simply is false economy not to provide a $2 measles vaccination to prevent an unborn child from suffering possible mental retardation that will cost $100,000 for a lifetime of care. I think the gentleman from Florida expressed the sentiments of us all when he said:

> I am weary and I think the Congress is weary of this usurption of the powers of the Congress to legislate by accountants who view human suffering in terms of dollars and cents and the intentions of the Congress as minor considerations.

That, my colleagues, is what the OMB is doing to this, the efforts of the Congress, to provide for the general welfare of the country. The violence this agency is doing to the separation of powers in this Government—and what these experiences should teach us that can mean for the future—honestly frightens me, honestly makes me angry.

Of course, the OMB and the President claim to justify impounding of funds under the guise of holding down deficit spending and fighting inflation. The words "massive cutbacks in federal spending" swing back and forth like the pendulum in Poe's pit. And I am as concerned as the President or anyone else about the massive deficits we are facing these days.

I understand the predicted deficit for fiscal 1973 already runs between $35 and $38 million.

But the surprising thing about "massive cutbacks in Federal spending" is that the total amount impounded last year was surprisingly small compared to the deficit in the budget. Some $11 billion was impounded—at least some of which was legitimately impounded for financial administration. But the deficit last year was $40 billion. The OMB claims $9.4 billion of this $11 billion was held in reserve for routine financial administration. That leaves $1.5 billion "to carry out broad economic objectives"—$1.5 billion compared to a deficit of $40 billion makes all the headlines and speeches over massive cutbacks pale a little.

It appears it is not how much is cut back, but where it is cut that is the real crux of this matter. The administration's anti-inflation cuts might ring a little truer if at the same time he was impounding funds for loans to farmers he was not releasing loan funds for Lockheed Aircraft. His claims would ring a little truer if at the same time he was impounding funds for health care and food stamps, he was not requesting and fighting desperately for funds to build a supersonic transport. His claims would ring a little truer if at the same time he was impounding funds for water and sewer systems he was not costing the Treasury hundreds of millions of dollars by giving big businesses new tax breaks.

No, I am concerned as much as anyone about the large deficits we face, but that is not the issue here. The issue here is who shall determine the priorities, the Congress or the President through the OMB.

ALTERNATIVES

If we, the Congress, are to remain a viable, democratic body in this Government, then some soul searching is in order.

Some have suggested that we make our appropriations mandatory.

Mandatory appropriations can, however, create a direct confrontation with the President.

President Kennedy, in the battle over the B–70 bomber, managed to get mandatory language removed from the appropriations bill. President Nixon vetoed the hospital construction bill because of language prohibiting the impounding of authorized funds. There is nothing to guarantee that a President would not impound funds in spite of mandatory language. However, it would appear that such a situation would give affected individuals the opportunity to sue and bring before a court this whole issue of a President's constitutional power to impound funds. I am aware of Congress' reluctance to take such a measure and I do not actively advocate it at the present time. However, we should certainly discuss and explore the possibilities. It may well become necessary.

Especially in conjunction with a mandatory appropriation, it must be recognized that the major source for the abuse of impounding is the lack of an item veto for the President. Rather than veto an entire appropriation because he disagrees with part of it, the President instead impounds the items he finds offensive. In doing so, he neither bears the political consequences for the veto nor faces the possibility of the Congress overriding his action. It may be that if the President's practice of impounding is to be curtailed, some form of item veto should or could be considered.

Several of my able colleagues, including Senator SAM ERVIN of North Carolina and Congressman WILLIAM ANDERSON of Tennessee, have suggested we require the President to submit a statement to Congress whenever he impounds any funds. The Congress then would have 60 days to approve the impounding or the funds would have to be released. Or—the Congress might have a certain number of days to overrule the impounding or else the action would stand as though approved. Either certainly would give us more control than we presently have.

Of course, just giving Congress notice of any impoundment would be an improvement over the present situation. As you all are aware, just getting information out of OMB is a problem in itself.

In recognition of the lack of fiscal information from OMB, the Legislative Reorganization Act of 1970 contained a requirement that the Office of Management and Budget and the Department of the Treasury develop standard classifi-

cations of programs, activities, receipts, and expenditures of Federal agencies and a standardized information and data processing system for budgetary and fiscal data. The Comptroller General was required to insure that the interests and needs of Congress be taken into consideration in the establishment and operation of the information system. In February of this year, the Office of the Comptroller General released its document on the budgetary and fiscal information needs of the Congress. This document needs to be studied and steps taken to implement its suggestions. Unless we have detailed and impartial information on the activities of OMB, we cannot effectively cope with its abuse of power.

Our distinguished colleague from California, Mr. JOHN MOSS, has proposed the creation of a Select Committee on the Office of Management and Budget. The purpose of the committee would be to make a complete investigation and study of OMB. The creation of this committee appears to have a great deal of support and would go a long way toward providing the information we need to cope with OMB.

This approach should reflect a serious nonpartisan attempt to recapture the lawful rights of Congress in matters of appropriations. This committee should be composed of the leadership of the Appropriations Committee and other senior chairman of related committees, and should set as its goal any criteria necessary as to who has the final word on the spending of taxpayers' money.

Perhaps OMB should have some latitude, but this give-and-take must be expressed in guidelines that are clear enough to eliminate some of the vagueness that has been associated with the freezing of expenditures.

It has been suggested that the Government Accounting Office be given authority over impounding by OMB to determine if an impoundment is done legally and for fiscal purposes. Although this would not give Congress any greater control, it could lessen the abuses of OMB and is worth looking into.

Greater authority over OMB might be given to the Appropriations Committees. Perhaps the committees should be given authority to approve all impoundments. Perhaps the committees could be given more economists, accountants, and computer technology for greater budget oversight and control.

The OMB has about 650 employees. The House Appropriations Committee has 47 staff members. It is easy to see why the odds are lopsided. I think we should seriously consider equalizing the odds a bit.

It seems that we are quick to call for reform of many of our institutions, but more at a turtle's pace in our own House.

As it stands now, the authorization and appropriation process is a bit lackadaisical and couched in strategy plays.

The authorizing committees, more often than not, simply plug in an X-figure in some programs and processes—second-guessing that the funds will be reduced somewhere in the appropriations process.

Appropriation Committees routinely, or nearly so in many instances, accept the expertise and economic justification of the authorizing committee—with one eye toward OMB halfheartedly thinking that OMB will cut back overexpenditures.

This loose-jointed approach serves no good purpose, and, at best, is an exercise in fiscal buckpassing.

I do not want to leave the opinion that the Appropriations Committee loosely considers appropriations. Normally the appropriations are less than the authorizations and this is because the members of the Appropriations Committee try to recommend a minimum amount, or certainly not a maximum amount. We can be thankful that the Appropriations Committee operates in this manner. But even so, the Appropriations Committee really does not know what money absolutely is needed or whether the money previously appropriated has been or is being wisely spent. The Appropriations Committee generally has to take the word of the agencies down the street. Somehow there ought to be an accountability of all the programs we have created. Somehow each agency or department ought to have to prove that the programs already passed are effective. I have the feeling that we take somebody's word and by and large continue ad infinitum programs that have become outdated or have lost their usefulness or principal thrust.

The Congress should assert its own control over the financial matters of this Nation.

It may be that none of the alternatives I have mentioned are either possible or practical. I mention them only as food for thought and a foundation from which to begin. I certainly welcome others. My main purpose today is to create a dialog that hopefully might lead to an end to encroachment by the President and OMB on the constitutional duties and powers of Congress.

In the process of establishing different procedures to control expenditures the Congress has reached a new plateau in the OMB. The Congress has attempted in the past to control its own budget and budget limitations, but has failed to do so. This does not mean that the present system is the perfect answer. Obviously it gives all the prerogatives to the President and the OMB. That responsibility should be in the hands of the Congress.

We come to the focal point in the whole question: Who must have the final word in appropriating money, or in the expenditure of funds? Either the OMB or the President has the final authority or responsibility, or the Congress has it. It is constitutionally clear that the Congress, the people, were not only intended, but designated, to perform this responsibility. Therefore, the Congress ultimately must face this responsibility or else by acquiescence, direct and indirect, we relinquish the rights that were intended under the Constitution.

The Congress must face this OMB issue honestly and forthrightly.

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

Mr. PICKLE. I am happy to yield to my colleague, the gentleman from Texas.

Mr. GONZALEZ. First, Mr. Speaker, let me compliment a most distinguished and admired colleague from my State for going into this subject matter in a thoroughgoing fashion.

As my colleagues will recall, I was the author of a resolution which was passed by voice vote unanimously in a recent meeting of the Democratic caucus of the House in which it was the sense of the caucus that the practice that has been drawn to a fine point within the last 2 years by this administration of actually exercising illegal and unconstitutional line-item veto by the President which, in effect, this practice represents was something that was repugnant to the good sense of the majority and that we viewed it with extreme concern.

Now this is not the first time in the history of the relationship between the legislative branch of the Government and the Executive that this type of a problem has arisen. But it is the first time, particularly within the last 24 months, that the administration has used it as systematically and as voluminously as it has, as I say, in these recent months, in effect, saying that no matter what policy functions under the Constitution, the Congress is exercising—no matter how much on the line the Congress lays its decisions having to do with commitments, taxwise and moneywise—that the Executive will arrogate to itself the unconstitutional right of substituting his policy for that which the Congress as a representative of the people has already said is its sense of priorities in the Nation.

So when we come to the fundamental issues confronting America—of war and peace—we find the Congress finally and belatedly arising to the fact that it has abdicated a constitutional responsibility that is thrust upon it. What it went into very glibly was done so because this is the mood in the country.

The American people have been willing to turn their backs on the central issue of freedom because no nation and no people can be free if its young can be impressed into an undeclared war on foreign shores, without the constitutional mandate of a formal declaration of war by the Congress, or the dispensation, on the part of the congressional delegation, of authority to the Executive to so do.

No people are free if its young can be conscripted into an undeclared war, into these twilight wars, into these wars about which there has not been a clearly expressed consensus on the part of those who represent the American people.

This doctrine has been extended to these extreme issues—of education, for example. We have had, of course, more vetoes and more vetoes overridden within the last 36 months, than we had in the prior three administrations of three different Presidents.

This means that there is a basic conflict as to priorities in America. If the Congress has said that despite the fact that we are hardpressed and despite the fact that we know it is expensive and that it is burdening ourselves and our taxpayers that we still feel a democracy demands educational opportunities and that we should have a first-class system of education—but the President feels

otherwise—and he failed in the basic vetoes—because we overrode those—so he takes his revenge by these line item unconstitutional decisions to impound funds.

The Senate last year published a voluminous documentation on this after an extensive look into the matter in their hearings.

I invite my colleagues to read these studies that have been published by the Senate. Since then a couple of Members on the House side have looked into it. But nobody has as thoroughly and systematically as this group on the Senate side did last year. At that time which was a little more than a year ago, the amount of funds so impounded exceeded $14 billion.

This is a tremendous disequilibrium which historically has never been confronted by the American Government in its history. The gentleman from Texas is 100 percent correct when he says that if the Congress so wishes, in other words, if it continues to so advocate, then, of course, that is the way it is going to happen.

Certainly it would be tragic to reach a point where we have contention between these organs of Government, which in their wisdom the Founding Fathers wrote into the Constitution should be tripartite, should be equals, and certainly should be respectful of each other's prerogatives.

But I think the lessons are clear. The Congress, reflecting the mood of the people, has in effect abdicated a very serious trust. Only time will tell us whether it is too late. In my opinion, I am pessimistic, and I fear it is too late. I fear there is very little that can be done to reverse the trend.

What used to be one or two sporadic impasses, such as the RS–70, the manned bomber, my colleague, I think, came in about 2 years after this event, there was the first clearly drawn impasse between the executive and the legislative branches of Government. I recall Chairman Vinson of the Armed Services Committee and the overwhelming preponderant view of the House and the Senate that a manned bomber should be developed, and we insisted, and we authorized and appropriated in excess of $3 billion.

But the Secretary of Defense of the then administration felt that it was a waste. He felt that the manned bomber was obsolete, and he said, "You go on ahead, and you authorize, and you mandate your appropriations, but you do not have to spend the money"; and they did not. That was one instance. There was no systematic attempt to do this on every single line of congressional activity from education to municipal facilities to health, and all that that means to the present status of American well-being.

I think that most dramatically we are going through this period of seeing what it means to have to live this old saying that we used to read, that the worst of men, the worst of slaves are corrupted free men. We have corrupted ourselves insofar as we have abdicated a trust which the Constitution has placed on this first branch of Government. Set forth in the Constitution is article I, the legislative, the representative, and it clearly being the intent of the Founding Fathers that these very evils into which we have drifted blithely and almost perilously were the very ones that gave reason for the foundation of the Nation and the specific way in which the basic law of the land was written.

It is reflected in their will that those powers not specifically set forth in articles II and III would be reserved in I, in the congressional; so I think that it is a lot later than we realize. I know it is a lot later than the American people realize. I know that it is a question of time.

I am pessimistic in the sense that I do not know what exactly specifically can be done to reverse the trend. I am optimistic because I think that so long as we have gentlemen like my colleague from Texas, and others, and their voices grow in volume, and the climate of public opinion of necessity begins to become favorable to the sensitivity of the issue involved, then that fact I think will be the remedy. I hope that by then we shall not have sacrificed the wisdom and the experience of almost 200 years of life which our Republic symbolizes, and that the great lessons of freedom will not have been so sacrificed by us and those immediately preceding us and those following us, because, as I say, the worst of slaves are corrupted free men.

Mr. PICKLE. Mr. Speaker, I certainly want to thank the gentleman from San Antonio. He was the author of a resolution which was passed unanimously by the democratic caucus. He has been one of the most outspoken Members of the Congress to warn us of the dangers the Congress faces if we continue to let our powers erode and be washed away by the whole OMB. He is exactly right in that originally and until a few years ago, there would be this kind of impoundment of funds only once in a great while.

Today, it is commonplace, and it is going to be an accepted procedure unless we do something about it, so I am certainly pleased to have the gentleman express himself so strongly here today.

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

Mr. PICKLE. I yield to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I want to commend my distinguished and able colleague, the gentleman from Texas (Mr. PICKLE) for bringing to the attention of the House this very serious matter that affects this entire Nation, the unwarranted and increasing impoundment of funds by the Executive, when the funds have been clearly appropriated, authorized and approved by the Congress of the United States.

I want to say that this increasing attitude and procedure by the Executive deteriorates the American system, and if it continues, it will make Congress into a nullity. If we allow the Executive to exercise complete power in all these fields, we will deny the American public the right to representation in the Congress, both in the House and in the Senate of the United States.

I want to say to my distinguished colleague that I appreciate his bringing this to the attention of the American public and of this Congress. We do endanger our system when we allow the Executive without any restraint whatsoever to impound funds increasingly. It is going to destroy the American system. I do not want to be here to do that. I think it is high time we do some serious evaluation as to how this can be remedied.

I understand the President does have the authority not to spend. Congress appropriates and the Executive spends. But if an Executive is going to continue to exercise this power arbitrarily to that extent, Congress is going to have to change that entire system.

I commend my distinguished friend and colleague for his efforts in this matter.

Mr. PICKLE. I thank my experienced friend, the gentleman from Texas, who has been here for many years, and who has seen this erosion of power. I do appreciate his participation in this special order.

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

Mr. PICKLE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Texas for yielding. I commend the gentleman for bringing to this body and to this country the very shameful situation which does exist with the unwarranted intrusion by the Executive on the prerogatives of this legislative branch of the Government as designed by our Founding Fathers. While I am not necessarily a legislative veteran—I am new to the Congress—I have paid particular attention to the gentleman in the well in his many statements previously with respect to the subject matter of the OMB, and I have paid particular attention to the distinguished gentleman from Texas (Mr. GONZALEZ) and his statement that this intrusion goes beyond the money aspect and also goes to the basic thrust of the whole democratic process of government and this democracy.

Again I commend the gentleman because he presents to this Chamber and to the situation of our country something which, if allowed to go further and proceed unchecked, could seriously diminish and even destroy entirely the usefulness of this body and the usefulness of the legislative branch of the Federal Government. We have enough situations which thwart and frustrate the Congress in its efforts to do good for the people. We do not need this additional frustration and this additional impediment which does exist downtown.

Mr. Speaker, I thank the gentleman for yielding. I am only sorry that not enough people are here really to take upon themselves the burden of thinking through deeply this whole problem. I hope the Members tomorrow or the day after will read what the gentleman will put into the RECORD.

Mr. PICKLE. I thank the gentleman from Kentucky.

I do hope the Members will have a chance tomorrow to review what we have said here. Perhaps this is a beginning point. It is a good beginning point. I am grateful to the gentleman for his help in this matter.

Mr. DENHOLM. Mr. Speaker, will the gentleman from Texas yield?

Mr. PICKLE. I am delighted to yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Speaker, I associate myself with the statement of the gentleman from Texas (Mr. PICKLE). He has made a meaningful and thoughtful statement on a subject of great public interest. The powers of the administration as exercised under authority of the Office of Management and Budget—OMB—have indeed been arbitrary, indiscriminate, prejudicial, and self serving, in many instances.

The lawful authority vested in the executive branch of Government in proper and prudent management of the budget cannot be denied. But equally important is the duty and lawful obligation of the executive branch of Government to execute the will of the people as expressed by the Congress in the laws of the land.

Indiscriminate impoundment of certain and specific funds appropriated by the Congress is, in effect, a pocket veto. It is an invasion of the legislative processes beyond and outside of the intent and purpose of the veto powers reserved to the executive branch of Government.

A review of foreign aid and military assistance plans in fiscal year 1972 has convinced me that a major effort must be made to emphasize "Our Country First" before pursuing deficit spending policies on "foreign fiascos" at the expense of the taxpayers of America.

The present administration impounded more than $1 billion appropriated last year by the Congress for domestic programs and for the benefit of our country.

At the same time urgently needed domestic programs were delayed at home. The State Department officials report that overseas projects are going ahead at fully funded record speed.

The administration requested an appropriation of $368 million for technical assistance primarily for agricultural experts in foreign countries—while in our own country, the administration impounded $47 million from the Agricultural Stabilization and Conservation Service programs and neglected a faltering farm price structure that has cost the people of rural America over $5 billion annually in recent years. In transportation, funds for Federal aid to highways were impounded at home, but U.S. tax dollars were used to finance projects such as a highway in Peru that ends at a mountainside of no significance. Other transit systems at home were neglected while we financed commercial jet aircraft construction in 13 foreign countries.

American tax dollars were requested in the 1972 budget to pay for $705 million in military assistance in 45 foreign countries, but in 1971 $38 million of appropriated funds for the National Mental Health Association were impounded together with cutback policies for medical care services for our own veterans including cutback orders for facilities at Hot Springs, and Sioux Falls, S. Dak.

We guaranteed $710 million in housing loans for foreign countries but every housing project in South Dakota was delayed or stopped and $256 million was impounded for basic water and sewer facilities desperately needed in many communities in the United States.

Our tax dollars have built a dike in the desert of Jordan to control raging waters where it never rains while funds appropriated by Congress for the Oahe irrigation project in South Dakota were impounded.

We spent $23 million last year to pay 12,000 unknown police in 27 foreign countries but $16 million were impounded from appropriated funds by Congress to improve the Federal penal system of justice at home.

I am not opposed to helping underprivileged countries of the world, but the first obligation is the underprivileged of our country. Our farmers and the people of rural America are assessed far more than their proper share of the economic burden of such public administration.

Our country will be first only if we first serve our country—that is the test of the future of America. I commend the gentleman from Texas, my distinguished colleague (Mr. PICKLE) for his academic review of historic significance. His excellent remarks should not escape the attention of all. The grave issues of deficit spending and abuse of the natural resources of this land must have the serious thought of every Member of the Congress—and the powers of the executive branch of Government in the management of the budget must be reviewed. Our responsibility here is to act in the public interest—not for votes in the next election—not for personal gain—not for a little while, but rather to act first and always for our country. We expect no less of the Chief Executive of this Government—and the governed shall demand no more.

Mrs. HICKS of Massachusetts. Mr. Speaker, for many years Members of Congress have rightly been complaining about the inordinate power possessed by the Bureau of the Budget. These powers have, if anything, increased as a result of Executive Order 11541, of July 1, 1970, which transformed the old Bureau of the Budget into the Office of Management and Budget with expanded functions and authority.

The functions of the Office of Management and Budget—OMB—are carried out by the Director under the direction of the President. As stated in the U.S. Government Organization Manual, the following are the functions of the Office of Management and Budget at this time:

1. To aid the President to bring about more efficient and economical conduct of Government service.

2. To assist in developing efficient coordinating mechanisms to implement Government activities and to expand interagency cooperation.

3. To assist the President in the preparation of the budget and the formulation of the fiscal program of the Government.

4. To supervise and control the administration of the budget.

5. To conduct research and promote the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

6. To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

7. To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations.

8. To plan and promote the improvement, development, and coordination of Federal and other statistical services.

9. To plan and develop information systems to provide the President with program performance data.

10. To plan, conduct, and promote evaluation efforts to assist the President in the assessment of program objectives, performance, and efficiency.

11. To plan and develop programs to recruit, train, motivate, deploy, and evaluate career personnel.

12. To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government all to the end that the work programs of the several agencies of the executive branch of the Government may be coordinated and that the moneys appropriated by the Congress may be expended in the most economical manner with the least possible overlapping and duplication of effort.

Mr. Speaker, I submit that this list of OMB functions clearly reveals the mechanism by which the President is able to control all facets of the executive branch of Government. And it is the executive branch of Government that administers the programs and activities authorized by the legislative branch. The combined expenditures of the legislative and judicial branches of the Federal Government, outside the authority of the OMB, account for approximately 22 cents out of each $100 of Federal outlays. Thus, the executive branch accounts for $99.78 out of each $100 of total Federal outlays. These figures signify the power and influence of OMB in setting our budget and national priorities.

A National Journal article of January 23, 1971, entitled, "The Making of the President's Budget" in a discussion of the changing budget process made this comment:

PRESIDENT'S MEN: Because the Executive Office is the President's personal staff, existing to serve his needs, accommodate to his habits and bend to his political philosophy, he is free to modify it as he sees fit.

When we couple the fact that OMB is a part of the personal staff of the President along with OMB's wide ranging list of functions it becomes readily apparent that all agencies and departments of the Federal Government are to an overwhelming extent under the direct control of the Director of the Office of Management and Budget. Here is a presidential aide, if you will, who does not require approval by the Senate, but who is in a position to thwart the efforts and will of Cabinet officers that are confirmed by the Senate. Mr. Speaker, I contend that this magnitude of power exercised by OMB does indeed alter the structure and functions of the Federal Government from what they were perceived that they should be by the Founding Fathers.

During a press interview—August 25, 1970—George Meany, AFL–CIO president, made this comment in reference to the power and influence of the Director of the Office of Management—at that time George P. Shultz:

I think he has the most important position in government . . . He is, in my book, the executive vice president of the corporation. In other words, he is the guy who runs the corporation from day to day. He is without question over all the Cabinet members. They are just department heads under him. He reports to the President.

It is well documented through time that he who controls the flow of funds is in a position to speak the loudest. In this respect OMB usually has a strong say in the development and application of Federal programs and policy. This point is borne out in a Wall Street Journal article on November 20, 1970, discussing the changeover from the Bureau of the Budget to the Office of Management and Budget, which said:

Perhaps the most important change, and the one potentially most galling to a Cabinet ego, has come in preparing the budget. Formerly, a department head argued his spending proposals with the budget director; if they couldn't agree, the Cabinet man appealed to the President. Now, the department head presents his plan to Mr. Weinberger, who takes it to Mr. Shultz and together they take it to Mr. Nixon. The President gives his views and the budget goes back to the Cabinet officer as final. (Deputy director of OMB and head of the budget section at time of article. Weinberger is now the Director of OMB.)

An OMB official says Messrs. Weinberger and Shultz will see to it the President is aware of the arguments of the individual Cabinet officers. As for appeals directly to Mr. Nixon, "I would hope," says this official, "that there wouldn't be any need for any. But if there is a need, there can be written and—if the President wants—personal appeals."

But a close associate of the President says Mr. Shultz has been given pretty "broad authority to decide appeals himself." He doubts that many Cabinet men will get past Mr. Shultz to Mr. Nixon.

In speaking of Federal expenditures, it is often said that the President proposes and the Congress disposes. In theory this statement is true because we are free to increase or decrease the amount of funds requested by the President in his budget; however, in practice it does not always work out that way. In a recent discussion on the floor of the House—CONGRESSIONAL RECORD, daily edition, page 22099, June 22, 1972— Congressman CLARENCE D. LONG focused on this very point, when he said:

More and more decisions are being made in the Executive Office by people who are, in fact, assistant Presidents. For example, the Director of the Office of Management and Budget has much more power through his authority to recommend impoundment of funds. As of June of 1971, the OMB had impounded $12 billion in congressionally appropriated funds—and there is not a Member in this room that has not felt the impact. Impoundment gives the executive branch the power to pick and choose among congressionally approved and funded programs—and the directives of Congress are ignored. Through impoundment the President has an alternative to vetoing a program he opposes. By avoiding the veto, he shifts the blame and public attention to another office.

Alexander Hamilton predicted such a situation in his Federalist paper No. 70:

One of the weightiest objections to a plurality in the executive . . . is that it tends to conceal faults and destroy responsibility . . . It often becomes impossible, amidst mutual accusations, to determine on whom the blame . . . ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author.

Therefore, briefly stated, not only is the Office of Management and Budget in a position to control, to a very large extent, the level of funds requested for programs and activities of Federal agencies in the budget preparation and presentation process, it also, is in the position to withhold, reserve, impound, or using whatever other word one wishes to apply, fail to release fully all funds appropriated by the Congress for specific programs or activities.

Not only does the OMB exercise budgetary controls over the amount of funds requested by the regular Cabinet-level departments and agencies of the executive branch but it also controls the amount of funds requested by the independent regulatory agencies. These agencies were established by Congress to carry out independent regulatory functions and are supposed to be nonpolitical in their regulatory functions. The agencies to which I am referring are the Civil Aeronautics Board, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, and Securities and Exchange Commission.

Stephen M. Aug in a recent article in the Washington Sunday Star of February 27, 1972, pointed out some of the ways by which OMB can and does influence the work of the independent regulatory agencies. The following quotations are taken from Mr. Aug's article:

Sharp reductions made by OMB in additional staff sought by the SEC's Division of Corporation Finance could result in less protection for investors. It is this division that examines all registration statements for new stock issues and other statements made by corporations to be certain they are telling the whole truth to the investing public. Additional staff members would have sped up the currently slow registration process.

Personnel cuts at the Federal Trade Commission were aimed by OMB at commission activities in protecting consumers and regulating anticompetitive activities of businesses (these could include mergers and price-fixing activities).

Hard-hit, too, by OMB has been the Federal Communications Commission. For the current fiscal year it had sought $34.5 million. OMB chopped this to $31.5 million, which Congress authorized. Still, according to FCC Chairman Dean Burch, OMB continues to withhold $629,000 of this. OMB had been withholding $1.3 million, but some money was released to allow the commission to replace a radial monitoring station.

One result of the sharp cut in the 1971 request was that the commission had insufficient trained personnel ready to continue with a lengthy investigation into the economic structure of AT & T and its subsidiaries in the Bell System.

DROPPED PROBE

The FCC announced last December it was dropped the investigation but, after considerable pressure from Capitol Hill and elsewhere, announced recently it is reinstating the investigation—and has transferred funds from elsewhere in the agency.

It is open to question whether OMB decisions are based on political motives—whether, for example, it would be politically more expedient to give less service to consumers, or to cut back on a major investigation of a big industry.

Those in OMB would say it's not true—that you simply have to build a budget on national priorities.

One who has the opposite view—and who support Metcalf's legislation to remove OMB from regulatory agency budgets—is Sen. Fred Harris, D-Okla.

"It is easier for a Henry Ford or the head of AT & T to slip the right word into the ears of a single man in the White House than into the ears of all our senators and congressmen," he said in support of Metcalf's bill.

And he added, "I am certain that if we already had such a system, we would not have seen earlier this year the sorry spectacle of an FCC chairman, appointed of course by President Nixon, attempting to quash an investigation of the rate structure of AT & T the first in history, on the grounds that staff was lacking."

So pervasive is OMB influence, that all of these agencies—with the exception of the ICC—must submit to it proposals for legislation in areas in which they are supposed to be the experts.

Further, any time one of these agencies wants to issue a form to conduct a survey involving more than 10 companies it must have OMB authorization to issue the form. Even the statements made by the commissioners themselves before a Senate Government Operations subcommittee were examined by OMB—although there appears to be some question whether OMB censored or otherwise cleared them.

Thus, as you see, the Office of Management and Budget exercises control over the amount of funds that may be requested in the budget annually by the independent regulatory agencies. Also OMB is in the position where it may impound or reserve funds appropriated for these agencies by Congress. Furthermore, OMB must approve all questionnaire forms used by the independent agencies to gather information from the industries they are charged with regulating. One must ask how independent are these agencies.

Mr. Speaker, there are more and more people coming to question the tremendous power and influence wielded by the Office of Management and Budget. The comments that I have quoted here are ample evidence that OMB possesses an inordinate degree of power and influence in our Federal Government structure. We cannot and will not have equal branches of government if the Congress allows this amount of power to rest in the hands of one Federal agency. Therefore, I urge the Members of Congress to give their immediate attention to finding some means of righting this imbalance in the influence and power now possessed by the Office of Management and Budget.

Mr. HENDERSON. Mr. Speaker, I want to commend my colleague, the gentleman from Texas for arranging to spot-

light the matter of impounding of funds by the Office of Management and Budget.

The main points I expect the gentleman to make are extremely well taken: namely, that recent actions of OMB are, in effect, basic policy decisions and not simply matters of budgetary and fiscal control.

OMB in the exercise of this power can and does thwart the will and the specific mandates of the Congress even more effectively than the veto in that the Congress always has the prerogative to act to override a veto, while trying to overrule an OMB decision to impound funds is like trying to catch a will-o-the-wisp.

Specifically in the area of public works, I have seen this principle operate. As a member of the House Public Works Committee, I am familiar with the long tedious procedures which must be followed to justify a public works project, the difficulty of getting the basic authorization bill enacted and then the funding in the appropriations bill.

During all of this, the need for the project has continued unabated and the persons most directly affected have, with considerable justifications, made plans, commitments and entered into various relationships on the assumption that the work on the project would, after final congressional authorization and appropriation, proceed. But the Office of Management and Budget routinely impounds the appropriated funds and thereby effectively blocks any action in the first fiscal year or two after such approval. This is clearly contrary to the expressed will of Congress and is completely arbitrary.

In addition, it is obvious that once a public works project is both authorized and funded by Congress, it is eventually going to be constructed. If the interest is in economy and the saving of money, it should be in the public interest for contracts to be let and work to start as soon as possible after the appropriation of funds.

I do not believe that there has been a single public works project in the Nation which was delayed by action of OMB which did not cost more money as a result.

One point which should be emphasized is this: The administrative branch of the Government has several opportunities to effectively block or delay public works projects before they reach OMB. In the first place, no project is even considered by the Public Works Committee of the House or Senate unless and until a detailed study by the Army Corps of Engineers has determined that a favorable benefit-cost ratio exists, that is to say, that the reasonably anticipated benefits to accrue from the project, in dollars and cents, are equal to or in excess of the estimated cost in public funds. The conducting of this study and the processing of the report affords the executive branch both an effective veto power and a device for effecting delay.

Then in the submission of his budget recommendation for each fiscal year, the President has the opportunity to express his recommendations on funding of various approved projects.

Finally he has the option—though its exercise might be considered somewhat drastic—of vetoing a public works appropriation bill if he considers any item or combination of items unwarranted or excessive.

It seems to me that having all of these opportunities prior to final congressional approval of a public works project to express itself as to the need, urgency, and worthiness of a project, the executive branch should not have and does not have the additional authority to exert an additional veto or delay through administrative action by OMB.

Mr. DANIELSON. Mr. Speaker, it is the constitutional prerogative and responsibility of the Congress to make legislative and policy decisions on the appropriation of funds for the operation of the Federal Government. In recent years that prerogative has often been usurped by the executive branch by means of item vetoes which have been exercised by the administration through the Office of Management and Budget. The process of careful consideration and agreement, by both bodies of Congress, in Federal appropriations is seriously threatened and undermined by the Presidential impoundment or freezing of funds that have been appropriated and signed into law.

A number of difficulties are raised by these invasions of fiscal procedures and responsibility. According to the Rules of the House of Representatives, the Committee on Appropriations or any duly appointed subcommittee "is authorized—to conduct studies and examinations of the organization of any executive department or other executive agency—as it may deem necessary to assist it in the determination of matters within its jurisdiction." If we are to be faithful to our own laws and to the separation of powers inherent in our system of government, Congress must reassert and exercise its proper role in prescribing Federal expenditures.

Another source of today's problems is our use of the fiscal year even though we need to have a full picture of priorities while making budget determinations. It is imperative that we switch from the fiscal year to the calendar year; it is no longer possible for Congress adequately to consider the budget and to give mature consideration to our Nation's fiscal needs between the opening of the session in January and the end of the fiscal year on June 30.

In an earlier and simpler day it may well have been possible for Congressmen, coming from their farms and small businesses, to consider the budget in a few months and to return to their homes by the time the old fiscal year expired and the new one began. With the increased complexity of Government and of social and economic problems it is now unrealistic—and it is an unacceptable fiction—to hold to those old forms. It is impossible to consider these important matters in the 6 months now allowed for them.

As a result, the Congress is constantly passing "continuing resolutions," near the end of the fiscal year, in order to permit Government to function on a daily basis even though the budget has not been passed. Other measures are passed without thorough consideration as we are pressed against the deadline.

Because the President does not submit the budget to Congress until January of each year, leaving less than 6 months for the adoption of the budget for the following year, responsible Government requires that Congress change from the fiscal year to the calendar year so that we will have a full year to consider the budgetary requests and recommendations and to take action on them.

Mr. COTTER. Mr. Speaker, the Founding Fathers gave this Congress a clear mandate and a solemn obligation to "lay and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defense and general welfare of the United States." Article 1, section 7 of our Constitution expressly outlines the process by which the law of the land is to be promulgated.

Today we face a serious constitutional crisis. In the gray area of the Constitution the President is required to execute the laws but there is no specific requirement to force the President to spend the money duly appropriated by Congress and signed by the President into law. The President's action, or more correctly inaction, in expending these funds has created problems in our congressional districts. At a time of recession and high unemployment, to tie up necessary Federal projects not only creates constitutional tension, but also unnecessarily prolongs economic recovery.

It was for this reason that last year, as a freshman Member of the House, I led the fight against the impounding of $12 billion. These funds for urban renewal, mass transit, and necessary public construction could have stimulated the economy last year to help ease the crush of unemployment and the recession that caused unnecessary economic dislocation.

In conclusion, Mr. Speaker, I believe it is imperative that both the Executive and the Congress exercise their responsibilities carefully and effectively. The Congress is responsible for authorizing and appropriating funds. The President is responsible for signing bills or vetoing them. To impound funds short circuits the entire process and if continually done, violates the Constitution itself. As important, the impounding of funds has served to prolong economic recovery and continue the high, unacceptable, level of unemployment.

To impound funds, which have been appropriated by Congress and signed into law by the President of the United States, seems to me to invalidate the very process which was designed by the Founding Fathers to fulfill the function of governing. We must assert our position as the people's representatives and not allow the bureaucracy to become a source of law unto itself. I believe the Congress has the obligation to act to end this practice and, for this reason, I have supported legislation which would end this pernicious practice.

Mr. ANDERSON of Tennessee. Mr. Speaker, under the Reorganization Plan No. 2 of 1970 the President established

the Office of Management and Budget under his authority.

There has been ample evidence since OMB was created to indicate that the responsibility over our Nation's Federal revenues has transferred from its rightful place in Congress to the executive branch of Government.

The Office of Management and Budget has, for all practical purposes, taken control over the appropriations process and it, not Congress, determines priorities.

Appropriation hearings, executive sessions and the passage of appropriation bills by both Houses of Congress is nothing but a mere formality since it is evident that OMB will dictate what moneys are spent where, if indeed, moneys are expended.

My office has done a considerable amount of work attempting to determine the extent of OMB's usurpation of congressional prerogatives. We have discovered, as I stated to the House on January 19 of this year, that the method used by OMB of disbursing congressionally approved funds is politically motivated as the funding of various programs is geared to have a maximum impact upon the voters by election day.

We discovered at that time that OMB intended to release 90 percent of basic water and sewer grant funds during the closing months of fiscal year 1972.

We further discovered that over three-fourths of water and waste disposal funds for rural communities were planned to be released during the same period. In addition, nearly all of the one and a half billion dollars appropriated for urban renewal were planned to be released during the latter half of the fiscal year.

Mr. Speaker, the list goes on. In the neighborhood facilities grant program, all of the appropriated funds were to be released during the closing months of fiscal 1972. The same was true for the open space program.

The Office of Management and Budget termed this method of disbursing appropriated funds "prudent management." I call it "prudent political management."

During this study by my office last January, my staff centered its efforts on only two Departments of Government, Agriculture and Housing and Urban Development. In just these two Departments encompassing only 10 major grant programs, we discovered that 80 percent of funds appropriated for fiscal year 1972 was planned to be disbursed just prior to the end of that fiscal year. By simple addition and division we figured this amounted to over $3½ billion. Now, that is what I call a well-oiled campaign budget.

Whether these tactics can be considered as impounding or withholding or sequestering, I believe, is academic.

The U.S. General Accounting Office, in its "Glossary of Terms Relating to the Budget and Fiscal Provisions of the Legislative Reorganization Act of 1970," dated December 1971, defines impounded funds as "any type of executive action which effectively precludes the obligation or expenditure of appropriated funds." It is clear, therefore, that executive action precluding the obligation of appropriated funds for political purposes is, according to the glossary, an act of impounding.

In continuing our investigation we noted that $500 million was being impounded in the vital water and sewer grant program of the Department of Housing and Urban Development even though the national need for such funds exceeds $1 billion.

The Office of Management and Budget has even extended its controlling hands to the National Institutes of Health as they have instructed NIH not to obligate 42 percent of funds designed to aid in the construction of medical schools. This restriction by OMB resulted in over $60 million impounded even though approved, but unfunded, applications for medical school construction exceeded $700 million nationally.

Mr. Speaker, three medical schools in Tennessee were affected by this action of OMB. Meharry Medical School, Meharry Dental School, and Vanderbilt Medical School had applications totaling $16,700,000 which were approved—to repeat—approved, but were returned because of lack of funds—but the Office of Management and Budget has impounded over $60 million.

The State of Tennessee has further been adversely affected by OMB dictates as $56 million allotted to Tennessee for the construction of interstate highways were withheld from obligation.

At the beginning of fiscal year 1972 Tennessee had $57 million of apportioned highway funds not obligated. Tennessee used $12 million of an authorized $15 million during the first quarter of fiscal 1972 which left $3 million to revert back to the White House pool.

Thus, on October 1, 1971, the end of the first quarter, Tennessee had $45 million left of apportioned funds. On October 1, a directive was sent to Tennessee authorizing the obligation of the entire $45 million. On October 20, 1971, funds authorized by Congress for fiscal year 1973 became available for immediate obligation and Tennessee was apportioned an additional $74 million which totaled $119 million of apportioned highway funds authorized for obligation during the second quarter. In the second quarter Tennessee obligated $49 million and reserved the remaining $70 million for future obligations in the third and fourth quarters.

However, an immediate control by OMB was placed on the Federal Highway Administration in the third quarter and Tennessee was instructed to obligate a mere $7 million in that quarter and $7 million in the fourth quarter leaving $56 million impounded.

Mr. Speaker, the way OMB flipflopped on these highway funds does not seem like "prudent management" to me.

By its actions, the Office of Management and Budget has become the second most powerful office in the land. It has surpassed the importance of both the Congress and the judiciary and has indeed become the fourth branch of Government.

We have attempted to investigate ways to restore congressional power over the purse of this Nation.

On January 26 of this year, I introduced legislation which would require the President to notify Congress when he impounds or authorizes the impoundment of appropriated funds. Congress would then have 60 days in which to approve of the President's action or he would be required to release funds.

This bill gathered 121 cosponsors including 45 committee and subcommittee chairmen.

On April 11, I introduced a House resolution requiring the President to release $107 million of impounded appropriated Rural Electrification Administration funds. Again, 45 House colleagues have joined me in reintroduction. The present need for these funds exceeds $800 million nationally and over $12 million for Tennessee alone.

When Congress approved these funds last year, our intention was to help solve the problems of the great shortages of electrical energy in rural areas. The impoundment action by the Office of Management and Budget is a resort to unconstitutional line item budget cutting and has thwarted the will of Congress and the people we represent.

Finally, Mr. Speaker, it has become common practice for the Office of Management and Budget to dictate to Government witnesses who testify on bills before congressional committees to take positions contrary to their own professional opinions. Such action resulted in opposition testimony recently on legislation I introduced. In fact, we were informed by a high administration official of his refusal to testify because, in good conscience and professional beliefs, he thought the legislation was needed and should be enacted into law. He was instructed to oppose the bill by the Office of Management and Budget.

I am presently exploring additional legislation aimed at restoring Congress to its rightful role as representative of the people of the United States.

The facts are clear. We are elected officials—not the Office of Management and Budget. We have to account for appropriated funds—not the Office of Management and Budget. And we have to run every 2 years to retain our seats—not the Office of Management and Budget.

Congressional committees, their members, and staffs devote a considerable amount of time in the legislative process. Floor debates are at times extensive and after final passage of bills we find that the Office of Management and Budget neglects our wishes and proceeds on their own.

We in Congress took our own constitutional oath.

We had better shape up or ship out.

Mr. BLATNIK. Mr. Speaker, I am very pleased to join the distinguished gentleman from Texas (Mr. PICKLE) in calling attention to the singularly important constitutional threat posed by Executive impoundment of appropriated funds.

At this present moment in our national history, I cannot think of a single issue that poses a greater threat to the future of the Republic, with the possible exception of a temporary need to reinforce the doctrine of civilian control of the military.

Mr. Speaker, I do not wish my remarks

to be looked upon as mere condemnation of this, and previous administrations, for their unconstitutional technique of Executive item veto. I hope to offer constructive criticism not only of the Executive, but of the Congress—for surely, through unresponsiveness, tardy awareness of certain issues and delays in completing the appropriations process before the beginning of the fiscal year, we have created a fiscal management vacuum into which the Executive is more than happy to leap.

In addition, the Congress, through its almost total lack of detailed, centralized, and focused legislative oversight, has not kept in close enough touch with the practical day-by-day results of our legislative products. We do not look long and hard enough at what we have wrought. We are so preoccupied with moving into new legislative domains, we fail to notice and correct significant deficiencies in the way programs are conceived, administered, and funded.

Another point that merits the attention of Congress is the appropriations process itself. We have no single coordinated way in which we view the totality of our appropriations. We not only are unaware of what actually is being spent after authorization, appropriation, contract authority, obligation, and so forth, but we have no way of relating that disbursement total to revenues or revenue projections.

Many appropriations continue over several years. In addition we lose sight of exactly how much is being spent in these carryover items and are negligent in measuring, through lack of exact management, both the timing and amount of fiscal stimulus we provide.

The historical trend of executive aggrandizement of appropriations powers has been reinforced through the splintering of congressional spending power. Fragmentation of congressional fiscal management in the 1860's resulted in spending and revenues being out of phase. Creation of practically autonomous appropriations subcommittees within the appropriations committee further split jurisdiction, control, and responsibility for total spending and overall management.

The distinguished chairman of the House Appropriations Committee, Mr. MAHON, is acutely aware of this problem and has spoken out many times, calling the attention of the Congress to this root-cause of the erosion of congressional control over the power of the purse. Chairman MAHON has also stated that minimum impoundments are desirable. "I believe it is fundamentally desirable that the Executive have limited powers of impoundment in the interests of good management and constructive economy in public expenditures."

Mr. Speaker, I subscribe to that statement of the distinguished chairman. However, I would like to underline the word "limited." I would also like to add the word "temporary." And by temporary, I mean release of appropriated funds before the close of the fiscal year for which the funds were intended.

In other words, what impoundments the administration makes must be minor refinements of discretionary spending decisions already made by the Congress. We must equip ourselves with data gathering and administrative staff and machinery—the raw materials from which we must devise a total, effective, expeditious, and flexible machinery for disbursing and managing the fiscal accounts of the Nation. That is our responsibility and our job.

Mr. Speaker, I understand that there must be some flexibility in the way we spend our revenues and the amounts of those revenues we expend. However, unless the Congress devises the means to exercise greater fiscal management, we shall continue to preside over the dissolution of the powers entrusted to the Congress by the framers of the Constitution and by the people, who govern through us. I do not wish to look back several years from now and see that we have permitted the Congress to become a House of Lords, where we all sit in splendid isolation—isolation both from reality and the powers that once were ours—powers that were not only our privilege but our constitutional mandate.

I certainly disapprove of the impoundment of funds the Congress has appropriated for the "general welfare." There are some constitutional and statutory precedents for the President, as Commander in Chief, to withhold certain funds designated for use in our national defense. However, while I do not agree with the constitutionality of this type of impoundment when it amounts to a significant divergence from overall congressional intent on defense matters, I find the impoundment of funds designated for domestic problems far, far more disconcerting and disturbing.

There is no need for me to go into actual dollar amounts and the breakdown on specific program impoundments. The total, as reported by OMB to the junior Senator from Montana (Mr. METCALF) on May 22, 1972, was approximately $11 billion.

However, as an example of what is going on all over the Nation, just in applications for housing funds already appropriated by the Congress, I would like to mention my own district.

The Eighth Congressional District of Minnesota has been denied funds for two-thirds of our acceptable housing proposals. We have received only seven out of 22 eligible projects. Another 15 projects which would provide over 800 units were rejected outright as part of HUD's flat-out, across-the-board rejection of all pending applications for HUD. HUD must be spending all its funds in buying up, at inflated prices, HUD-guaranteed properties being foreclosed across the Nation.

This same pattern is being repeated in highway programs, food stamps, school lunches for children, regional medical programs, medical research projects, community development, housing and farm loans, and the list goes on and on. As a temporary means of calling the administration to account for impoundments, I have introduced legislation to prevent Presidential impoundment of appropriated funds without the consent of Congress. This legislation at least would give Congress a chance to overturn this illegal, Executive item veto. I realize this is an expedient and does not go to the heart of the problem. However, it might just give us a little time in which to devise the upgrading of congressional fiscal management I discuss later in my remarks.

Mr. Speaker, this and succeeding administrations are not going to change their ways, because the Congress is giving signs of being unhappy. The administration might give us a crying towel and a pat on the head, but they will not give up this usurped power until the Congress takes it back—and takes it back and manages and utilizes it effectively and expeditiously.

We have the power of the purse and can use it to force the release of certain funds. We can badger, bully, and blackmail the Office of Management and Budget into releasing dribbles of appropriated funds We can even threaten to withhold funds for pet administration programs, as suggested by the distinguished chairman of the Senate Appropriations Committee, Mr. ELLENDER. But unless we are able to manage these funds in the manner I have just described, then we will fail in resecuring these powers to the Congress.

Time and time again we may hit the administration over the head with the purse. But unless the Congress can restore this absolute power of the purse and utilize it effectively—and by effectively, I mean in a manner that is free from serious fault and is politically acceptable because of its efficiency, fairness, and expedition—we will find ourselves on the same old merry-go-round and the administration will grab the brass ring on every turn.

Mr. Speaker, I frankly do not see a legislative solution to this dilemma. The administration continues to ignore language that "directs, orders, mandates, and requires" certain expenditures. This administration even ignores legislative language mandating an end to the war—so writing "foolproof legislation" is a futile exercise.

Impeachment of the President is too drastic to be effective, particularly when there is little public understanding of the constitutional issue involved. Impeachment would thus lack the support of the people necessary for success. And frankly, I do not think we need to go that far in insisting on our prerogatives.

Resorting to the courts has been and will be inconclusive, since each decision will continue to be narrowly drawn—drawn to restrict its impact to the particular facts in dispute, and drawn to avoid ruling on the constitutional issues involved. The courts clearly recognize this as one arena of fundamental political conflict from which they had best remain aloof.

The solution of this peculiarly political problem is quite logically a political one. There is only one way to return this power to the purse of the Congress, and that is for the Congress to provide the same type of fine-tuned management to fiscal accounts that the administration provides.

This can and must be done. We have

the right and duty to devise the management machinery I discussed earlier in my remarks. Whether we utilize a different committee system, or an expanded and more powerful Government Accounting Office or some other device is yet to be determined. What we must do now is get to work on this matter and come up with a solution that is both practically and politically feasible—a solution that can be put to work in the next few years—a system that would bring in its train other needed congressional reforms—reforms that necessarily must include, as part of effective fiscal management, detailed legislative oversight.

We can use this spending conflict with the Executive as a catalyst to bring the Congress more completely up to date. We must enter more fully into the space, electronic, superhypersonic world. If the Secretary of State is able to push a button and find out exactly what he has said to the Congress in the past years, then I think the Congress also should be able to push a button and find out what we ourselves may have said that the Secretary is so interested in.

If it takes speed at finding and pushing buttons to remain in the game—if we have to computerize and streamline our fiscal operations to maintain the powers of this branch of Government and the integrity of the Constitution, then, I say, let us get on with it. The longer we wait, the more difficult it is becoming.

The Congress is an extremely competent political body. The solution of the constitutional dilemma we face is a political solution, and one that is and will require all our competence. I have confidence, Mr. Speaker, that we will finally begin to move in the direction of restoration—a restoration that will see spending policy restored fully to the Congress—Congress, the timely and articulate voice of the people, in whose name and for whose benefit we govern.

Mr. SISK. Mr. Speaker, I have a special interest in the special order today covering the Office of Management and Budget. Therefore, I am participating with a great deal of pleasure.

I would like first to congratulate my colleague, Congressman J. J. PICKLE of Texas, for taking the special order because I believe this dialog and this discussion may give us additional insight into the problem of executive impoundment of appropriated funds and may suggest avenues of approach to solutions.

I have long been concerned with this practice, which is nothing more than executive usurpation of the constitutional authority given to the Congress. I know many Members on the floor here today share my concern, Members, I might add, from both parties.

One of the grave problems of our Government today is the maintenance of the balance between the three separate but coequal branches. Perhaps the Congress has been remiss, at least we have been criticized, for surrendering some of our authority to the executive branch. This examination of the problem must then be applauded because, if we have lost anything to the executive, we are hereby exploring ways to get it back.

The executive function by its nature is powerful. Administration takes more functionaries. The minions of able, competent and dedicated employees far outnumber those in the other two branches. Policymaking calls for fewer hands. I think we have too few and we should examine whether short-staffed as we are, we have the necessary expertise to even keep pace, as far as policy is concerned, with the executive.

The executive branch can provide a staff on any issue, any problem, any initiative of its own. Thus by the time the issue reaches us it has already been shaped. Sometimes it is so moulded and so construed that it is difficult to change it.

I do not mean, Mr. Speaker, that Congress should have staff aboard destroyers at sea to prevent another Tonkin Gulf incident. It is not the nature of policymaking to always be where the action is. However, we should have the resources to evaluate the possible courses of any action, and this may be where we are lacking.

While I believe the Congress should take more initiative in the war powers, this is not the purpose of our discussion today, and I would like to return from this digression, to our main point.

Constitutionally the Congress was given the power to raise money. Now, every fiscal manager will tell you it is bad practice to divide the authority for raising and spending money. Congress also has the power to appropriate, which is the basis of the spending authority. The actual disbursement is an administrative function and is properly delegated to the executive branch. The authority of Congress, however, in the raising and appropriation of moneys, thereby shaping the policies and programs of the U.S. Government, is sadly being eroded by the executive branch.

This increasingly onerous practice is being followed by the impoundment or reserving of funds appropriated by Congress.

Now in our haste to make the Office of Management and Budget the villain, we should not overlook our own responsibility and I will get to that in a minute.

What the executive does when it impounds or reserves funds is exercise an item veto. This is an action not mentioned in the Constitution but certainly silence did not tacitly give this authority to the executive. There is a veto process. The Senate and House enact and send a bill to the President who signs or vetoes, and then the Congress can override. But the item veto neatly avoids this constitutional process. By blocking the spending of funds the executive can and does shape policy. The exercise of this negative power can halt worthwhile programs and has.

The Congress, and most of all the electorate, should be concerned with this practice. If it has sufficient exposure to the public I am sure our constituents will recognize the dangers.

By the same token, the Congress must exercise greater control over its own appropriations processes. I am sure members of the Committee on Appropriations will agree with me.

Too often, we find the Congress counting dollars and cents when in the executive branch they are adding up the same spending figures but coming up with different totals. Maybe, we ought to get together.

I am not an expert on appropriations, so I do not offer any solutions here. I only pose the problem. If it comes up often enough, I have faith that someone will figure it out.

The practice of impoundment has been carried to further inexcusable ends. In any discussion of the practice, the use of reserve or frozen funds for political purposes cannot be ignored. We all know there is this year no real problem with reserved or impounded funds. They are being released, this being a general election year. The hope is the feeling of euphoria will pay off in votes.

I have just painted the political use of impoundment with a broad brush. I will be more specific. The release of impounded funds was used in the 16th Congressional District to try to shape a California senatorial election. It failed, but not for want of trying.

In 1970 some $10 million in Westlands Water District distribution funds, appropriated by Congress and signed into law in appropriations bills, was impounded. Despite repeated entreaties, the funds were held up. Then on the eve of the election, the Governor's wife promised the incumbent senatorial candidate the release of the funds, which he announced in a campaign statement in Fresno.

I do not know what the voter effect was. The Senator lost. The money remained frozen until the following year. I have often since wondered what would have happened to the money if he had won.

This particular impoundment had other deleterious effects. It sent the cost of the distribution system up, by delaying it. Now construction must be paid in dollars of decreased value. And the delay in the construction schedule meant unemployment and some future reconstruction further increasing the cost.

This is an example of an overt use of the promise of release of impounded funds as a specific political tool by the executive to shape a local election. Of course, to release the impounded funds they must be placed in reserve in the first place. There needs to be congressional control over impounded funds. Perhaps it should take specific authorization by Congress for impounding or specific authorization for the release of reserve funds.

As I said before the Office of Management and Budget is the villain in today's saga. This is no reflection on the able and competent directorship it has had under Mr. Schultz and now under Mr. Weinberger from my home State. They have done a good job.

Our complaints should be aimed at the target, executive direction of OMB and lack of congressional control.

I offer only one suggestion today because I know my fellow Members of Congress will be covering what I miss.

I might suggest that the office be raised to the level of a cabinet office. This would take it out from under the right or left

wing of the White House, I do not know exactly where it is located over there.

This would mean the Director would take office only after congressional confirmation, a dubious attempt at control but at least something. It would at least assure ease of congressional inquiry into the office. Cabinet officers are called and do testify before Congress. Presidential advisers, in many cases, do not.

Again, Mr. Speaker, I have appreciated this opportunity to speak out on this issue. With these words I will close.

I sincerely hope this discussion today will inspire a dialog among Members of Congress, among officials of the executive, so that we can come up with an answer to this vexing problem.

Thank you.

Mr. DRINAN. Mr. Speaker, I welcome the opportunity to participate in today's special order on executive impoundment of funds voted by Congress, and to add my words to those of my colleague from Texas, Congressman JAKE PICKLE.

The impoundment policy of the President's Office of Management and Budget, to quote one of our foremost experts on the Constitution, Senator SAM ERVIN "contributes to the steady deterioration of the constitutional principles upon which this Nation rests."

Executive impoundment is a key issue for two reasons. In practical terms, it is responsible for the withholding of vast sums of money—almost $13 billion in fiscal year 1971 alone—from high-priority domestic programs which Congress has determined the people need. In 1971, for example, the following sums were impounded by OMB: $5.8 billion for the Federal Highway Administration; $1.7 billion for housing and urban development programs, including $200 million for basic water and sewer facilities, and $942 million for low-rent housing; $31 million for the U.S. Office of Education; $16 million for the Federal prison system; $10 million for basic medical research at the National Institutes of Health; $7 million for the Environmental Protection Agency. These are only a few of the many Federal agencies and vital programs whose day-to-day operations are severely restricted by impoundment of funds. Impoundment of this magnitude continues even today.

In constitutional terms, executive impoundment raises questions of the most fundamental importance concerning the separation of powers and congressional authority over the appropriations process. In fact, members of the President's own staff have suggested that executive impoundment is supported by neither reason nor precedent, to quote a recent Justice Department memorandum.

Perhaps the executive branch does not understand or appreciate the depth of congressional opposition to the OMB's impoundment policy. For Members of Congress, who according to the Constitution are granted the power to pay the debts and provide for the common defense and general welfare, it is galling to spend weeks, months and years working to authorize and appropriate funds, only to see critically important projects stalled or not started at all because the OMB simply refuses to release those funds.

The Speaker of the House has called executive impoundment simply unacceptable. The Republican minority leader acknowledges that in effect it's a line-item veto. On April 21, 1971, the House Democratic Caucus, the policymaking body of the 255 Democratic Members of the House, passed a resolution urging the House of Representatives to seek immediate release of all such appropriated funds by appropriate message to the President.

Even William Rehnquist when he was Assistant Attorney General in the Nixon administration wrote several memorandums to the President warning him of impoundment's unconstitutionality. "It is in our view extremely difficult," Mr. Rehnquist wrote, "to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend." In another memorandum he wrote:

> With respect to the suggestion that the President has the constitutional power to decline to spend appropriated funds, we must conclude that existence of such broad powers is supported by neither reason nor precedent.

Constitutional scholars agree with the former Assistant Attorney General. Louis Fisher, author of the definitive work on the subject, "Funds Impounded by the President: The Constitutional Issue," argues that no decision of any court justifies the impoundment of appropriated funds. Professor Arthur Maass of Harvard University put it most succinctly in testimony before the Senate Judiciary Committee:

> The Executive's power to impound appropriations is exercised by sufferance of the Congress. Congress can, by legislation, deny the President the right to impound, or Congress can set the conditions under which the President can impound appropriations. Such legislation would be constitutional and binding on the President. . .

In my judgment, impoundment can serve a useful function only when a program costs less than originally expected, or when significant cost savings can be effected without subverting the intent of a program established by Congress. However, the OMB cannot justify any substantial part of the $13 billion worth of current impounded funds on this basis.

The statement of OMB Director Caspar Weinberger that "policy inevitably is part of every budget decision" is very revealing. Changing policies approved by Congress is the real reason—the only reason—for impounding funds and it is the reason why impoundment undermines so basically the constitutional powers of Congress. If, as Mr. Weinberger suggests, "it is very hard to separate management from policy," then I suggest that Congress should make the distinction clearer for Mr. Weinberger and his colleagues at OMB.

Legislation introduced by Congressman BILL ANDERSON in the House, which I and others here have cosponsored, and by Senator SAM ERVIN in the Senate would require the President to notify Congress whenever he decides to impound appropriated funds. Congress would then affirm the impoundment by passing appropriate legislation within 60 days of the President's request. If Congress did not pass such legislation, then the President would be required to release the funds.

This approach makes perfect sense to me. It places the burden of persuasion on the President and requires him to justify the impoundment of funds already voted by Congress before they could be permanently frozen by OMB. Yet it provides a simple and workable scheme for congressional approval of impoundment on those rare occasions when impoundment may be justified. It restores the constitutionally required balance between the executive branch of Government and Congress. And it would effect the release of $13 billion of critically needed funds for implementation of high-priority domestic programs.

During the past decade we have seen many examples of Executive usurpation of legislative authority, most tragically in the context of the Executive's role in waging an undeclared war in Indochina. If we have learned a lesson from this sad experience, it is that the executive branch assumes new powers—legislative powers—whenever Congress fails to assert its proper constitutional authority.

The OMB's massive impoundment gratuitously and incorrectly implies that Congress is not responsible for setting budgetary priorities. As part of the effort to inhibit impoundment, therefore, Congress must put its own budgetary procedures in order.

This means earlier passage of appropriations bills. At this date, 26 days into the new fiscal year, only eight of the 15 major appropriations measures have been passed by both Houses of Congress and signed into law.

It also means that Congress should consider the establishment of a Joint Committee on the Budget to oversee the entire congressional budgetary process. The piecemeal approach that Congress has traditionally taken to the preparation of the Federal budget—passing each appropriations bill separately and paying too little attention to total dollar amounts—dangerously undervalues the importance of treating national economic issues such as inflation and unemployment. At the present time, the only agency of the Federal Government which systematically reviews the budget as a whole is the Office of Management and Budget. They have failed to do the job well.

The excessive power of OMB must be stopped if Congress is to reassert its authority over budget matters. I believe we owe a reassertion of the congressional role in this matter to the people. They elected us. No one elected OMB.

Mr. PODELL. Mr. Speaker, I join my colleague, the distinguished gentleman from Texas (Mr. PICKLE), in his concern about the usurping of congressional powers by the Office of Management and Budget.

Presidents have used this Office as a final Presidential veto over programs passed by the Congress but opposed by the White House and yet too dangerous to veto from a political point of view. It has become the final Presidential guillotine for programs the President opposes but does not want to make public his opposition.

A perfect example of an OMB impoundment relates to some $20 million appropriated by the Congress for desalting research in Israel. The history of this worthwhile project begins in 1964.

President Johnson announced in 1964 that the United States and Israel would cooperate in desalinization research and development, including the building of a model plant. In 1966, a scientific report established the feasibility of the project. On January 19, 1969, Levi Eshkol, as Premier of Israel, announced plans to build the plant which Congress authorized later that year.

The proposed research and development of the plant is important for several reasons. First it is crucial for the maintenance of an adequate fresh water supply for Israel. Second, it would provide American scientists with important scientific data on the feasibility of future domestic and foreign desalting programs. As the world's reserve of fresh water rapidly diminishes, we may have to turn to the huge supply of salt water for our daily use. Desalting research and development must be assigned high priority.

But the Agency for International Development proposed action on the program in 1969, claiming more research would be appropriate.

Whereas Congress appropriated and authorized the money for research and a study of the desalting problems, the administration wanted a prototype plant built and maintained that Israel was not sufficiently technologically sophisticated to operate a desalting plant economically.

Israel never maintained that it could—it needed the money and Congress passed the measure, expressly for research with no strings or economic or other feasibility attached. The administration's demands that the plant be proven economically viable before the funds are released contravenes congressional intent and negates the original understanding with Israel.

The needs of Israel, the wealth of potential information, and the fact that Congress passed the appropriation for a research, not a commercial undertaking, all this seems to make little impression on OMB. This is just one more in a long list of the flaunting of Congress by using the Office of Management and Budget. This contempt for Congress and the people of the United States must stop.

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from Texas for taking this special order and to commend him for his excellent statement. I share his concern over the deterioration of the constitutional power of Congress over the budget. The Office of Management and Budget certainly does make policy decisions and those decisions often conflict directly with the expressed will of the Congress. The power of the Office of Management and Budget to impound appropriated funds is a serious issue in any administration. Under the Nixon administration, however, it has taken on a whole new dimension. OMB has used its power to reorder priorities in a direction opposite that charted by the Congress. It has chosen guns over butter at a time when Congress is striving to reduce military expenditures and to increase support for pressing domestic needs.

This administration, through OMB, has demonstrated a disregard for the judgments of Congress when funds in excess of budget requests have been appropriated.

The Rural Electrification Administration appropriation, cited by the gentleman from Texas, is a good example. The appropriation for REA loans exceeded the budget request by $216 million. After strenuous lobbying by REA supporters and pressure from numerous Members of Congress, OMB released $109 million for loans. The balance, $107 million was carried over into fiscal year 1973 and was released on July 1, 1972. The $107 million not released in fiscal year 1972 is lost. The Congress recognized the need for those funds in that year. That need went unmet. The $107 million was then deducted from the $438 million which the administration estimated as the need for this program in fiscal year 1973. Thus, only $331 million in new money was requested. The House voted to appropriate $438 million in new money.

It is disturbing to see cuts made in programs like this one which would help to develop the underdeveloped rural areas of this Nation. Impoundment has seriously hampered critical urban programs, too. OMB withheld $53,042,000 in funds for housing rehabilitation loans, $5,000,000 for new community assistance, and $500 million for basic water and sewer grants during fiscal year 1972.

Both the rehabilitation loan funds and the funds for grants for new community assistance were released on July 1, 1972. Funds appropriated for these purposes in fiscal year 1972 will thus not be expended until fiscal year 1973. Despite the backlog of applications for water and sewer grants and the obvious need to stimulate employment, only $200 million of the $500 million of water and sewer grant funds were released on July 1, 1972. Release of even that amount was delayed from fiscal year 1972 to fiscal year 1973.

Under the guise of fiscal responsibility, the administration through OMB, has withheld funds from urgent domestic needs and from programs which would have helped to provide jobs for thousands of unemployed persons.

The activities of OMB are not limited to the impounding of funds after they are appropriated. The Agency writes the budget and is responsible for the administration's totally inadequate budget requests in areas of critical need. The health manpower area, cited by the gentleman from Texas, is a good example. Another area is education. In both of those areas the House voted to appropriate considerably more than the administration requested. The health manpower appropriation exceeded the request by about $205 million, and the education appropriation by about $665 million. The administration requested no new funds for rehabilitation of housing, and announced its intention to spend only the $53,042,000 impounded in fiscal year 1972. The House voted $50 million in new money for that program.

I am heartened by the response of the House to these and other vital needs. I am concerned, though, that these policy decisions will again be reversed by OMB action to impound the additional funds. We must reassert our constitutional authority over appropriations. I am a sponsor of H.R. 12884, introduced by the gentleman from Tennessee (Mr. WILLIAM ANDERSON). That bill would require the President to notify Congress of impoundment of funds and to cease the impoundment of the funds unless a resolution ratifying the action is passed by the Congress within 60 days after the notification. I feel that this bill provides a reasonable, workable procedure to reassert our authority and I urge my colleagues to support it.

GENERAL LEAVE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

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

There was no objection.

HUD AND THE CENTRAL CITY: USING THE SITE SELECTION GUIDELINES TO PREVENT REBUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, recently the Department of Housing and Urban Development has adopted guidelines for selecting those areas in which it will subsidize housing for lower income people.

On their face, the guidelines look good. Is there a need for low-income housing? Will it disperse concentration of minority groups? Will it be consistent with a model cities, urban renewal, new town, or similar plans? Will the project lead to a healthy environment? Do the contractor and architect know what they are doing? Will minority people get a break on jobs? Will the project be sensibly managed?

Yes, it all sounded fine, until stories that criteria are being used by HUD offices to bypass central cities began to reach our Housing Subcommittee. Accordingly, on May 30, 1972, I requested a study by the Congressional Research Service of the Library of Congress of the effect of the guidelines. An excellent study, prepared by Marion Schlefer, analyst in housing and urban affairs, was made available to me on July 20. The study points out the need for a sweeping reevaluation by HUD of its site selection practices. The concluding section of the study, which addresses itself to the impact of the present project selection criteria, follows:

HUD POLICIES AND THE CENTRAL CITY

The discussion of recent court decisions and HUD policy in Part I of this memorandum indicated, in sum, that the court decisions have exerted a strong influence on (and

became a justification of HUD policy where the inclination to disperse housing for low-income and minority persons outside "impacted" areas of the central city already existed. HUD guidelines and regulations described in Part II can be regarded as tools for the implementation of an "open communities" policy. Although the objective of achieving open communities is by any standards commendable and in accordance with national housing policy, the question is being raised as to whether this emphasis will, in fact, result, in some degree of abandonment of central cities and in a reduction in the housing opportunities available to central city occupants.

Furthermore, at the local level zoning and building regulations, also of concern to the present HUD administration, but generally beyond their control, may exert a negative influence on the dispersal of housing and result, in some cases, in preventing subsidized housing from being built even in the suburbs. This does not assure, unfortunately, that units allocated to suburban areas, but not built, will be reallocated to the central cities.

On the other hand, the structure of the interest rate subsidy itself tends to encourage suburban locations. Section 236 offers one of the most lucrative Federal tax shelters which is currently available to the high income investor. The allowance of tax deductible income provided for the investor is a subsidy which does not appear on the Federal budget but increases the cost to the Federal government by diminishing tax returns. Because the tax shelter is highest in the first years and diminishes rapidly, such investors do not have a built-in, long-term interest in the management and maintenance of the housing built. (Thus, it is questionable whether such subsidy provides as much benefit to the low(er) income renter as to the high income investor.) For this kind of investor as for the private sponsor, problems are diminished when projects are located in outlying areas. Recent central city scandals including the high rate of default on FHA mortgages in the central cities have reinforced the inclination of private sponsors to build outside of the central city for those persons or families in the highest range of income eligibility.[1]

The Section 236 program is particularly significant because of its magnitude. Section 236 accounted for about 30 percent of the subsidized starts in the last year when subsidized housing was being produced at a rate over 500,000 units per year.

In assessing the housing project selection criteria, it is evident that, in themselves, the criteria do not appear to be in any way sinister. However, despite recent clarifications by HUD and assurances by the Secretary that persons including HUD personnel have been wrongly construing the criteria as a signal to halt HUD's assistance to the inner city, nevertheless, in the context of the grouping of programs and policies discussed in Part I, there is substantial evidence that the central cities can be expected to receive a smaller amount of the total number of new subsidized units allocated to the metropolitan areas. The emphasis of the late 1960's on renewal of central cities has shifted to the metropolitan solution with consequent diminishing emphasis upon the inner city. This conclusion is borne out by the experience of Washington, D.C., as reported in the *Washington Post* of June 4, 1972. The Post reported that since the implementation of the housing project selection criteria, 10 projects have been approved in the D.C. area and 5 have been rejected. Of the ten approved one is in the District in a 'riot' corridor, four are in Maryland and five are in Virginia. Of the five disapproved, allegedly on the basis of Selection Criteria Nos. 2 and 3 (designed to avoid minority and subsidized housing concentrations), four were in Southeast Washington and one in the Far Northeast. All were, however, outside of urban renewal and model cities areas.

Criteria No. 5 (which concerns the relationship of the project to the physical environment) has also had a significant impact on selection of projects judging from an incomplete sampling of projects in Connecticut. One Sec. 235 project in each of Middleton, New Haven, Farmington, Stamford and Hartford and two in Waterbury were rejected on the basis of criterion No. 5. No information is readily available as to the location of these projects within the town or metropolitan area.

In Milwaukee, Wisconsin, a Section 236 project identified as the WAICO project was disapproved in preliminary form under criterion No. 5 because of excessive air pollution, noise pollution and the isolating effects on ingress and egress ramp patterns of three freeways, one existing and two in the planning and early implementation stage. This project is now being modified and because it will exceed the environmental threshold calling for "special clearance" under the Environmental Policy Act, an environmental impact statement is now being drawn up to accompany the project application. The original application was filed on February 9, 1972, just two days after the housing project selection criteria went into effect. This situation exemplifies the fact that HUD has primarily negative powers of site selection, i.e., it can refuse to build where environmental conditions do not meet standards, but has no power to alter environmental conditions to meet the needs of existing residents or to assert priority among Federal projects.

Similarly, it can be said of criteria nos. 2 & 3 that in favoring housing outside of minority concentrations or concentrations of subsidized housing, or outside of areas which are racially mixed if the project would change the mix, HUD can exercise only negative powers. While it can disapprove units within areas of minority or subsidized housing concentrations, it cannot build nor direct construction in its priority areas. For example, under the 'fair share' plan adopted by the Washington Metropolitan Area Council of Governments, whereas HUD can reapportion the percentages of the units available to the whole area making more units available to those jurisdictions which have not built significant amounts of subsidized housing and reducing the D.C. allocation it cannot force the suburbs to use their allocations. In addition, the plight of the inner city person does not necessarily improve as the county builds for its own teachers, policemen, firemen and poor.

The project selection criteria are also subject to criticisms intrinsic to the system. The National Association of Housing and Redevelopment Officials (NAHRO) has made the following. Some members of the NAHRO committee on project selection criteria raised the question as to whether such a project selection system should be based on anything more than legislative and judicial grounds. In other words, should general administrative policy which is not a part of the law governing the program in question, be incorporated in project selection criteria? NAHRO says that the project selection criteria are based in part on general policy objectives. For example, NAHRO sees the emphasis upon participation of the local government executive and local governing body in the project as the promotion of the Administration's policy of strengthening local government. NAHRO also emphasizes that the Administration's policy on housing integration is reflected in the high ratings given for projects in areas which contain little or no subsidized housing or minority concentrations. "In citing these examples, NAHRO is raising the issue not of whether HUD should be pursuing national policies and objectives, but whether subjecting applications for assistance to a set of goals and objectives that may or may not have anything to do with local need, statutory requirements, or judicial rulings is either equitable, necessary to the sound management of HUD's programs, or even legitimate." (NAHRO Letter, October 29, 1971).

The rating systems require that applications compete only within the jurisdiction of the HUD area office. Applications are not to be compared at a higher level. For housing projects, a single rating of "poor" in any of the eight categories disqualifies an application from further consideration. A question can be raised as to whether a project rated superior in seven categories and poor in one might not be more worthwhile than a project which has no poor ratings, but lacked seven superior ratings.

NAHRO prefers the more refined rating system adopted for community development projects. However, they point out that these criteria remain heavily weighted toward a project designed to increase the supply of low- and moderate-income housing to the relative exclusion of planning framework. NAHRO finds the renewal process is the single most effective tool for rebuilding central cities, and states, "cities are not served by selecting systems that tend to focus on one element (i.e., housing) in primarily other than the central city and systems that tend to ignore local priorities." (NAHRO Letter, December 31, 1971) As pointed out, the criteria do not cover conventional renewal nor model cities, which are not, in any case, being funded at this time, indicating that the Administration is continuing emphasizing the production of housing over physical and social planning. At the time of the enactment of the Model Cities program (under the Demonstration Cities and Metropolitan Development Act of 1966) the Congress recognized that urban renewal, which covered physical renewal, was not sufficient in itself but required a social component to assist in the provision of social services and job opportunities. Without the emphasis on the social component urban renewal becomes a means for increasing the tax base, removing slums, and improving the physical plant without providing the supporting social services.

Similar questions as to the use of Federal funds will be raised under the Administration's special revenue sharing proposal (S. 1618, H.R. 8853, the Community Development Act of 1971) as well as the block grant proposals for community development set forth in the Senate and House HUD bills now under consideration by the Congress. (S. 3248 and H.R. —— dated May 9, 1972 but as yet unnumbered) How the project selection criteria for community development would relate to these bills is not explicit. Special revenue sharing does not require a locality to submit an application for funds but provides for automatic funding by formula to local general purpose governments. Local governments, however, must file a statement of objectives and projected use of funds for public examination to enhance accountability and to facilitate coordination of activities. Under the Senate and House bills, local governments must make application for block grant funds. The special revenue sharing bill covers the following HUD categorical grants: urban renewal, model cities, water-sewer, and rehabilitation loans (none of which are covered by the community development project selection criteria with the exception of the Neighborhood Development Program.) The Senate bill would replace the following programs: urban renewal and neighborhood

[1] The administration's proposed HUD Act, the Housing Consolidation and Simplification Act of 1971, proposes an upper income eligibility limit equal to the median income within the local area market.

development, water-sewer, neighborhood facilities, open space, public facility loans, public works planning advances and advance land acquisition (but not model cities).

The House bill does not specifically mention public facility loans, public works planning advances and water and sewer. However, it adds Section 312 rehabilitation loans, and urban beautification-historical preservation programs as well as certain relocation payments, the provision of supporting social services, financing of the local share of other Federal grant programs and the coordination of community development activities taking place within the locality. Both Senate and House bills contain allocation of funds formulas. However, funds are not automatically dispersed; instead, localities must satisfy application requirements before receiving funds. What will become of the project selection criteria with the enactment of special revenue sharing or block grant systems remains in doubt.

NAHRO has pointed to a significant conflict between the use of these particular project selection criteria and the joint HUD, NAHRO effort to "simplify rules and procedures and to provide localities with greater flexibility in determining program objectives." (NAHRO Letter December 31, 1971). The new criteria call for more paperwork and procedures, and less emphasis upon local determination of priority. Such a selection systems relies less on the discretion of the local government at the very time that HUD has adopted an explicit policy of decentralizing decision making to its new area offices.

In conclusion it can be said that the project selection criteria are in conflict with the objective of local autonomy, though they do attempt to strengthen local government through enforcing local participation rather than relying on local-Federal agency implementation. They are a part of the shift to a metropolitan rather than an urban constituency and reflect the new strength of suburban jurisdictions.

An assessment of the actual effect of the project selection criteria as implemented would require an analysis of projects approved and projects rejected. Such an analysis is difficult to make at this early stage. In addition, records are not kept at the Federal level; rather, information rests in the regional and area offices.

THE 50TH ANNIVERSARY OF AHEPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, as the first native American of Greek origin to be elected to Congress, I rise with particular pride to introduce, on behalf of myself and my colleagues, the gentlemen from North Carolina (Mr. GALIFIANAKIS), from Maine (Mr. KYROS), from Pennsylvania (Mr. YATRON), and from Maryland (Mr. SARBANES), a resolution to congratulate the American Hellenic Educational Progressive Association on its 50th anniversary.

Founded 50 years ago today in Atlanta, Ga., the Order of Ahepa was designed to serve as a permanent link between the achievements and values of Greek civilization and those of contemporary American society. Its membership of nearly 50,000 makes AHEPA the largest single organization of Americans of Greek origin in the Nation, with 430 local chapters in 49 States, Canada, and Australia.

Mr. Speaker, members of AHEPA pledge themselves to encourage loyalty to the country of which they are citizens and to oppose political corruption and tryranny everywhere.

The order's record of achievement is indeed an impressive one.

During World War II, AHEPA sold $500 million in U.S. war bonds as an official issuing agency of the Department of the Treasury.

The order has provided relief for the victims of natural disasters in Florida, Mississippi, Turkey, and Greece, including the Ionian Islands.

Mr. Speaker, AHEPA has established a program of national scholarships for worthy students.

It has funded hospitals in Athens and Thessaloniki as well as seven other health centers in Greece.

It provided war relief in Greece and the Middle East.

AHEPA has been a champion of the cause of education, and has established new channels to facilitate the dissemination of culture and learning.

Mr. Speaker, AHEPA is composed of four separate organizations which work together to further the ideals of their members: the Order of Ahepa, the Daughters of Penelope, the Sons of Pericles, and the Maids of Athena.

Mr. Speaker, I know that the Order of Ahepa is held in the highest regard throughout the Nation. In my own congressional district, for example, we are particularly proud of the South Bend chapter, No. 100, whose current officers are William Kanalos, president; Nicholas Avgerinos, vice president; Gust Koucouthakis, secretary; and John F. Magrames, treasurer. This is the AHEPA chapter, by the way, of which I am pleased to be a member.

Gust A. Saros, of South Bend, is also a current Indiana officer of the Order of Ahepa. Past national officers of the order include Leo J. Lamberson and George S. Stratigos, both of South Bend.

Mr. Speaker, I am confident that AHEPA's record of achievement during the past 50 years will be duplicated and enhanced during the years to come.

Mr. Speaker, I include at this point in the RECORD the text of the resolution to which I have earlier referred:

H. RES. 1058

Whereas, the greatness of the United States has been achieved through the contributions of men and women of goodwill of all races and creeds, who have cherished the ideals of democracy which originated in ancient Greece; and

Whereas, the Order of the American Hellenic Educational Progressive Association, AHEPA, was founded fifty years ago in Atlanta, Georgia, to serve as an enduring link between the achievements and values of Hellenic civilization and those of contemporary American society; and

Whereas, the Order of AHEPA's 50,000 members have pledged themselves to promote and encourage loyalty to the country of which they are citizens and to oppose political corruption and tyranny; and

Whereas, the Order of AHEPA has an extraordinary record of providing assistance to victims of natural disasters and international conflicts; and

Whereas, the Order's members strive to promote good fellowship, common understanding, and mutual benevolence:

Now, therefore, be it *Resolved*, That the House of Representatives congratulates the Order of the American Hellenic Educational Progressive Association on its fiftieth anniversary and commends the Order on its many contributions to strengthening American democracy.

BICENTENNIAL FILM PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, we are all concerned with the celebration of America's second century. Congressmen GOLDWATER, REES, and I are introducing legislation today which would go far in assuring that the bicentennial will be a significant and lasting success.

No achievements in technology, the arts, or industry which America has produced in the past 200 years are better suited to the effective commemoration of our national development than motion pictures and our communications media. It is for that reason that we have conceived a program which would utilize film to help the United States celebrate this landmark.

Our bill authorizes the American Revolution Bicentennial Commission to oversee the production of 52 1-hour films—one pertaining to each of the States, one to the District of Columbia, the Commonwealth of Puerto Rico and the territories, and one to the Nation as a whole. Each film would be of the very highest technical quality and would illustrate the history, traditions, culture, and geography of its subject. Far from being propaganda or puff, these films would present the entire American experience in an effort to stimulate the Nation's sense of pride, identity, and purpose.

The legislation provides for extensive distribution of the films. Public broadcasting on television would be the prime medium of presentation. It would be appropriate for a different film displaying a different State to be broadcast once each week throughout the bicentennial year, quickening every American's interest in all the facets and areas of the Nation. A weekly broadcast schedule also complements the President's invitation to each of the local bicentennial commissions in the States, Puerto Rico, the District of Columbia, and the territories, to have national attention placed on each local area for a single week in the year preceding July 4, 1976.

Screening of the films will not be limited to television, however. The bill authorizes the Commission to lease the films to Government agencies as well as private enterprises to attain maximum exposure and interest in the bicentennial. Theaters, schools, businesses, and community centers would all be likely locations for the presentation of the films.

At the same time that this program enlivens our bicentennial celebration, it will also have impact on the motion picture industry itself. Motion pictures are an important American art form. Yet the

motion picture industry is currently caught in an economic squeeze, and thousands of highly skilled and talented craftsmen and actors from New York to California are unemployed or pursuing more remunerative careers outside the industry. This bicentennial film program promises to put some of the unemployed back to work on worthwhile artistic endeavors. Our bill guarantees that all production will take place within the United States and will be done by private enterprise.

To dispel doubts concerning the operation of the Bicentennial Commission itself, the legislation we are proposing today both authorizes and directs the Commission to undertake this program. Furthermore, the Commission is required to make a report to the President 1 year after this bill's enactment to assure that the project progresses on schedule to meet the 1976 deadline.

The cost of the bicentennial film program has been estimated at from $10 to $15 million. In order to minimize the cost to the taxpayer, our bill directs the Commission to seek private sponsorship wherever possible to defray the costs of film production. The appropriation authorized isasmuch as is necessary to produce any films which do not acquire private sponsors. The legislation contains strict provisions to make certain that private sponsorship will have no effect on the content of the films themselves.

Finally, and of great importance, once the bicentennial era has ended, these films will remain as a permanent and living witness to America at the end of her second century.

Mr. Speaker, I urge my colleagues to join in support of the bicentennial film program and to assist us in bringing about its passage and enactment.

The text of the bill follows:

H.R. 16058

A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to create the Bicentennial Film Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended by adding at the end thereof the following new section:

"SEC. 11. (a) The Commission is directed to contract with nongovernmental producers of motion pictures for the purchase of 52 motion pictures to be produced within the United States of America by such nongovernmental producers, of approximately one hour each in duration, of which there shall be one motion picture pertaining to each of the States, one to the District of Columbia, the Commonwealth of Puerto Rico and the territories, and one to the Nation as a whole. Each such motion picture shall reflect the highest standards of production in the motion picture industry, and shall cover the history, traditions, cultural achievements, local customs, and unique geographical and other features of its subject so as to contribute to the affirmative celebration of America's bicentennial. Each such motion picture, together with such additional copies thereof as the Commission shall deem necessary for purposes of this section, shall be ready for exhibition no later than December 31, 1975.

"(b) The Commission shall provide for the nationwide presentation of such motion pictures by means of public broadcasting, and may lease such motion pictures to the States, the District of Columbia, Federal agencies, and private enterprises, in order to provide for the widespread dissemination of such motion pictures and to contribute to public awareness and interest in the bicentennial.

"(c) Revenue derived from leases of such motion pictures under subsection (b) shall be available for purposes of carrying out this joint resolution.

"(d) The Commission is directed to secure funds to be used for the purposes of both the production and distribution of the above-described films from private corporations, institutions, organizations, groups, and individuals. Such private sponsorship shall be secured whenever feasible.

"(e) Whenever a film is produced or distributed with the use of private funds, public acknowledgment of the use and donor or donors of said funds shall be limited to (1) a brief message presented at either the commencement or termination of the film, or at both times, but at no other time during the presentation of the film; (2) such other presentations as the sponsor may wish to make, so long as they do not form a part of, interfere with, or interrupt the presentation of the film itself.

"(f) Whenever a film is produced or distributed with the use of private funds, the Commission shall retain entire and absolute control over the content, production and distribution of the film, and any income derived from its lease or distribution.

"(g) Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President a report indicating the progress it has made in implementing the provisions of this Act relating to film production and distribution."

SEC. 2. Section 7(a) of such joint resolution is amended by adding at the end thereof the following new sentence: "There is hereby authorized to be appropriated to carry out the purposes of section 11 and to remain available until expended such sums as may be necessary."

AIR SERVICE FOR SAIPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, as the ranking minority member of the House Subcommittee on Territories and Insular Affairs I am greatly interested in the establishment of a viable, healthy economy in the Pacific Islands Trust Territory.

With improved jet service and better communications the people of the trust territory are more cognizant of the world around them and they are anxious to do all they can to seek to achieve the economic potential of their area through expanded air service.

As tangible evidence of this interest I would like to call to the attention of my colleagues three resolutions recently adopted by the legislatures of Palau, Marshall Islands, and Truk District which request that the U.S. Government allow Pan American World Airways to provide service between Saipan and Tokyo. Pan Am now overflies Saipan more than once a day in each direction on its Tokyo-Guam route.

As one who has long been interested in the people of the Pacific Trust Territory I believe the time has come for the Civil Aeronautics Board to act on these resolutions requesting that Pan Am be allowed to provide jet service between Saipan and Tokyo and I have no doubt that if these requests are granted, the tourist trade to Micronesia would be vastly improved.

I ask unanimous consent to include in the RECORD the full official text of these resolutions requesting service for Saipan by Pan American World Airways.

A RESOLUTION

Requesting the Civil Aeronautics Board to act favorably on the application of Pan American World Airways to serve the Saipan-Tokyo route between the Mariana Islands District and Japan.

Whereas, it was recently announced that the Civil Aeronautics Board has granted approval to Japan Airlines to make flights from Tokyo to Saipan, Mariana Islands District; and

Whereas, the Civil Aeronautics Board now has under consideration application by several United States carriers to serve the route between Saipan and Tokyo; and

Whereas, in choosing an air carrier to serve this route, the qualifications, experience and general knowledge of that carrier are of primary importance; and

Whereas, pursuant to such criteria, Pan America is able to connect Saipan and Micronesia to its world-wide air system, and has demonstrated its capability through its promotional work for the Territory of Guam, which last March resulted in its selection by the Government of Guam as the air carrier that has done the most toward promoting travel to Guam; and

Whereas, a second air carrier serving the Trust Territory will provide the competition necessary to give the residents of the Trust Territory better services; now, therefore,

Be it resolved by the Fifth Palau Legislature, Second Regular Session, 1972, that the Civil Aeronautics Board be and is hereby requested to act favorably on the application of Pan American World Airways to serve the Saipan-Tokyo route between the Mariana Islands District and Japan; and

Be it further resolved that certified copies of this Resolution be transmitted to the Chairman of the Civil Aeronautics Board, the High Commissioner, the Director of Transportation and Communications, the Chairman of the Board of Pan American World Airways, the President of Continental/Air Micronesia and the District Administrator.

A RESOLUTION

Requesting the Civil Aeronautics Board of the United States to grant Pan American Airlines a permit to fly the route between Tokyo and Saipan.

Whereas, transportation to and from Micronesia depends heavily on air traffic; and,

Whereas, there is a need for passenger and air-freight service between Tokyo and Saipan to stimulate the economic development of Micronesia; and,

Whereas, Micronesia would be more accessible to businessmen and tourists if a direct flight was initiated between Tokyo and Saipan; and,

Whereas, the tourist trade to Micronesia would be improved if Pan American used its advertising facilities to promote the many attractions of Micronesia; Now therefore,

Be it resolved by the Truk District Legislature, Twenty-Second Regular Session, 1972, that the Civil Aeronautics Board of the United States is hereby requested to grant Pan American Airlines a permit to fly the route between Tokyo and Saipan; and,

Be it further resolved that certified copies of this Resolution be transmitted to the Civil Aeronautics Board, the President of Pan American Airlines and the High Commis-

sioner of the Trust Territory of the Pacific Islands.

A RESOLUTION

Endorsing the request of the people of the Mariana Islands District to the United States Civil Aeronautics Board, for Pan American World Airways, Inc., to provide air services between Saipan and Japan.

Whereas, the leaders and people of the Mariana Islands District have expressed their choice with respect to the air-carrier most acceptable to them, for the Japan/Saipan air route; and

Whereas, the leaders and people of the Mariana Islands District believe Pan American to be the most capable of providing such service; and

Whereas, the Marshall Islands Nitijela respects the rights of the people of the Mariana Islands District in exercising self determination on matters directly related to their social and economic progress; and

Now therefore be it resolved that the Marshall Islands Nitijela in its 19th Regular Session, 1972, endorses and fully supports the request of the people and the leaders of the Mariana Islands District to the United States Civil Aeronautics Board for Pan American World Airways, Inc., to provide air services between Saipan and Japan.

Be it further resolved, that certified copies of this resolution be forwarded to the distinguished members of the United States Civil Aeronautics Board, to the honorable members of the Mariana Islands District Delegation to the Congress of Micronesia, to the High Commissioner of the Trust Territory of the Pacific Islands, members of the Marianas Legislature and to the President of Pan American World Airways, Inc.

A TRIBUTE TO MRS. FRANCES SIKORSKI DULSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it is with great sorrow and heartfelt sympathy that I note the passing of Mrs. Frances Sikorski Dulski, mother of my good friend and colleague, the Honorable THADDEUS J. DULSKI.

Mrs. Dulski, 80, passed away Wednesday, July 19, in Sisters Hospital, Buffalo, after a brief illness.

Mrs. Dulski was a Buffalo native and attended Transfiguration School. She was a member of St. Luke's Church and was active in the Villa Maria Ladies Auxiliary and Group 376, Polish Women's Alliance. Her husband, Joseph S. Dulski, died in 1957.

Besides Congressman DULSKI, she is survived by another son, Edwin A., and four sisters, Mrs. Mary Strzelec; Mrs. Stella Kaleta; Miss Jennie Sikorski; Mrs. Joseph Grzelewski and six grandchildren and one great-grandson.

Although I did not have the privilege of knowing Mrs. Dulski personally, those who knew her tell me that never an unkind word fell from her lips. She had that fine Christian sense of always selecting the right word at the right time—an art almost lost to the world—an art many never learn.

She had a Christian courage. It was not a factor with her what others did; she had the courage to do what she thought was right. Her conduct had gone beyond the point of being swayed by what was popular or customary. Duty was the goal and love led the way. She had, further, the culture of unselfishness which lost self in the service of others.

Another sweet and beautiful life has gone home; but she has left us a legacy. No one can look back on her memory without feeling that there is such a life as a God-filled life. The church, home, and society lose heavily, but we are all made better in heart and richer in soul when we reflect on her life. I know that all my colleagues join me in expressing heartfelt sympathy to our good friend, THADDEUS J. DULSKI, Member of Congress from Buffalo.

INVASION BY OIL INTERESTS INTO DELAWARE BAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN) is recognized for 30 minutes.

Mr. SANDMAN. Mr. Speaker, I rise to protest what seems to be the start of an expensive, tax-financed propaganda campaign by the U.S. Maritime Administration to convince people to submit to an invasion by oil interests into Delaware Bay.

I not only protest, but I also demand that this attempted brainwashing cease immediately.

The Maritime Administration—Marad—has released a slick, 50-page, full-color "executive paper" summary of a $200,000 year-long study by Soros Associates, Inc., a New York engineering firm.

This study recommends construction of a "North Atlantic Deepwater Oil Terminal"—NADOT—in the Atlantic Ocean at the mouth of Delaware Bay 10 miles south of Cape May, N.J., and 8 miles east of Cape Henlopen, Del.

As proposed, the $1 billion-plus terminal would serve as the Nation's first port capable of accommodating supertankers of the world fleet in the 350,000 deadweight tons class. Crude oil from abroad would then be transferred either to smaller "feeder vessels" or through an oil pipeline from the NADOT to oil refineries along Delaware Bay all the way to Philadelphia. The study does not specify whether the pipeline would run through New Jersey or Delaware.

Currently, Mr. Speaker, the Army Corps of Engineers is conducting a comprehensive study authorized by the U.S. Senate Public Works Committee to determine "the most efficient, economic and logical" location, design, financing and operational considerations for deepwater port facilities along the Atlantic coast.

In other words, it is the Corps, not Marad, that is charged with recommending a location for deepwater port facilities. The Corps of Engineers advises me their report should be ready for consideration late this year, at least in preliminary form.

I am also advised that the Soros study is only one of dozens of factors being considered by the Corps of Engineers before writing its report and recommendations to Congress.

Among the other factors, equally important, is public opinion and testimony generated at eight recent information-gathering public hearings. I testified May 31 at the Corps' hearing at Bridgeton, N.J., and so that my position will not be misunderstood, I include the text of my statement to the Corps of Engineers in the RECORD at this point:

STATEMENT OF REPRESENTATIVE CHARLES W. SANDMAN, JR., SECOND DISTRICT, NEW JERSEY, AT A PUBLIC MEETING ON ATLANTIC COAST DEEPWATER PORT FACILITIES STUDY BY THE U.S. ARMY CORPS OF ENGINEERS, BRIDGETON, N.J., MAY 31, 1972

I am pleased to appear here in Bridgeton this evening as the host Member of Congress for the fourth of eight scheduled public meetings being conducted by the Corps of Engineers on the need to develop deepwater port facilities in the North Atlantic Region of the United States.

This is a topic of great interest and concern to me and the half-million people I represent. The Second Congressional District includes 100 miles of Atlantic Ocean beaches and an equal distance of shoreline along the Delaware River and Bay.

Our air is cleaner and our waters are less polluted than most other sections of the Eastern megalopolis. Yet the pressures to industrialize and urbanize Southern New Jersey are mounting, as is plain to see by the wide interest in these proceedings.

UNQUESTIONABLE NEEDS

In authorizing the Corps of Engineers study for which these meetings are being held, the U.S. Senate Public Works Committee had two major thoughts in mind: *the nation's skyrocketing needs for energy* and the fact that *the world bulk cargo shipping fleet is rapidly being modernized out of our shallow coastal waters.*

There is no question that the United States needs deepwater ports on each of the Atlantic, Gulf and Pacific coasts. We now have no harbors that can accommodate modern super-vessels of the 200,000 ton class and larger.

While I see the unquestionable need for such deepwater ports, *I am not about to support any plan that doesn't also meet the other unquestionable needs we face.*

We need to keep our seashore areas clean and we need to improve, not worsen, the quality of the Ocean and Delaware Bay waters. And there is a need to keep a place in New Jersey where people can live and visit just to breathe clean air again.

TIP OF THE ICEBERG

So there can be no confusion about what is proposed, about what location of a deepwater port would mean to an area, I'll spell it out in one, three-letter word: "OIL."

The super-tankers carry almost nothing but oil. Advocates of locating a deepwater port in the Delaware Bay area say the facility will create jobs, new tax ratables, a flurry of construction and real estate profits. There are fortunes to be made, they yell.

They are probably right, but all of that is only the top of the iceberg. Like a magnet oil refineries which have to be as close as possible to their sources of crude oil will arrive. Historically, that means severe water and air pollution.

Then, there would have to be huge, barren fields of storage tanks and there is the matter of transportation by truck, pipeline or by freight trains. And you can bet that if the oil interests get their foot in the door here in South Jersey, offshore oil drilling and floating or submarine pipelines will follow soon after. And there is a great deal more to the iceberg than even that.

MY SPECIFIC POSITION

Speaking on behalf of an overwhelming majority of my constituents, *I am here to*

oppose location of any sort of oil handling or processing port facility or pipeline anywhere in or near this Congressional District.

I am very skeptical about the promises that if we allow such a deepwater port facility to be located in Delaware Bay, there would be no oil refineries and environmental damage. Beware of those who make such claims.

Keeping the question in perspective, let us remember that the Delaware River is only one of at least 18 prospective sites being considered by the Corps in this North Atlantic study.

I am not one of those people who is just "against" things. I have come forth with my alternative proposal, one that in my opinion is better in every way.

Instead of allowing an oil invasion of the Delaware Bay area, I favor dredging the channel into New York Harbor to a depth of 100-feet so that the world's finest deepwater port can be established in Raritan Bay. The metropolitan area is where world trade belongs.

The deepwater port facility should be financed, built and under the jurisdiction of the New York Port Authority, which is the only agency that has the borrowing capacity to do anything of this size. The Authority, which has jurisdiction within a 25-mile radius of lower Manhattan, also operates the new World Trade Center.

Oil storage and refining areas are already located in Northern New Jersey. I say let's keep them there so Southern New Jersey can be spared the fate that has already befallen that section of the North.

I am disturbed that some people have a feeling that this show of opposition is futile, that people in high places have already decided where the deepwater port will be located nearby, and that nothing we can do or say here or elsewhere will have any effect on the eventual recommendations of the Corps.

Let me stress that this is not a futile effort, that here is one Congressman who will not permit the Federal government to fund or promote this or any other proposal for this area in the face of such overwhelming opposition.

Rest assured that I will insist that the representative opinions expressed here tonight are carefully considered and given due weight.

My recommendation to the Army Corps tonight is that on your list of 18 potential deepwater port sites, strike Delaware Bay!

A PREVIOUS PORT PROPOSAL

I can't help but recall that when I was a boy around Cape May, the old-timers described how Henry Ford raced his original autos down the beach and how the Ford family had such extensive holdings of land in the area.

According to the record, Henry Ford had a similar vision of making a deepwater port at Cape May. He planned also to try out his assembly line concept and base the Ford Motor Company there. It didn't pan out because stiff local opposition developed.

Then during the Depression when so many people were out of work, I remember some people lamenting that if they had only let Henry Ford start his port-factory complex, jobs and prosperity would have existed.

Now, after all these years of observation, I have to say that those old-timers who stopped Henry Ford at Cape May were absolutely right in doing so.

If you don't think so, ask yourself whether you would rather live in Cape May or Detroit. That is as clear and simple as I can make it.

With this background and perspective, Mr. Speaker, I challenge the Maritime Administration's judgment, procedure, responsiveness and expenditures on the proposed location of the NADOT. I am not challenging other factors such as design, purpose, function, need or environmental considerations at this point.

But I do resent Marad's expensive and premature promotion campaign of the Delaware Bay location.

Marad, through Soros, has been and continues to be so preoccupied with cowering to the oilmen's legendary determination to exploit Delaware Bay that objectivity and contact with reality is missing.

Back in November 1970 Marad advertised for proposals for a study "that could be the first step in the construction of multipurpose offshore terminals around the United States." Anyone reading the solicitation for proposals can see Marad's predisposition in favor of the Delaware Bay location.

As a result of that and subsequent developments, there is only a slight resemblance between what Marad contracted for with Soros Associates, Inc., in March of 1972 and what Marad accepted from Soros and released this week.

For example, the contract required that Soros do a complete feasibility study of at least four locations: New York Bay, Delaware Bay, Chesapeake Bay and San Francisco Bay. But Marad's news release Monday, July 24, and the Soros "executive paper" it covered literally ignored New York Bay and Chesapeake Bay, dismissing them in a paragraph.

How incredible, Mr. Speaker. New York Harbor, our Nation's major Atlantic coast port city and the center of world trade, was dismissed out of hand by this "executive paper" as a potential site for a deepwater port. I found it so incredible, in fact, that I today wrote a letter to Robert J. Blackwell, Assistant Secretary of Commerce for Maritime Affairs, asking when I can expect Marad to release a 50-page, full-color book promoting New York Harbor just as the "executive paper" promotes Delaware Bay.

Mr. Speaker, I inspected New York Harbor and the bay area on Monday by private plane. On the skyline are monuments to New York City's role in international commerce, such as the new twin towers of the World Trade Center. The entire Metropolitan New York area, including all of northern New Jersey, is world-trade oriented to a great extent.

Everyone who looks down at the decaying docks and wasted shoreline along much of the New York Harbor and Bay comes to the same commonsense conclusion that I did: If only Marad would spend as much time and money figuring out how to improve and modernize New York Harbor as it does on how to ruin the Delaware Bay region, the United States would not be so far behind the rest of the world in maritime affairs.

Soros, incidently, is the author and architect of several other Delaware Bay-oriented schemes for various clients that we in south Jersey who value our environment have had to fight against.

Just before being selected by Marad for this NADOT study, Soros completed a study and preliminary designs for a 300-acre artificial island in Delaware Bay, ostensibly for export coal and incoming iron ore. That study, on behalf of Zapata Norness, Inc., was one of the two major factors that the Governor and legislature of Delaware felt justified enactment of the Nation's strictest coastal protection laws.

The other factor, as I recall, was that oil companies purchased thousands of acres of Delaware coastal property in preparation for constructing a deepwater oil terminal at Big Stone Beach in Lower Delaware Bay, to be connected by pipeline to Philadelphia refineries. That proposal was sponsored by a consortium of oil companies known as the "Delaware Bay Transportation Co."

Mr. Speaker, Marad spokesmen have confided that the major reason this NADOT study is Delaware Bay-oriented and prejudiced, is because of a threat by the oil companies that they would move their operations to the Bahamas or to Canada unless they are allowed to exploit the Delaware Bay region.

For the Maritime Administration to submit to such blackmail is disgraceful.

Furthermore, by its own admission, Soros has been advocating the Delaware Bay location for deepwater port facilities since it conducted a worldwide survey of the "requirements and limitations of high volume bulk ports" in 1966 and 1967 under the name of "Soros Associates International, Inc."

Soros, the firm Marad contracted with to find the best location for a NADOT, also proposed a "Delaware Bay Offshore Coal Transfer Terminal," a plan to modernize exports of coal.

A subcontractor to Soros for the Marad study, "Ocean Science and Engineering, Inc.," in 1967 produced a study for the E. I. du Pont de Nemours & Co., "for the construction of a 20-inch submerged pipeline for a distance of 80 miles down the Delaware River from the Philadelphia area to a diffusion site offshore the entrance to Delaware Bay." What was the pipe for? It was designed to pump industrial wastes to the New Jersey resort area where the wastes would be released into the water.

It is my opinion, Mr. Speaker, that when Marad contracted for nearly $200,000 with Soros last year, Marad knew what it was buying: prepackaged propaganda advocating exploitation of the Delaware Bay region.

There is another factor to consider. Delaware's coastal protection statute forced abandonment, at least temporarily, of the various proposals for islands or ports inside Delaware Bay. Adding strength to efforts to preserve the Delaware Bay region, the entire New Jersey Legislature in March 1970 memorialized Congress and the Army Corps of Engineers by resolution to block plans for an oil terminal in Delaware Bay off the coast of New Jersey—ACR–71.

As a result of this clear and overwhelming opposition by the legislatures of both adjacent States—New Jersey and Delaware—it is obvious that Marad's switch to offshore locations is aimed at circumventing the will of the people and the jurisdictions of the two States.

To indicate further how individual residents and visitors to southern New Jersey feel about the plans, I have received petitions bearing more than 10,000 names in absolute opposition to loca-

tion of any oil-handling terminal or other facility in or near Delaware Bay. I have provided copies of these petitions to the Army Corps of Engineers, appropriate committees and Members of Congress, and relevant Federal agencies.

There is 100 percent editorial opposition in the daily and weekly newspapers of the Second Congressional District to the deepwater port proposal for Delaware Bay. Copies of these editorials are available from my office on request.

In summary, Mr. Speaker, there is a place for everything. The corollary applies on this issue: Oil-handling facilities do not belong in the Delaware Bay region.

I say the Maritime Administration should abandon its advocacy of Delaware Bay, both inside and offshore, as a potential site for a NADOT. Our firm opposition makes it unreasonable and unrealistic to pursue such plans further.

Instead, Marad will be performing its function if it proceeds to develop comprehensive plans to keep world trade in the Metropolitan New York City area where it belongs. Revitalization of New York Harbor, perhaps in conjunction with the Gateway project, could be the environmental challenge of this decade and the Nation's economic opportunity of the century.

PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KEATING) is recognized for 15 minutes.

Mr. KEATING. Mr. Speaker, concern about the fate of our prisoners of war has been a subject of intense discussion for many years in the United States. During a recent press conference, President Nixon made reference to the many French Union Forces who remained unaccounted for after the hostilities were terminated in 1954, and this generated even further discussion of this important topic.

In an effort to clarify much of the information which has been circulated about the French prisoners of war and the French who were never accounted for even after the war, I am today requesting that a study on this question conducted by the Congressional Research Service of the Library of Congress be printed in the CONGRESSIONAL RECORD. To the best of my knowledge, this report is widely regarded as one of the most authoritative and objective studies conducted on the problem of French military personnel who remained unaccounted for after the signing of the Geneva Accords in 1954.

I believe it ought to be borne in mind while reading this report that the POW category and the MIA—missing in action—category should be regarded as two separate entities.

Regarding the POW's, the French Government has long believed that approximately 1,000 of their prisoners were retained by the North Vietnamese after signing the armistice agreement. These 1,000 prisoners were East European nationals who were fighting for the French in Vietnam, and who were "repatriated" to their homelands after the war. The French Government does believe, however, that all other French nationals held in captivity by the North Vietnamese were returned in accordance with prevailing agreements between the two countries.

Insofar as those French Union Forces listed as missing in action were concerned, the report states:

> Taking even the lowest estimate for missing French personnel and the highest estimate for released POW's would still leave the fate of more than 20,000 missing French Union Forces unaccounted for.

Although the report further states that approximately 15,000 of these missing French Union Forces were Vietnamese, not French nationals, this would still leave 5,000 French unaccounted for—this figure regarded as an absolute minimum.

Predictably, the French encountered numerous problems in obtaining accountability for the whereabouts of their missing soldiers. North Vietnam, most observers seem to agree, made no effort at all to assist the French in this endeavor. Although the author of this study cites many reasons why it is just not possible to account for the whereabouts of all missing in action, the French were nevertheless quite disturbed over the complete lack of cooperation from the North Vietnamese.

There are 389 Americans who, to this day, have never been accounted for from the Korean conflict—although all of these men have been listed officially as dead.

Accordingly, I believe this report raises many serious questions regarding the possible fate of our POW's and our missing soldiers if the United States were to withdraw unilaterally from South Vietnam. I also believe that this report provides a reasonable basis for the conclusion that the United States must deal from a position of strength to insure release of all our POW's, and to insure at least some degree of cooperation from the North Vietnamese in obtaining accountability for those who are missing.

The absence of such strength could well result in a predicament for the United States similar to the French experience nearly 20 years ago: no assurance that all POW's will be returned, and virtually thousands of missing soldiers unaccounted for.

Mr. Speaker, I insert the study conducted by the Congressional Research Service in the CONGRESSIONAL RECORD:

REPORT

II. ARRANGEMENTS FOR THE EXCHANGE OF PRISONERS OF WAR, 1954–1962

The prisoner of war issue was referred to in the Agreement on the Cessation of Hostilities in Vietnam in the 1954 Geneva Conference, but it was not a major problem in the cease-fire negotiations between the French and the Vietminh, nor did it become a major obstacle to a military settlement. Questions such as partition, international supervision, and a political as opposed to a military settlement were considered more imperative to the 1954 negotiations.[1]

The agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, provided in Chapter IV, Article 21, Section (a) that "all prisoners of war and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war on any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre."[2]

A complete cease-fire came into effect on July 27, 1954. According to the terms of the agreement, the deadline for completing the release of prisoners was set at 30 days after the effective cease-fire date: i.e., August 26, 1954. However, the Vietminh and the French did not sign a formal agreement on the exchange of prisoners until August 14, 1954, and the exchange did not officially begin until August 18, 1954.

Even before the cease-fire agreements were signed, both parties had been releasing prisoners in so-called "clemency periods" during the years 1945–1954. The French, for example, ordered the release of 1,000 Vietminh prisoners on July 14, 1952,[3] and the Vietminh released 4,744 French Union personnel, both military and civilian, between 1945 and 1954.[4]

However, prisoners of war were not released in considerable numbers until the exchange agreement was signed. It should be borne in mind that there are different estimates as to the number of troops missing in the war and those that were returned. It is difficult to ascertain the relative accuracy or reliability of these figures, for the following reasons:

a. Some troops were listed as "missing" by both parties may have died in battle or in prison camps.

b. Both the French and the Vietminh were extremely reluctant to disclose official figures on the exchanges, as such disclosures might be interpreted as "bad faith" by the other side and might thereby undermine future negotiations on prisoners. The French, in particular, did not wish to emphasize the alleged discrepancy between the number of French Union prisoners they expected the Communists to return and the number that were actually turned over by the Vietminh, for fear of inflaming French public opinion against the government over the POW issue.

The exchange of prisoners proceeded very slowly; although the French High Command in Indochina kept the exchange figures a closely guarded secret, French sources estimated that only some 3,000 French Union POW's had been freed by the official deadline of August 26, 1954,[5] out of a number of 40,172 French military personnel who were believed to be missing.[6] The French sources also reported that the French High Command had released close to 20,000 Vietminh POW's by August 26.[7]

Although the official deadline had expired, the French and Vietminh agreed to continue the exchange of POW's on August 27, 1954. At the same time, the French blamed the Vietminh for delays in the exchange; they also claimed that the list of French Union POW's provided by the Vietminh comprised only a fraction of the number of their missing POW's. Compared to the 40,172 French Union personnel that French sources claimed were missing, the Vietminh only offered to return 9,138 POW's.[8] The French thereupon asked the Vietminh to supply a supplementary list of POW's, and requested the International Supervisory Commission to do the same. Both requests, however, were unsuccessful, as the Vietminh representative in the armistice negotiations refused to disclose any supplementary lists.[9]

From August 27 onwards, both sides made charges and countercharges in regard to the POW exchanges. By August 29, the French claimed that they had completed their part of the exchange,[10] and on September 6, the Vietminh declared that they had completed

Footnotes at end of article.

the release of French POW's on September 4.[11] These claims were hotly contested by both parties, but both sides quietly continued to exchange prisoners until October 1954.

From October 1954 to October 1962, no further negotiations between France and North Vietnam were reported. On November 17, 1962, however, North Vietnam reported over Radio Hanoi that they had approved of a French plan to repatriate and transport French Union POW's on October 30, 1962. The broadcast did not indicate the number of prisoners that North Vietnam was willing to release, nor the number of POW's that the French expected to return.[12] Bernard Fall has estimated that only a hundred-odd French Union personnel, mainly deserters, were repatriated after November 1962.[13] At this point, negotiations on the POW exchange program were apparently terminated.

III. FINAL FIGURES ON THE EXCHANGE OF PRISONERS [14]

On the French side, more than 60,000 Vietminh POW's are estimated to have been released. Robert F. Randle states that the French estimated that 65,477 Vietminh POW's were released, and that North Vietnam declared that 65,465 internees had been repatriated.[15] Although the North Vietnamese continued to protest the alleged illegal detention of Vietminh POW's after November 1954,[16] they have made no attempt to negotiate for the return of these internees. It appears, therefore, that North Vietnam was essentially satisfied with the French efforts in the exchange.

The final figures on French Union POW's released by North Vietnam, however, are much more difficult to ascertain. There are different estimates of the number of French Union personnel listed as "missing" in the Indochina War; furthermore, different figures have been given as to the number of French Union POW's actually repatriated.

As to the first point, the New York Times reported the number of missing French personnel at various times as 48,370, 40,172, and 40,229, respectively.[17] It is not known which, if any, of the above figures is correct, but for the purpose of convenience the Times estimate will be stated as 40,000 to 48,000. Bernard Fall, however, estimates that only 36,979 French Union personnel were missing.[18]

As to the second, the number of released French Union POW's has been estimated from 10,754 to 16,000.[19] Bernard Fall, for example, claims that up to October 1954, only 10,754 French POW's were released.[20] Robert Randle puts the figure at 11,706 to 11,882 up to September 9, 1954; [21] the New York Times estimates the number as 12,608 through September 18, 1954; [22] Mr. Bujon de Lestan of the French Embassy in Washington states that about 16,000 were freed up to May 1955.[23] Since no figures have been disclosed on the release of French POW's after the October 30, 1962, agreement between France and North Vietnam, it is impossible to estimate with precision the total number of French Union POW's released.

Final figures on French POW's not returned were given by the French and South Vietnamese embassies in Washington. According to Mr. de Lestan of the French Embassy, the French Government estimates that North Vietnam did not return some 1,000 French Union POW's.[24] These were French Foreign Legionnaires of Eastern European ethnic origin. In December 1954, the European Assembly of Captive Nations charged that the Vietminh had forcibly repatriated them to their Eastern European homelands.[25] Mr. de Lestan stated on July 2, 1971, that the French Government believes this charge to be true.

Footnotes at end of article.

Additionally, it was reported in Saigon on May 11, 1971, that a defector from the North Vietnamese Defense Ministry, Dr. Dang Tan, claimed to have seen more than 300 French Union POW's in North Vietnam. According to Mr. N. N. Bich of the South Vietnamese Embassy in Washington, however, these "prisoners" were actually brainwashed French Union personnel who had become cadres and military advisors for North Vietnam.[26] It is not clear, therefore, that these three-hundred-odd personnel were actually French Union POW's who were forcibly held by North Vietnam.

IV. EVALUATION OF THE POW EXCHANGE FIGURES

The statistics cited earlier clearly indicate a wide discrepancy between the number of missing French Union personnel and that of the released French Union POW's. Taking even the lowest estimate of missing French personnel and the highest estimate of released POW's would still leave the fate of more than 20,000 missing French Union forces unaccounted for. According to the French Embassy in Washington, however—as noted above—only 1,000 French Union personnel are believed to have been definitely not returned by North Vietnam. The question arises: why have the French neglected to include at least 20,000 missing personnel in their list of POW's allegedly held by North Vietnam? The answer probably lies in the following factors:

1. A large number of missing French troops probably died in battle or in prison camps. No observers of the Indochina war have estimated the number of missing troops who died in action, but there is ample evidence to support the contention that many POW's died in prison camps. French military surgeons made extensive investigations of the condition of returnees, and they obtained much information on prison camp conditions from these returnees. According to Fall, the French military surgeons reported that most returning POW's were "walking skeletons." These POW's had been forced to march as far as 500 miles over jungle paths to their assigned prison camps. Many prisoners were believed to have died on the marches, for one or another of the following reasons: (a) The Vietminh captors provided only cold rice to the prisoners throughout the duration of the marches. Hence, most POW's were undernourished, and some may have died from lack of nutrition. (b) The extreme climate of the Indochina region was probably responsible for the death of many prisoners. In winter, the temperature in the Indochina uplands drops to freezing, and in summer the region is severely malarial. (c) POW's were forced to march daily, regardless of the state of their health or wounds.

Conditions in the prison camps were not good. Sanitary conditions were extremely poor, and the medical facilities and personnel provided by the Vietminh were grossly inadequate. With the exception of the officers, French Union POW's had to drink water from the streams near their camps; more often than not the water was harmful to the health of the POW's. In three prison camps, Fall reported, the mortality rate from water-borne intestinal diseases was approximately 55 percent at various times.[27] Even with better sanitary and medical facilities, the officers' camp still listed a mortality rate of 18 percent during 1951–1954.[28]

The infirmaries built by the Vietminh lacked proper facilities and personnel. Many infirmaries had only anti-malaria tablets and a lancet or two; and field hospitals were generally equipped only for light surgery and staffed with Vietnamese physicians who had only elementary training in medicine. The French military surgeons' statistics bear eloquent testimony to the inadequacies of Vietminh medical facilities: not one POW with injuries to the abdomen, the skull, or the chest survived Vietminh captivity, and of the 10,754 Fall estimated to be released, 6,132 required immediate hospitalization.[29]

Another factor which might account for the large numbers of missing French Union personnel is the prevalence of defections. George Kelly reports that all prisoners were subjected to political indoctrination by their Vietminh captors, as the Vietminh regarded the POW's as raw material for conversion.[30] The prisoners were treated according to nationality, and non-Caucasion POW's in particular were singled out for friendly treatment; the Vietminh employed propagandists of various nationalities to brainwash their compatriots, in order to persuade the POW's to work for the Vietminh cause.

Although it is not known how many French Union POW's were persuaded to stay in North Vietnam under Vietminh control, it appears that the Vietminh may have been successful in converting some of the Vietnamese POW's over to the Communist side. While estimates of the percentage of returnees from the missing French, African, and Foreign Legion personnel averaged from 43.9 to 60.2,[31] that of the returnees from the missing Vietnamese who fought on the French side was estimated to be only 9.1 to 11.6.[32] Since most observers agreed that the Vietminh rarely executed POW's,[33] it would be hard to believe that North Vietnam had killed all or most of the missing Vietnamese POW's, who have been estimated to total at least 15,000.[34] A more plausible explanation of their absence is that many have been indoctrinated and absorbed into the North Vietnamese forces. However, because of the lack of international supervision of the prisoner exchange, it is impossible to determine how many Vietnamese actually defected and how many were forcibly detained by the Vietminh at the time of prisoner exchange.

FOOTNOTES

[1] Robert F. Randle, Geneva 1954. Princeton: Princeton University Press, 1969, pp. 389–408.

[2] Ibid., p. 601.

[3] New York Times, July 8, 1952, p. 2.

[4] Bernard B. Fall, Street Without Joy, 4th Ed. Harrisburg: The Stackpole Company, 1964 p. 300. "French Union personnel" is defined as any troops or civilians who worked for the French military authorities in Indochina prior to July 1954. The personnel included Frenchmen, Africans, and Foreign Legionnaires of German or East European ancestry, as well as indigenous Vietnamese.

[5] New York Times, August 27, 1954, p. 5.

[6] Ibid., August 29, 1954, p. 28.

[7] Ibid., August 27, 1954, p. 5. It should be emphasized that the disparity between the French POW's released and those of the Vietminh may be partly explained by the fact that among the Vietminh POW's there was a much higher number of civilian internees. While the French POW's consisted mainly of military personnel, the Vietminh POW's included a large group of civilians, such as villagers and propagandists, who performed indirect or non-military functions in supporting the Vietminh belligerents in the war. See New York Times, August 26, 1954, p. 8.

[8] New York Times, August 29, 1954, p. 28.

[9] Ibid.

[10] Ibid., August 30, 1954, p. 5.

[11] Ibid., September 7, 1954, p. 9.

[12] Radio Hanoi, November 17, 1962.

[13] Bernard B. Fall, The Two Vietnams, A Political and Military Analysis, 2nd Rev. Ed. New York: Praeger, 1963, pp. 391–392.

[14] It should be emphasized again that these figures are very much in dispute, as both the French and North Vietnamese Governments have kept the final figures a closely guarded secret. The figures quoted in this section are merely estimates offered by diverse sources.

[15] Randle, op. cit., p. 458.
[16] Ibid.
[17] New York Times, August 24, 1954, p. 1; August 29, 1954, p. 28; and September 19, 1954, p. 2.
[18] Fall, Street Without Joy, p. 299.
[19] See Appendix I for a statistical tabulation of the French Union POW estimates.
[20] Fall, op. cit.
[21] Randle, op. cit.
[22] New York Times, September 19, 1954, p. 2.
[23] Bujon de Lestan, French Embassy, Washington, D.C., on July 2, 1971. This figure was given to the Congressional Research Service.
[24] Lestan, as above.
[25] New York Times, December 19, 1954, p. 3.
[26] Mr. N.N. Bich, South Vietnam Embassy, Washington, D.C., on July 12, 1971, in an interview with the Congressional Research Service.
[27] Fall, op. cit.
[28] Ibid.
[29] Ibid., p. 296, 300.
[30] George A. Kelly, Lost Soldiers. Cambridge: The M.I.T. Press, 1965, pp. 87–90.
[31] Fall, op. cit., p. 299, and New York Times, Sept. 19, 1954, p. 2.
[32] Ibid. For a statistical account of the percentage of missing troops who returned, refer to Appendix II.
[33] Fall, op. cit., p. 296.
[34] See Appendix II.

YATRON INTRODUCES ANTIHIJACKING MEASURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. YATRON) is recognized for 10 minutes.

Mr. YATRON. Mr. Speaker, it has become apparent in recent months that more decisive and effective action must be taken to halt the continued threat of passenger aircraft hijacking, which has so adversely altered the nature of air travel today.

In keeping with the recent effort of my colleague in the other body, Senator RICHARD S. SCHWEIKER, to deal with this problem, I am today introducing the "Airline Passenger Screening Act," which requires that all airline passengers be screened by electronic detection devices before boarding their flights.

This bill is identical to S. 3815 and addresses itself to the core of the skyjacking problem, which is the failure to adequately and fully screen all passengers. The measure directs the Federal Aviation Administration to require airports and air carriers to check every passenger as well as the luggage they carry on board with an electronic detection device. It also provides the means by which the airlines may establish and implement this security. At present, Federal requirements do not call for the mandatory screening of each passenger.

The FAA has estimated that some 1,500 devices would be needed to carry on the program, at a cost of $3.5 million. It is encouraging to note that both Houses have taken action in this regard relative to appropriations. The House Transportation Department appropriations bill includes $2 million for fiscal 1973 for the purchase of detection devices and the Senate increased this amount to $3.5 million.

The act would substantially strengthen existing FAA regulations relating to passenger screening and would result in greater compliance on the part of the airlines and air passengers. Regardless of the manpower employed for the purpose of preventing or deterring hijacking, such efforts will prove ineffective in the absence of sound and practical rules on the ground. Strong antihijacking regulations must be enforced at all times, for we have seen too often how failure to do so has resulted in most serious consequences. Airlines and passengers alike must be willing to cooperate in adhering to more stringent regulations. Momentary screening is a small price to pay for greater safety and peace of mind in the air.

Air piracy can no longer be tolerated nor accepted as a hazard of air travel. The Airline Passenger Screening Act will help insure today's air passenger that he may expect to reach his destination without carrying on board with him the ever-present fear of being hijacked. Fear is one passenger we can and must leave on the ground.

I include the bill at this point in the RECORD:

H.R. 16055

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"(g) (1) The Administration shall, as soon as practicable, prescribe regulations requiring that all passengers in regularly scheduled air transportation, and their carry on baggage, be screened by magnetometers or other more effective weapon detecting devices before boarding the aircraft for such transportation.

"(2) The Administrator shall acquire and furnish airports with devices necessary for the purpose of paragraph (1) of this subsection.

"(3) There are authorized to be appropriated such amounts as are necessary for the purpose of paragraph (2) of this subsection."

SEC. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Screening of Passengers in Air Transportation."

POLICEMEN AND FIREMEN LEGAL DEFENSE ASSISTANCE ACT INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing the Policemen and Firemen Legal Defense Assistance Act, a proposal which would authorize the Attorney General to indemnify these public servants for the costs incurred in the defense of civil or criminal action arising from the discharge of the duties of their offices.

The services provided by law enforcement officers and firemen in the protection of life and property are absolutely essential to the well-being of our society; however, the nature of their responsibilities tends to increase their legal vulnerability. The possible financial disaster which could result in the defense of court action is a burden which should not be added to the tremendous demands and pressures borne by these men. This bill would, in effect, protect the protectors. I urge your support.

ATOMIC ENERGY AND THE DEVELOPMENT OF ATOMIC POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 30 minutes.

Mr. WOLFF. Mr. Speaker, over the past months, the Congress has been presented with a large number of measures relating to atomic energy and the development of atomic power to offset the Nation's projected energy needs for years to come. Much has been said about the role atomic power will play in our country's future, as a reliable, long-term energy source which will fill the gap between our steadily decreasing fossil fuels and the solar and fission energy sources which have yet to be developed into economically viable industries.

My concern during this growing interest in atomic-generated power has been not so much for the careful technological development of the means to produce this power—for we have proven that modern science, given time and money, can achieve just about anything we demand of it. Rather, I have been disturbed by the lack of attention given to rational long-term planning for ways to safeguard the population from exposure to radioactivity, an inevitable byproduct of atomic generating powerplants.

Ever since Congress in 1954 revised the Atomic Energy Act with the intention of opening the doors to private development of this important source of energy, the Atomic Energy Commission has been in an untenable position, trying to carry out its assigned dual functions of development and regulation of atomic energy. Such an inherently incompatible relationship is bound to result in the sacrifice of one or another conflicting interest, and over the years, as the AEC has carried out its mandate to promote the construction of nuclear powerplants throughout the country, this has inevitably occurred. This year, Congress appropriated over $2 billion for Atomic Energy Commission operations for the coming fiscal year. Of that amount, less than 2 percent is allotted to regulate the application of atomic energy, with the bulk of the funds being devoted to proliferation of the most dangerous, esoteric, and potent substances known to man. Merely a speck of plutonium on the lungs causes cancer, and exposure to radiation, even though dissipated hundreds of times, can lead to inconceivable and irreversible genetic and cellular damage. The 2 percent of the AEC budget allotted to regulation and development of safety and health standards amounts to less than 15 cents for each American. Yet should an atomic disaster occur—and we are even today confronted with the potential for holocaust which would dwarf Hiroshima—the costs would reach the billions and beyond in the toll of human life and irreparable contamination of the earth.

Several months ago, the Supreme

Court addressed this question of regulation versus development by way of Minnesota against Northern States Power, in which it declared the Federal Government to have ultimate jurisdiction for the establishment of emission standards for radioactive wastes. In upholding the court of appeals decision, prohibiting the State of Minnesota from imposing its own more stringent standards, the Supreme Court clearly affirmed its interpretation of the Atomic Energy Act, making the Federal Government responsible for acting in the public interest through the establishment of safety standards for operation of nuclear powerplants.

While I have opposed such loss of State authority to the Federal Government, and sought to amend the Federal Water Pollution Control Act in an effort to equalize the roles of State and Federal authority in this area, I nevertheless believe we must deal with the reality of Federal jurisdiction as it presently exists.

Therefore, I am introducing legislation today with two of my distinguished colleagues, Congressman FLOOD and Congressman FRENZEL, that would retain the regulatory function at the Federal level, but would remove this function from its incompatible station within the Atomic Energy Commission and place it instead with the Department of Health, Education, and Welfare. There, at least, the regulators will have no vested interest in promoting nuclear power. And there too, we find the nucleus of a capability which would, of course, be expanded by the concurrent transfer of staff and funds. With regulation situated within HEW, we would eliminate the present conflict that invariably results in the sacrifice of regulation and safety to the interests of promotion of nuclear power, and with a greater degree of impartiality injected, we could hopefully begin a new era of nuclear development without the existing extremism that stymies responsible expansion of our atomic energy technology. Furthermore, by bringing regulation of atomic power within the public health philosophy, we can expect a drastically altered role of the regulatory staff; its mission would then be to bring about full and candid disclosure of what the risks of a proposed facility would be, what the applicant has done to minimize the risks, what risks remain despite these efforts and how these balance against the anticipated benefits of the facility.

Mr. Speaker, in view of the impact that nuclear energy will have on the future of this country, and in light of the serious risks imposed by large-scale proliferation of atomic reactors in or near major population centers, we owe it to the American people to provide the most careful and thorough supervision of nuclear development, supervision which we are not now able to provide, because of the present makeup of the AEC. If we, however, transfer these responsibilities out of the AEC, as this legislation would provide, then we can better protect the health and safety of the American people while at the same time insuring orderly and sane development of nuclear power to serve our needs.

INHUMAN TREATMENT UNDER THE GUISE OF SCIENTIFIC RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 5 minutes.

Mr. METCALFE. Mr. Speaker, I am completely distressed by an article which appeared in this morning's edition of the New York Times, headlined, "U.S. Testers Let Many Die of Syphilis," by Jean Heller of the Associated Press.

According to the article, during a 40-year Federal experiment, a group of syphilitic victims were denied proper treatment for the disease in order that autopsies could be performed on the victims to determine what effects the disease has on the human body if left untreated.

Of course, the victims were black and of the 600 Alabama men who participated, some were allowed to suffer without treatment even after penicillin was discovered as a cure for syphilis. Many of them died with only a promise for a "decent" burial.

I find this appalling and disgusting; one of the most frightening forms of genocide practiced upon minorities in this country, that I have ever heard of. There was no need for this type of experiment. There have been too many people who have died from syphilis for us not to have obtained all of the information that we needed about syphilis. My question now is: "How many more of these human sacrifices are being made elsewhere in this country?"

I call your attention to this article which I am inserting in the RECORD and I call for public disclosure of all of those persons who were involved in this experiment and for public disclosure of all other experiments in which they are involved to make certain that these types of actions are not still being carried out. I also would like to explore the possibility of calling for a full Federal investigation of the U.S. Public Health Service, and a further investigation of the families of those men who were not treated for syphilis to determine if any other members of their families may have either contracted the disease or borne children who were affected by it. If this is true, I certainly feel that these families should be compensated for their sacrifices and suffering.

If this article reflects the truth, then this type of inhuman treatment under the guise of scientific research, must be stopped immediately:

U.S. TESTERS LET MANY DIE OF SYPHILIS

WASHINGTON, July 25.—For 40 years the United States Public Health Service has conducted a study in which human beings with syphilis, induced to serve as guinea pigs, have gone without medical treatment for the disease and a few have died of its late effects, even though an effective therapy was eventually discovered.

The study was conducted to determine from autopsies what the disease does to the human body.

Officials of the health service who initiated the experiment have long since retired. Current officials, who say they have serious doubts about the morality of the study, also say that it is too late to treat the syphilis in any surviving participants in the study.

Doctors in the service say they are now rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

The experiment, called the Tuskegee Study, began in 1932 with about 600 black men, mostly poor and uneducated, from Tuskegee, Ala., an area that had the highest spyhilis rate in the nation at the time.

Four hundred of the group had syphilis and never received deliberate treatment for the venereal infection. A control group of 200 had no syphilis and did not receive any specific therapy.

Some subjects were added to the study in its early years to replace men who had dropped out of the program, but the number added is not known. At the beginning of this year, 74 of those who received no treatment were still alive.

As incentives to enter the program, the men were promised free transportation to and from hospitals, free hot lunches, free Ala., an area that had the highest syphilis and free burial after autopsies were performed.

COULD HAVE BEEN HELPED

The Tuskegee Study began 10 years before penicillin was found to be a cure for syphilis and 15 years before the drug became widely available. Yet, even after penicillin became common, and while its use probably could have helped or saved a number of the experiment subjects, the drug was denied them, Dr. J. D. Millar says.

Dr. Millar is chief of the venereal disease branch of the service's Center for Disease Control in Atlanta and is now in charge of what remains of the Tuskegee Study. He said in an interview that he has serious doubts about the program.

Dr. Millar said that "a serious moral problem" arose when penicillin therapy, which can cure syphilis in its early stages, became available in the late nineteen-forties and was withheld from the patients in the syphilis study. Penicillin therapy became, Dr. Millar said, "so much more effective and so much less dangerous" than preexisting therapies.

"The study began when attitudes were much different on treatment and experimentation," Dr. Miller said. "At this point in time, with our current knowledge of treatment and the disease and the revolutionary change in approach to human experimentation, I don't believe the program would be undertaken."

Members of Congress reacted with shock to the disclosure today that the syphilis experimentation on human guinea pigs had taken place.

"A MORAL NIGHTMARE"

Senator William Proxmire, Democrat of Wisconsin, a member of the Senate Appropriations subcommittee that oversees Public Health Service budgets, called the study "a moral and ethical nightmare."

"It's incredible to me that such a thing could ever have happened," he said in a statement. "The Congress should give careful consideration to compensating the families of these men."

Senator Edward M. Kennedy, Democrat of Massachusetts, chairman of the Senate Health Subcommittee, said through a committee spokesman that he deplored the facts of the case and was concerned about whether any other such experiments existed.

Syphilis is a highly contagious infection spread by sexual contact. If untreated, it can cause bone and dental deformations, deafness, blindness, heart diseases and deterioration of the central nervous system.

No figures were available as to when the last death in the program occurred. One official said that no conscious effort was apparently made to halt the program after it got under way.

UNCERTAINTY ON DEATHS

A 1969 study of 276 untreated syphilitics who participated in the Tuskegee Study showed that seven had died as a direct result of syphilis. The 1969 study was made by the Atlanta center, whose officials said they could not determine at this late date how many additional deaths had been caused by syphilis.

However, of the 400 men in the original syphilitic group, 154 died of heart disease that officials in Atlanta said was not specifically related to syphilis. Dr. Millar said that this rate was identical with the rate of cardio-vascular deaths in the control, or non-syphilis, group.

However, several years ago an American Medical Association study determined that untreated syphilis reduces life expectancy by 17 per cent in black men between the ages of 25 and 50, a precise description of the Tuskegee Study subjects.

Don Prince, another official in the venereal disease branch of the center, said that the Tuskegee Study had contributed some knowledge about syphilis, particularly that the morbidity and mortality rate among untreated syphilitics was not so high as previously believed.

Dr. Millar said that the study was initiated in 1932 by Dr. J. R. Heller, assistant surgeon general in the service's venereal disease section, who subsequently became division chief.

Of the decision not to give penicillin to the untreated syphilitics once it became widely available, Dr. Millar said, "I doubt that it was a one-man decision. These things seldom are. Whoever was director of the VD section at that time, in 1946 or 1947, would be the most logical candidate if you had to pin it down."

PUERTO RICAN CONSTITUTION DAY, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, the 20th anniversary of the Puerto Rican Constitution, which first went into effect on July 25, 1952, is a fitting occasion to reflect with pride upon the contributions of Spanish-speaking Americans in general and the people of Puerto Rico in particular to the mainstream of American life and culture, especially in a day wherein the rich ethnic diversity which is the heart of American democracy has come into its own.

In celebrating Puerto Rican Constitution Day, we commemorate far more than that constitution making Puerto Rico virtually autonomous. That event, made possible by the enactment of U.S. Public Law 600 of the 81st Congress, a landmark in Puerto Rican history, saw the emergence of "a new political mutation"—in the words of Luis Muñoz Marin—which is the distinctive contribution of the Puerto Rican Commonwealth whose status "as a free and associated state or community is a new dimension," wrote Carl J. Friedrich, "in federal government." Here was created a self-governing community established by a mutually agreed-upon compact, a contractual relationship defining the conditions of freedom and self-government in terms which admit of no change without mutual consent. Whatever the future may hold, the Commonwealth ideal as enunciated by Governor Muñoz in 1950—"a union of peoples (which) increases the freedom of people"—will remain as an inspiring example of enlightened public policy, looking beyond a narrow and parochial nationalism to a larger, more inclusive pluralism.

The attainment of self-government was itself the result of a process closely bound up with the extraordinary social and economic development of Puerto Rico over the past several decades—an era of "peaceful revolution" with far-reaching consequences for other underdeveloped lands throughout the world. To a remarkable extent this peaceful revolution was directed and led by one man, Muñoz Marin, a brilliantly effective innovator in a transitional society; combining in his person the values and traditions of both Puerto Rico and America, he was able to develop and strengthen the self-confidence of his people in ways impressive and lasting.

The achievement of Commonwealth status in 1952 represented the fulfillment of his aspirations for autonomy, "association," dominion status and the like, over many years of effort. As early as 1929 he spoke of that "vision of opulence" which had come to the peasantry of Puerto Rico with American rule and the growing gulf between "what they—the people—have and what they can imagine." He thus addressed himself to the need for a decent standard of living for all, and by 1938 had virtually abandoned his earlier dreams of independence for a single-minded emphasis on popular welfare—land reform, education, health, and economic development—in a land traditionally beset with poverty, disease, misery, and ignorance. His dedication to Commonwealth status reflected his belief that Puerto Rico—if it continued in association with the United States—could become a cultural bridge, as it were, between North America and the Latin American community. The advantages of a common market and common citizenship—with the United States—as well as of fiscal autonomy, were held to outweigh the status of independence. He has lived to see Puerto Rico virtually transformed from the depressed "stricken land" of Gov. Rexford Tugwell's famous book, to a condition of prosperity unprecedented in its past, under a status unique in the history of American territorial government.

From the beginning, the story of Puerto Rico—discovered by Columbus in 1493, a year after his more famous voyage—has been inextricably bound up both with Europe and mainland America, foreshadowing its special relationship in later history to the United States and the Hispanic cultural world. The antecedents of Constitution Day are to be found in the relationship of Puerto Rico to the kingdom of Spain, a relationship extending back in time to the first Spanish settlement in 1508—by Ponce de Leon, the discoverer of Florida. The mercantilist policies of the Spanish Crown were virtually all repeated by a decree of 1815, which resulted in the promotion and growth of colonization: from 221,000 in 1815 the island population grew to 330,000 by 1832. In 1870 Puerto Rico was recognized as a Province of Spain with the right to elect deputies to the Cortes, a constitutional advance withdrawn in 1874 due to changing political conditions in Spain. However, under the Constitution of 1876, Puerto Rico received the Autonomous Charter of 1897 which granted a large measure of autonomy and local self-government, including a bicameral, elected Parliament which met for the first—and only—time in the fateful year of the Spanish-American War, 1898. To a large extent, the Charter of 1897 was the result of vigorous leadership on the part of Luis Muñoz Rivera, father of Muñoz Marin and often referred to as the "George Washington of Puerto Rico."

The coming of the Americans, in July of 1898, marked the end of Spanish rule which had lasted over 4 centuries. Despite numerous attacks by the Dutch and British in various wars, including an assault by Drake himself, the island was never subjugated until 1898. By the Treaty of Paris in 1899, Puerto Rico—which, mercifully, had witnessed only 3 weeks of actual fighting—was ceded to the United States. A wholly new dimension thus entered Puerto Rican life, and the subsequent history of the island is one of cultural conflict and synthesis. At first there was a policy of all-out Americanization by the military—and subsequent civil—administration, leading to an inevitable stress and strain as the traditional Hispanic culture found itself increasingly weakened and defensive. This crisis in culture has been sensitively portrayed by Henry Wells in his study, "The Modernization of Puerto Rico." Congress early recognized the need for the development of self-governing institutions, and in 1900 the Foraker Act established minimal forms of self-government—popular election to the lower house in a bicameral legislature; the upper house, the Governor, the judiciary, and so forth, all were to be appointed by the President of the United States. The act was widely resented in Puerto Rico. Nevertheless it marked the first step in a 50-year process of evolution culminating in plenary self-government in the Commonwealth Act we now commemorate. In 1909—under the Olmsted Act—the War Department was given the supervision of Puerto Rican affairs. Significantly, Muñoz Rivera was eventually designated as the first Resident Commissioner: partly through his efforts, the Jones Act of 1917 further extended self-government—including a popularly elected Senate—to the island, affirmed the bill of rights as a part of the organic statutes, and granted American citizenship collectively to all who wished to claim it—only 228 declined. Appointment of the Governor and his cabinet, as well as the Supreme Court, was reserved to the President. In 1947 the Jones Act was amended to permit election of the Governor—and cabinet—with the auditor and supreme judiciary only still appointive. Muñoz Marin became the first popularly elected Governor, reelected regularly until 1965. In 1950 the Resident Commissioner, An-

tonio Fernos Isern, introduced legislation for a constitutional convention—confirmed by referendum in 1951. In July of 1950, President Truman signed Public Law 600 of the 81st Congress, which set into motion the procedures leading to formal Commonwealth status, July 25, 1952. That status was sustained in the plebiscite of 1967—often called "the election everybody won"—in which 60.5 percent of the voters supported the new status, 38.9 percent voted for statehood, and 0.6 percent for independence.

The evolution of political self-government, symbolized by the observance of Constitution Day, should be viewed against the background of economic and social development during the past half-century or more. The powerful American presence, from 1898 on, brought about a dramatic broadening of public education, a vast expansion of the sugar industry, and the beginning of a comprehensive public health program. As a direct result of the decrease in the mortality rate, paradoxicaly enough, unemployment steadily rose. The need for industrial development became acute. The result was "Operation Bootstrap," fathered by Muñoz-Marín in the 1940's in the hope of creating a modern, industrial society with a diversified economic base—as against the underdeveloped agricultural society of 1920 with its one-or two-crop economy. Lacking significant fuel or mineral deposits and limited by a relatively small land, Puerto Rico possessed one great attribute—its people.

Today there are 1,500,000 Americans of Puetro Rican origin—either born in Puerto Rico themselves or of Puerto Rican parents—the result of what has been called the first great airborne migration in history. The Puerto Ricans who have come to the States have brought with them a rich and distinctive cultural heritage of benefit to all our people.

At first, Puerto Ricans encountered considerable prejudice and discrimination, and found themselves relegated to the status of anonymous "hewers of wood and drawers of water." In our own day this pattern is changing, antagonism is yielding to acceptance, and sense of pride is infusing the Puerto Rican-American community as it takes its rightful place in the larger American scene.

Their presence has added to the gaiety and color of our Nation. Spanish songs and dances, Mexican and Argentine movies and "Aqui se habla espanol" signs in many store windows give more spice and flavor to many communities. The Puerto Ricans, half-brothers of the Latin Americans, are helping the Nation improve and increase its trade and cultural relations with those southern neighbors.

Individual exceptional contributions are found largely in the field of art and drama. Jóse Ferrer, stage and screen star; Jesus Maria Sanroma, famous pianist; Graciela Rivera of the Metropolitan Opera; Noro Morales, orchestra leader; and Mapy Cortes, Diosa Costello, Olga San Juan, Maria del Pilar, and Juano Hernandez of Hollywood and Brig. Gen. Pedro del Valle of the U.S. Marines, decorated for bravery at Guadalcanal, are examples.

The community is also producing doctors, dentists, social workers, lawyers, and businessmen in increasing numbers.

The task confronting us at this time in history is two-fold: to dissolve all the barriers that keep Puerto Ricans from full participation in American life, and to preserve and enhance their very genuine traditions and heritage.

Constitution Day, 1972 is a convenient watershed from which to survey the past and to look in hope toward the future. The traditional heritage of Puerto Rico—her Hispanic culture with its ideals of respeto—respect—and dignidad—dignity—of personalismo—personalism—and individuality—belong to a proud and ancient people, blessed with an island home of surpassing beauty, linked in a hundred significant ways with Europe and Latin America as well as with the United States. Aspects of this culture have come into conflict with the more aggressive American culture and its emphasis upon wealth, well-being, skill, group activty, and the like. In this clash of culture may we not see an opportunity for mutual influence and enrichment. Both have much to offer. The humanism associated with the ideal of the hidalgo is still a vital force in Puerto Rico: we recall that Muñoz Marín was widely known as el Vate—the Bard—for his early poems, while Gov. Ferré is himself a distinguished patron of the arts, having founded the Poncé Museum of Art.

There is, in summary, a real sense, in which Puerto Rico is a test-case for our American democracy. Hitherto, the dominant cultural pattern in our society has presumed to absorb and to assimilate divergent cultures—with varying degrees of success. Now we are confronted with prideful Spanish-speaking people, freely and intimately associated with our nation as citizens and, indeed, present on the American mainland in ever increasing number, no longer a special presence only in the Southwest, but more and more a major national community, bringing to the common treasury of our people distinctive gifts of song, of dance, of grace, and of beauty, part of that culture which is the shared heritage of our Latin American friends and neighbors. Puerto Rico and her people may yet teach us all the lesson so finely expressed by Muñoz Marín in his advocacy of Operation Serenidad:

> To remind us that man is man and not just a consumer, a society in which Operation Serenity has been successful, would use its economic power increasingly for the extension of freedom and knowledge rather than for a multiplication of goods in hot pursuit of a still more vertiginous multiplication of wants.

Significantly, the Seal of Puerto Rico bears on its crest a lamb, symbol, of that very serenidad and peace, surrounded by the Towers of Castile and the Lions of Leon and the initials of Ferdinand and Isabella under whose patronage Hispanic civilization first came to the Americas. May that same serenity, marked by that freedom and knowledge which pertains to the quality of life beyond its necessary material base, touch our land and all lands everywhere, even as our national life is touched and enriched by the special contribution of our fellow-citizens in and from the island of Puerto Rico, whom we salute on this, their Constitution Day. May it be a promise of better days to come for them, for us and for all men.

ABUSE OF THE GRAND JURY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, recent news articles have indicated that the Department of Justice is once again utilizing grand jury proceedings for political harassment. In this particular instance, Irish-American residents of the New York area, alleged to have been involved in the procurement of weapons to be used in Northern Ireland, have been summoned before a grand jury in—of all places—Fort Worth, Tex.

This venue, which is wholly incompatible with the rights of witnesses and prospective defendants, was selected, according to the New York Times, "because of reports that some of the weapons supplied the IRA were purchased in north-central Texas and because of the high regard in which Attorney General Kleindienst holds" the local U.S. attorney and district judge. It is my firm belief that this rationale is not a proper basis for locating a grand jury investigation, and that the tactic of compelling witnesses to submit to hostile questioning so far from their homes is most improper.

Strangely, the doctrine of forum non conveniens, which permits moving cases to a court which is more convenient for the parties and witnesses involved in a case, does not presently apply to grand jury or special grand jury proceedings. Accordingly, I am today introducing legislation which would provide for the transfer of grand jury and special grand jury proceedings "for the convenience of parties or witnesses, where the interests of justice so require." In addition, I call upon the Department of Justice—in this case and similar ones—to refrain from conducting grand jury investigations in locations far from the residences of most witnesses and to refrain from using the political persuasions of particular judges or prosecutors as criteria for locating such investigations.

Mr. Speaker, I insert the text of my bill and of a relevant news article in the RECORD at the conclusion of my remarks:

H.R. 16056

A bill to amend the Judicial Code to provide for the transfer of grand jury proceedings where the convenience of parties or witnesses and the interests of justice so require

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 215 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3329. Change of venue

"(a) For the convenience of parties or witnesses, where the interests of justice so require, a district court shall transfer any grand jury proceeding or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district

court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

SEC. 2. Chapter 216 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3335. Change of venue

"(a) For the convenience of parties or witnesses, where the interests of justice so require, a district court shall transfer any special grand jury proceeding or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

U.S. JURY FOCUSES ON GUNS FOR IRA—BALKY WITNESSES CALLED IN FORT WORTH INVESTIGATION

FORT WORTH, June 24.—Attorney General Richard G. Kleindienst has ordered a Federal grand jury investigation here into the alleged smuggling of American guns into Northern Ireland to supply the Irish Republican Army.

The inquiry, which has already stretched from New York to Texas, is expected to involve I.R.A. sympathizers in a number of American cities.

Mr. Kleindienst, acting after the British Government reportedly asked the Nixon Administration to halt gun smuggling, was said to have dispatched two special prosecutors, Brandon Avery and Robert Merkle, to Fort Worth this week to coordinate the national investigation with United States Attorney Eldon Mahon.

The first witnesses before the grand jury here, mostly Irish-surnamed residents of the metropolitan New York area, refused to testify even after Federal District Judge Leo Brewster offered them immunity from prosecution.

WITNESSES DEFENDED

Frank Durkan, one of several New York lawyers representing the witnesses, defended his clients' right not to testify on the ground that the United States immunity laws could not keep a foreign nation such as Britain from having American citizens extradited for trial on alleged offenses overseas. The United States and Britain entered into a new extradition treaty two weeks ago.

Kenneth Tierney of New York, the first witness, was jailed for contempt of court by Judge Brewster and, Mr. Durkan said, immediately began a hunger strike in protest against the Federal grand jury system.

James McKeon, a prospective witness, has been allowed to return to New York after collapsing in the Federal Courthouse here. A heart patient, Mr. McKeon was treated at a local hospital, where his collapse was diagnosed as resulting from acute nervous stress.

Prosecutors have indicated that other witnesses face jailing for refusing to answer questions about the alleged gun smuggling after being granted immunity from prosecution.

Tight security has surrounded the investigation. Federal guards search the courthouse for bombs at least hourly each day the grand jury meets.

RULING IS DELAYED

Late yesterday Judge Brewster postponed a ruling on an application for immunity for four additional witnesses until the Federal Bureau of Investigation and the Treasury Department could confirm or deny that Government information had been obtained by placing wiretaps on the home or business telephones of lawyers representing the witnesses.

Meanwhile, Mr. Tierney, the jailed witness, was declaring himself a political prisoner through his attorney, who reported he was giving his food to black prisoners in adjoining cells and sending his regards to the Irish people.

And since prosecutors have not hesitated to request immunity for early witnesses, some sources said that none of those now under subpoena are suspected of leadership in the alleged smuggling operations but simply have information that could lead to the identification of the leaders.

The inquiry is expected to continue for at least several weeks, according to Mr. Mahon, who yesterday was appointed a Federal judge for the Northern District of Texas by President Nixon. He is a brother of Representative George H. Mahon, Democrat of Texas, chairman of the House Appropriations Committee.

The inquiry reportedly focused here because of reports that some of the weapons supplied the I.R.A. were purchased in north-central Texas and because of the high regard in which Attorney General Kleindienst holds Mr. Mahon and Judge Brewster.

RETIREMENT OF HAP MORRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 5 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, on the last day on which Hap Morris worked as Postmaster of the U.S. House of Representatives, I was occupied, as were other members of the conference committee, in trying to resolve the differences between the Senate and the House on the debt limit legislation and, therefore, could not be on the floor to take part in the general effort to recognize his lengthy list of contributions to the efficiency of the House of Representatives. In reviewing the RECORD for that day, I note that his career has been discussed and described at some length, and it would be repetitious of me to enter an additional review at this point.

My purpose in rising at this point is to add my name to the list of those who formally extend to him an expression of appreciation for his service to the Members of this body and of good wishes as he moves into a more leisurely life.

A PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I was unavoidably detained in my district on Monday. I had joined with a group of citizens in protesting the action on I–291 which has been subjected to severe criticism by the Environmental Protection Agency. Unfortunately, this necessary activity forced me to miss an important vote on the cyclamate ban compensation bill. Had I been present, I would have voted against this bill.

E. E. "RED" COX

(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, my good friend E. E. "Red" Cox has retired from Government service after 39 years of dedicated work on behalf of our Nation.

Starting as a $100 a month worker in the Office of the Comptroller of the Currency in 1933 with depression rampant, Red went on to become top aide to Congressman Albert Rains of Alabama. In 1964, when Congressman Rains retired, Red returned to the Office of the Comptroller, this time in charge of congressional relations, and he has been there ever since, providing effective service to both Democratic and Republican administrations.

To say that Red Cox is an expert in matters pertaining to banking is to understate the case. Red is recognized as one of the most knowledgeable men in Washington in this important and complicated field. Those of us who had the good fortune to work with him know that he knows his business.

Mr. Cox is knowledgeable in areas far beyond the field of banking. Importantly, also, he has literally hundreds of friends on Capitol Hill and in the various Federal agencies. They span almost every Federal agency and both political parties.

While it was understandable that he would be asked to assist Comptroller James B. Saxon during the Democratic administration, it is greatly to his credit that he was asked to stay on with Comptroller William R. Camp during the Republican administration. Red Cox has the kind of feel for healthful relations between Congress and Federal agencies which extends beyond party affiliation.

It should be noted that Red didn't have to retire. He still is young in mind and spirit and has much to contribute to his family and his Nation. But he sincerely felt that 39 years of public service was enough and that it was time for him to move on to other fields of endeavor.

This he is doing and I am happy to report he plans to continue to make his knowledge and his contacts available to his friends both in and out of Government. This is a happy situation, because men with the kind of expertise demonstrated by Red Cox during his years of service in Government can continue making able services in many important fields.

His friends on Capitol Hill and in Government elsewhere wish him and his family well in all that he undertakes.

TO REQUIRE THE USE OF FINE ARTS IN PUBLIC BUILDING

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to call attention to the discrepancy between the General Services Administration's policy regulations and its actual record of action in providing for the inclusion of works of art in public buildings.

On December 11, 1962, the Administrator of GSA approved a proposal encouraging architects to include fine arts in the buildings they design for the GSA. According to this proposal, an item would be included in the estimate to provide for fine art in an amount not to ex-

ceed one-half of 1 percent of the estimated construction cost of the proposed building. These regulations stated that these works of art "shall reflect the national cultural heritage, and shall emphasize the work of living American artists." In addition, they stated that "wherever possible, the artists shall be from the same areas as the project."

Unfortunately, this admirable policy was one merely of administrative encouragement and proved in operation to lack the commitment to the promotion of the arts that is so direly needed in this country. Since October 1969 Federal building plans have been approved by GSA for 55 projects. Only 14 of these projects—or approximately 25 percent—have in fact been designed to include fine arts, and of these only three have actually had funds allotted for them.

This is a very discouraging record, even for a government that spends less per capita on culture than almost any other nation in the West, and I am therefore introducing legislation which will make it mandatory that this one-half of 1 percent figure actually be spent for the use of fine arts—that is, paintings, sculpture, and artistic work in other mediums—in our public buildings. In addition to the obvious esthetic benefits of this bill, a policy would be established in law indicating our Government's concern for the continuing development of American arts.

(A bill to provide for suitable works of art in Federal buildings)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is hereby declared to be the purpose of this Act (1) to secure suitable works of art of the best quality for the decoration of buildings of the Federal Government and in this way to reflect our cultural heritage and to emphasize the work of living American artists; and (2) to provide a continuing program of preservation and restoration of works of art thus acquired.

(b) As used in this Act—

(1) the term "art" includes paintings, sculpture, and artistic work in other mediums;

(2) the term "Administrator" means the Administrator of General Services;

(3) the term "Federal Agency" means any department, agency, or establishment of the Federal Government.

(c) There is authorized to be appropriated to the Administrator of General Services, to be available without fiscal year limitation, and to be expended with the advice of the Commission of Fine Arts, for suitable works of art in public buildings, including purchase-contract buildings, and constructed under his supervision, and to provide for necessary services in keeping such works of art in an adequate state of preservation, the amount of one half of 1 per centum of the total sum appropriated during the same fiscal year for the design and construction of public buildings, beginning with the fiscal year ending June 30, 1972, and a like sum for each suceeding fiscal year thereafter: *Provided,* That the appropriations hereby authorized shall be in addition to any other funds for the design and construction of public buildings provided to the General Services Administration or any other Federal agency.

(d) In order to secure the participation of the best possible talent under this Act, there shall be established such procedures as may be deemed appropriate by the Administrator and the Commission of Fine Arts to provide for the award of commissions without competitions as well as for the award of commissions through competitions in which artists are invited to compete and who at the discretion of the Administrator may be paid for designs submitted.

THE PUBLIC SHOULD NOT BE CHARGED FOR DIRECTORY ASSISTANCE CALLS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the New York Telephone Co. has proposed that consumers be charged for local directory assistance calls. Effectively this would mean that every time a New York City resident calls information for a number, even if in another borough, he or she will be charged one phone unit, or 7.1 cents.

The New York Public Service Commission has told the telephone company that it will not approve the proposed charge as originally requested. The Commission's chairman, Joseph C. Swidler, stated that the telephone company effectively was proposing a rate increase and had to apply for such. We can expect the telephone company to do this.

My own position is that in any form the phone company's request is outrageous. How many times a week do people call information, not in lieu of looking in the directory, but because the number in the directory is not a working number or simply is not listed. The phone book is printed annually; and by the time it is issued approximately 25 percent of its listings are out of date.

Most tragic and unjust is the hardship this proposal would render on the blind, the handicapped, and the elderly. Social and employment activities are hard enough for these people without further problems being posed by the phone company. The New York Telephone Co. proposes to exempt the severely handicapped from the charge; but, the procedures for obtaining an exemption—in true telephone company style—are cumbersome and unattractive for those who would be eligible.

Among the complaints that my office receives from constituents, those levied against the New York Telephone Co. are among the most numerous. Because of its inefficient and inadequate service, businesses in New York City have suffered losses and people have suffered great personal inconveniences.

The arrogance of the New York Telephone Co. in its latest request lies in its not being subject to competition. It probably would be desirable to have a competing company, but since this is not practical, it is all the more important that the Public Service Commission demand from the phone company a level of service and consideration of consumer interests and convenience that competition would bring automatically.

This latest outrageous request is not limited to the New York area. I am told that similar applications have been made in other States. It is important that the telephone companies across the Nation be made aware of the fact that their customers and our constituents are fed up and will resist this latest demand.

SHRIVER ASKS FOR INTERNATIONAL EFFORT ON BEHALF OF PRISONERS OF WAR

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, as of July 8 of this year a total of 1,761 American servicemen were listed as either captured or missing in action as a result of the Vietnam conflict. As we make plans for winding down the air and ground war, another very important battle is going on. At stake in this other battle are the lives of Americans who are being held as prisoners of war. Day to day survival in a prison camp is a victory in itself, but as months turn into years, survival for a forgotten American probably seems less and less worthwhile.

Concern for American prisoners of war transcends party lines and petty personal differences. These brave men have fought diligently for all Americans irregardless of race, religion or political affiliation, and all Americans have a moral obligation to seek their early release. They deserve much more than a damp pit in South Vietnam or Laos, or a cold cell in the North. Anything less than our best effort to gain their release would be a final unfortunate act in a war about which there are already many questions and doubts. No stone should be left unturned in our attempt to gain the release of every American being held on foreign soil.

Many diplomatic means have been employed and exhausted in an effort to gain humane treatment and eventual freedom for our prisoners of war. I would like to take this opportunity to tell my colleagues in the House, of one more means of expressing their concern for captive American servicemen. At the suggestion of Mrs. Harry Dunn of Hutchinson, Kans., who is the mother of a prisoner of war, letters went out from my office last week to the heads of state of 143 nations who signed the Geneva Convention Agreement of 1949. The Geneva Convention set down explicit guidelines to be followed in the handling of prisoners of war. The government of North Vietnam, itself a cosigner of the agreement, has chosen to ignore those guidelines. It is my hope that other nations will use whatever influence they might have, to urge North Vietnamese compliance with the edicts of the agreement. If our combined efforts cause the release of one prisoner one day earlier, then the time and expense involved will have been invested wisely.

I would like to include the text of my letter in the RECORD and suggest that it might be worthwhile for others to undertake some like project.

The letter follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., July 18, 1972.

As the Representative of the 4th Congressional District of Kansas in the United States House of Representatives, I am deeply

concerned for the welfare of nearly 1,700 Americans who are currently listed by the Department of Defense as either prisoners of war or missing in action as a result of the war in Vietnam. Americans, regardless of their political views, are united in their desire to see the early release of all prisoners of war.

As a co-signer of the Geneva Convention Agreement of 1949, your Government is aware of the terms and conditions pertaining to the humane treatment of prisoners of war. The Governments of the United States, South Vietnam, and North Vietnam also have signed the agreement set forth by the Convention. However, the Government of North Vietnam has refused to permit even simple notification of capture. No independent, humanitarian observers have been allowed into the prison camps for inspection purposes.

The result is that many families in the United States do not know if their husbands and sons are alive or dead. For this reason, I am making this personal appeal in hopes of gaining your support in a humanitarian effort to learn the status of these men; improve their living conditions; and secure their release as soon as possible.

Article I of the Geneva Convention states: "The High Contracting Parties undertake to respect and to insure respect for the present Convention in all circumstances." The United States has repeatedly urged adherence to the terms of the Convention through every diplomatic means. It is time for other nations to join in an effort to secure adherence by North Vietnam to the terms of the Convention.

I respectfully urge your Government to join in this effort to secure the humane treatment of prisoners of war and full compliance by the Government of North Vietnam to the Geneva Convention. I hope that you will lend your support to this objective.

Sincerely,

GARNER E. SHRIVER,
Member of Congress.

A BILL TO MAKE PROGRAMS FOR THE HANDICAPPED ELIGIBLE FOR SURPLUS PROPERTY

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, existing law governing the administration of the U.S. Government's surplus property disposal programs prohibits certain independent programs for the handicapped from receiving such property. Under current law, handicapped persons programs must have a direct connection with an academic educational institution in order to be eligible for surplus property donations.

I do not believe it is the intent of Congress that the growing number of private and public civic organizations which have initiated programs to help the handicapped should be ineligible for surplus property. Therefore, I have introduced legislation to remedy this situation.

My bill, H.R. 15780, amends the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to any center or camp operated for handicapped persons. Such centers or camps need not be operated in conjunction with any academic educational program.

The need for this corrective legislation was called to my attention by officials of the Cerebral Palsy Foundation operated by the Kansas Jaycees. For the past 8 years, the Kansas Jaycees have provided weeklong, residential camping programs for individuals with cerebral palsy and similar handicaps. The campers range in age from 5 to 65 and do not pay fees for attending the camp. Facilities are provided for swimming, boating, horseback riding, games, arts and crafts, and fishing.

The Jaycees are planning to expand this operation to a year-round program and to triple the number of participants over the next 2 or 3 years. They applied for much-needed surplus property items to the surplus property section of the Kansas State Department of Administration. While the director of the surplus property section was aware of the worthiness of the Jaycees' request, there was nothing he could do because of current legal restrictions regarding eligibility.

I am certain that there are similar organizations in all States which are providing facilities and services to the handicapped—facilities and services which are not available from the regular publicly-financed programs. In addition to the obvious benefits derived by the participants themselves, this camping program provides a needed respite for their families. The Kansas Jaycees received a letter from a mother of one of their camp participants, who wrote:

> Not only did our daughter have a great time at camp, it was a great boost to our morale to see our daughter participating in activities we never thought possible.

This morale boost is important, and it should be encouraged in all possible ways by Congress. The bill I have introduced will not cost any additional money, and it will have a significant impact on the Kansas Jaycees' efforts for the handicapped. It could also encourage other civic organizations to start handicapped programs of their own.

The Federal Government has in recent years increased greatly its support for education of the handicapped, and the Labor-Health, Education, and Welfare Appropriations Subcommittee, on which I serve, will continue to look favorably on these efforts. At the same time, we need to support and solicit the complementary efforts of private groups in this field. Whether these groups are directly related to an educational institution is irrevelant. I urge prompt consideration and favorable action on this bill.

SALUTE TO AHEPA

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, I am proud to join in saluting the Order of Ahepa, the American Hellenic Educational Progressive Association, upon the observance of its golden anniversary. This outstanding fraternal organization has done much to enrich the life of our Nation during its 50 years of active service.

AHEPA's record of service in behalf of humanity is long and diverse. It has come to the aid of flood and earthquake victims at home and abroad. Its members have worked for the relief of war orphans and refugees. It has sponsored scholarships for worthy students for the past 41 years on local, district, and national levels.

On my recent factfinding mission to Greece, as a member of the House Foreign Operations Appropriations Subcommittee, I had an opportunity to view firsthand some of the outstanding examples of AHEPA's "People-to-People" program.

I am pleased to note that one of the active chapters of this worthy fraternal order is located in Wichita, Kans., in the Fourth Congressional District of Kansas. The officers of the Wichita chapter are Bruce E. Colver, president; Philip C. Stathis, vice president; Pete Perdaris, secretary; and Paul Nikakis, treasurer.

Mr. Speaker, it is a privilege to offer my personal congratulations to the Order of Ahepa on a half century of significant accomplishment in behalf of our Nation and mankind.

SALUTE TO THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION ON THEIR 50TH ANNIVERSARY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 50 years ago this month, the American Hellenic Education Progressive Association—AHEPA—was founded in Atlanta, Ga. Today, AHEPA has 430 local chapters in 49 States, Canada, and Australia.

The extensive growth of this organization is attributable to the many outstanding contributions its members have made on the national and international level. AHEPA has championed worldwide assistance for flood, earthquake, and hurricane victims, as well as for the victims of war. Their contributions include:

Relief of Florida hurricane victims.
Relief of Mississippi flood victims.
Relief of Corinth earthquake victims.
For the war orphans of Greece.
Relief of Dodecanese earthquake victims.
For the fatherless children of refugees through the Near East relief.
For the Hellenic Museum.
National scholarships to worthy students.
For the Theological Seminaries at Brookline and Pomfret.
AHEPA Franklin D. Roosevelt Memorial at Hyde Park.
Ypsilanti and Dilboy Memorials.
Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.
Relief of Turkish earthquake victims.
For the Patriarchate of Jersusalem.
For the Patriarchate of Constantinople.
Ecuadorian relief.
Kansas City flood relief.
Greek war relief.

AHEPA hospitals in Athens and Thessaloniki, and seven health centers in Greece.

AHEPA Agriculture College in Greece.

Ionian earthquake relief.

AHEPA Preventorium in Volos.

Penelopian Shelter Home in Athens.

AHEPA Hall for Boys at St. Basil's Academy in Garrison, N.Y.

Sale of $500 million in U.S. War Bonds during World War II as an official issuing agent of the U.S. Treasury.

Truman Library.

Dr. George Papanicolaou Cancer Research Institute in Miami.

The AHEPA Truman Memorial in Athens, Greece.

The New Smyrna Beach, Fla., monument commemorating the first landing of Hellenes in the New World in the year 1768.

The AHEPA educational journey to Greece student program.

The objectives of AHEPA in this country are admirable, too. The organization strives to promote and encourage loyalty to the United States and to encourage its members to participate actively in the political, social, and commercial fields of human endeavor. Other objectives include the instruction of its members in the tenets and fundamental principles of government and the pledge of its members to do their utmost to stamp out any and all political corruption.

The Order of Ahepa also directs its resources in the field of education by encouraging the spread of culture and learning. Its interest in this field is apparent through its monumental efforts in scholarship and other educational endeavors.

As an honorary AHEPA member, and on behalf of the citizens of Florida, I extend my personal congratulations and commend the American Hellenic Educational Progressive Association for a half-century of service.

DERAILING THE GRAVY TRAIN

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I would like to call the attention of my colleagues to the following timely article in the New York Daily News of July 21, 1972:

DERAILING THE GRAVY TRAIN

A combine of Republicans and fiscally responsible Democrats in the House of Representatives beat back Wednesday an attempt to plunder the treasury to the tune of $5 billion.

The bill in question was boomed by liberal supporters as a shot in the arm for employment and a boost for cities with water and sewage problems.

Behind that false face leered a brazen make-work boondoggle intended mainly as an election year vote-catcher. It would have wrecked the budget beyond repair and rekindled the fires of inflation.

Among the heroes of the fight against this outrage was a Democrat, House Appropriations Chairman George Mahon (Tex.). Rep. Mahon chided his spendthrift colleagues for having heaped $20 billion in appropriation overruns on already generous budget requests, and called on them for "sober thought and reflection."

Happily for the taxpayers, Mahon was heeded—this time.

Now that this bogus anti-pollution concoction is dead, we suggest Congress get on with the business of dealing with the genuine proposals in this field.

At or very near the final stage of legislative action are two spending bills—a revenue-sharing measure and a specific pollution-fighting proposal—loaded with more than ample billions to move the drive for clean waters ahead.

Let's have the meat and potatoes, and lay off the gravy.

TRIBUTE TO THE HONORABLE JOHN S. MONAGAN

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

Mr. DONOHUE. Mr. Speaker, for the past 14 years, the House of Representatives, the Nation at large, and the people of the Fifth District of Connecticut have benefited greatly from the services of our colleague, the gentleman from Connecticut (Mr. MONAGAN). He has been a tireless Representative of his constituents in Washington and a national spokesman. His expertise on the Foreign Affairs and Government Operations Committees have proved invaluable. During the 92d Congress, he assumed the chairmanship of the Subcommittee on Legal and Monetary Affairs. This subcommittee has become one of the most productive in the House, conducting major oversight hearings on crime and housing programs, and legislative hearings on proposals to regulate income tax preparers and to control the proliferation of Federal advisory commissions.

The people of the Fifth District of Connecticut have recognized JOHN MONAGAN'S service and on June 24, the Democratic Party nominated him to run for an eighth term in Congress. I now include for the consideration of my colleagues the excellent speech given by him in accepting that nomination. This acceptance is particularly notable for his modest approach to his own achievements in the U.S. Congress. As he points out in his statement, a Congressman must truly be an agent of his constituents in Washington. JOHN MONAGAN has successfully met this objective for 14 years, and I am confident that the voters of the fifth district will return him to Washington to continue his representation for an eighth term.

The speech follows:

ACCCEPTANCE SPEECH OF U.S. REPRESENTATIVE JOHN S. MONAGAN

I am honored once again to receive the nomination of the Democratic Party to be its candidate for Congress in the Fifth District and I thank you for this mark of your confidence. I pledge to you that my campaign for election will be a vigorous one and that my service in my eighth term will continue to be responsive to the needs and desires of the people of our District.

At the moment it is not certain what the Fifth District will be in the future since the question of its make-up is now in the courts. I naturally hope that the new District will be similar to the old since I have enjoyed working in the present towns for the last eight years. If, however, a change should be decreed, I should like to express my regret that any change should be required and to thank all present for their interest and cooperation since 1964. It has been an honor to have represented the towns comprised in our present District.

I am grateful for the opportunity which you have given me to serve in the House of Representatives for fourteen years. Only a handful of Representatives from Connecticut have served longer than I, and I am indebted to our voters for the privilege of sitting at the apex of national and international affairs during these momentous years, of meeting and holding discussions with the leaders of our own and other nations, of having a finger on the pulse of our national life and of sharing in the implementation of significant national policies. To contribute to the development of legislation on a variety of subjects has been a privilege beyond price and I am thankful for the experiences that have been mine.

In partial return, I have sought during my tenure to be an effective representative of our District. While every Congressman is a national agent, he is at the same time the only representative his District has as such. In view of this function, I have sought over the years to determine the requirements of the people and institutions of our area and then to support measures and urge policies which would adequately satisfy these requirements. Faced with mounting competition from other sections of this country and abroad, our organizations and businesses are challenged severely and it is only through constant effort that we shall maintain our eminence. I have been proud, therefore, to share in obtaining projects which have improved the competitive capacity of our section. Provided to a large degree through Federal funds, these have included our new Federal arterial highways, our recently constructed airport and the flood control facilities which have gradually risen in the once-ravaged Naugatuck Valley and its tributaries.

I have also been happy to support other measures which have benefitted our people in a less physical but, nevertheless, vitally important manner. These have included our great advances in social security, including medicare, the milestone civil rights bills advancing the protection of all citizens in civil functions and the exercise of the franchise, the expansion and improvement of our programs of education and the initiation and development of broad national programs devoted to the reduction of pollution, the revival of our environment and the improvement of the quality of life in our complex, mechanized industrial society.

Finally, I have striven through the efficient and devoted activity of my office staff to perform the hundreds of personal requests in various fields ranging from veterans benefits to passports and from tariffs to taxes. Without immodesty, I state my belief, buttressed by innumerable personal comments, that my office has done a good job in attending to constituent problems and that we have performed effectively the important function of assisting individual citizens in their contracts with a vast and impersonal bureaucracy. I am happy here to pay tribute to the loyalty, devotion, and hard work of the members of my staff for their outstanding performance.

Although I take pride in past achievements, I certainly do not wish to indicate that either the Fifth District or the United States as a whole is free from gnawing and fundamental problems which urgently demand solution.

The most prominent relates to the war in Vietnam. Four years ago, I noted that the process of disengagement had begun with President Johnson. Two years ago, I stated that the prompt and complete withdrawal of our forces was a matter of urgent priority. Since then we have had another intensification of the war and the raising of doubts in many minds as to the credibility of the Nixon withdrawal policy. I have joined in

efforts to place a limit on our time for withdrawal subject to the release of our prisoners of war and the President has in substance adopted a major portion of this proposal in his recent statement. We must insist that his deeds be as good as his words in this area. Certainly, the final winding down of military activity in all forms must come in the time frame set by the President so that the frustration and division attendant upon this ill-starred war may be ended once and for all.

Turning from the foreign to the domestic scene, we touch what is and will be the most critical problem facing the nation today—the state of the economy. Despite optimistic predictions from Administration spokesmen and scattered areas of improvement, we have only to look around Connecticut to realize that recovery has not come to us. The State unemployment rate is 8.6 per cent. In Bristol it is 16.1 per cent, in Ansonia 15 per cent, in Waterbury 10.2 per cent, and the figures remain almost constant with a slight worsening if anything. A particularly distressing aspect has been the forced furloughing of large numbers of high-level engineers and technicians, originally recruited for the aircraft industry and now cast loose with personal loss to them and technical loss to the nation.

To make matters worse, this reduction in force has been accompanied by a monstrous inflationary surge, capped by the massive boost in food prices which the housewife and breadwinner know only too well. I proposed a system of voluntary controls of major industries and unions a year before the President reversed his field and took belated action. Surely, prompt action here might have lessened the effect of the inflation and the exclusion of small businesses would have decreased administrative problems. In addition, the decision to allow food prices to float free, a policy not unconnected with prospecting for votes in the farm areas, has added new problems even for those who have had the benefit of modest wage increases. Finally, a more dedicated and intensive effort at providing a bridge between the wartime and peacetime economy was clearly indicated to all who saw the problem of reconversion as an inevitable accompaniment of the termination of military procurement.

Certainly, more vigorous action on the part of the Administration could have lessened the impact of these cutbacks. I have proposed a commission to work on the reemployment of skilled technicians and I have backed efforts to convert our defense industries to peacetime uses as with the manufacture of Turbotrains by Sikorsky and the change of technology in other industries to take advantage of the rising demand for devices to control and monitor pollution of various types. I also sponsored and supported the Accelerated Public Works legislation which was vetoed by the President. We are presently working on a new Accelerated Public Works bill, and it is my hope and expectation that the Public Works Committee will report the bill to the House in the immediate future.

However innovative it may be in the field of foreign affairs, in the domestic area the Administration has not seized the initiative nor shown the foresight that the solution of our difficult problems requires, and long-unemployed engineers or mechanics will find little solace in the President's spectacular journeys to Peking or Moscow.

Today we find ourselves awash in waves of difficulties as we attempt to navigate the sea of our domestic affairs. We find striking inequities in our tax laws between those who can afford to pay and those who cannot. We see that in spite of heightened rhetoric and massive expenditures, the crime rate continues to rise in steady and even spectacular fashion while our streets continue to be unsafe and our homes vulnerable to burglars and robbers. We see a shocking increase in the dissolution of our core cities and the frustration of governmental and private efforts to deal with this vital problem. We witness a push for sharply increased spending at the Federal level for a variety of programs without adequate regard for the sufficiency of tax revenues or a satisfactory attempt to examine needs and set priorities for the inauguration of programs. We meet a willingness to spend large sums of money for political or cosmetic reasons in programs such as law enforcement assistance and poverty without adequate controls or tangible results.

Above all and most tragically, we meet today a rising disenchantment with democratic government and an increasing loss of confidence in its processes and those who operate them. This trend is regrettable because it results in two positions which are equally destructive to our system. One is apathy and the other is active antagonism. In either case our type of government is threatened since it requires involvement and support for its successful operation.

Unfortunately, it is the young voters to whom the franchise has recently been extended who are most disillusioned by the unfairness, favoritism and brutality which is too common in our system today. I suggest that we owe it to them and to the nation to turn our efforts more effectively toward righting the wrongs, eliminating the inequalities and revising Public probity, but at the same time, they owe it to us and to the nation to join in this essential work. I also submit that while it is a reason for gratification that we can view our system objectively and turn the spotlight on its many deficiencies, we must at all times remember the great progress we have made over the years and be proud that we have so effectively maintained our system of government under law and constitutional protection of the individual. While recognizing our faults, we should not permit them to obscure our virtues. I do emphasize, however, that in order for our free government to be effective, we all shall have to do a better job than we have done in the past.

We shall have to solve the physical problem of the decay of our cities with the consequent loss of billions of dollars of capital investment as well as warped and twisted lives. The genteel, hands-off policy of our governmental agencies will not be sufficient. Why can we not bring to dealing with this problem the same imagination and expertise we showed in conceiving and carrying on the fantastically successful space program?

We must re-examine our tax laws to discover where they can be amended to guarantee greater fairness of treatment and eliminate "loopholes" which prevent the Internal Revenue Code from being applied evenly without regard to income. For the wealthy to pay no tax or less than a fair share is not acceptable in a democratic society.

We must create some sort of mechanism to examine our national needs and establish a set of priorities which will permit us to achieve reasonable national goals without bankrupting us in the bargain. There are bodies both public and private which seek to do this now but without substantial impact. An effective national public body is needed.

We must return physical security to our cities, make our streets safe and our home inviolate. This cannot be done through rhetoric or the simple expenditure of funds. The rise in serious crime proves that we have not begun to find the answer. This problem is one of top priority and must be dealt with by the Administration in a serious manner rather than the ineffective way in which it has proceeded in the past.

On a more local level, we must intensify our efforts to improve all aspects of society in our District. We must continue to improve our highway communications. We must upgrade the facilities of our airports. We must push, as I have constantly, for better rail transportation. We must insist that our problems with an unreasonable volume of foreign trade be recognized by the Executive Branch. We must demand that they become as sensitive to the domestic implications of our foreign economic policy involving employment and commercial activity as they have in the past been to the overseas effects. We must continue our already significant advances in reducing the pollution of our streams and waterways. We must solve effectively the difficulties created by the coupling of the physical deterioration of our central cities with a wave of new intra-national immigration. We must improve the quality and sophistication of our educational system.

Above all we must realize that the good life may be measured by other than material standards and that an unending volume of consumer goods not only will deplete our natural resources, but fail to satisfy continually expanding appetites for convenience and luxury.

With these goals in mind, and with the realization that I am the agent and servant of the people of our District, I gratefully accept your nomination, and with your help and support I am sure that in my next term I can contribute to the realization of these vital objectives.

BE CAREFUL ON CRIME STATISTICS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the varying trends of crime statistics provide a most unstable basis for general conclusions as we all know and their compilation is such an inexact science that all authorities agree that they are not to be relied upon.

A recent editorial in the Danbury, Conn., News Times points up this weakness and also correctly critizes those who complacently accept a decrease in the rate of increase as a major achievement in the fight against crime. I am happy to include this perceptive editorial with these remarks:

A SINGULARLY UNIMPRESSIVE DECLINE

We are singularly unimpressed by the Washington report that while major crime continues to increase, the rate of increase has declined.

The base on which the rate of increase is figured is higher than previous bases, so there ought to be a decline.

Take the figure of 100 and increase it by 10 in 10 consecutive steps. The first step, from 100 to 110, is a 10 per cent increase.

The second step, from 110 to 120, is approximately a 9 per cent increase.

By the time the final step is reached, from 190 to 200, the rate of increase has declined to roughly 5 per cent.

The fact that crime increased ought to convince federal officials that much more work remains to be done in their widely-publicized fight against crime.

For one thing, they should be correcting the flaws, the waste of money and even fraud which have plagued the Law Enforcement Assistance Administration.

Big talk about law and order has not reduced the crime rate.

Big spending of tax dollars, with much of it going to fancy state projects and rural areas where it was not needed, instead of to city departments where it is, has not reduced the crime rate.

New talk about a decline in the rate of increase will not do anything to reduce the number of major crimes or how they affect people.

DEMOCRATIC NONSENSE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as the Democratic Party's image is transforming itself, continued aim is taken at the tax system in the United States. Piercing attacks on the Nixon administration have designated the President to be the bulls-eye in their dart-throwing taxation tournament.

A review of the last 20 years of the Congress shows that despite their continuing control the Democrats have done little in reforming the American tax structure.

As the Democrats attempt to blame the the Nixon administration for a lack of tax reform they ignore the fact that they have the power to change the tax system. The Democrats have forgotten that they are attacking themselves and have placed themselves on the dart board. In November, when the people pick up the darts, Democrats in Congress will be the prime target due to their inaction.

By November the game may change to "pin the tail on the donkey."

This was the subject of a recent editorial in the Johnstown Tribune Democrat, of Johnstown, Pa., which follows:

DEMOCRATIC NONSENSE

Reform seems to be the byword of contemporary Democrats, at least those Democrats who have been trying with considerable success to throw off the cloak of party traditionalism and don the wide lapels of modernity.

From most of what is read, they have managed to reform their party; whether that type of reform is to be regarded as reasonable progress remains to be seen.

While they were reforming the Democratic party, many of them still found time to cry for reform of other areas of the American scene, and among a good many congressional Democrats the rallying point has been the federal taxation system.

For example: at the Democratic national convention Sen. Fred Harris of Oklahoma spoke out about the need for drastic tax changes that would assure "equal taxation of all income."

The Harris plea was an echoing of those made by others wanting tax reform to center on the plugging of the so-called tax loopholes.

What is projected by all of this type of talk is that the Republican administration of President Richard M. Nixon is to be held accountable for all of the faults of the current system of taxation.

If we can get a cry in edgewise among all of the other cries, it just isn't so.

The present administration cannot be held responsible for the tax system or for its loopholes. Neither for that matter, can the administrations of former presidents Johnson, Kennedy and Eisenhower be cast as the villains. The hissing and the booing from certain Democrats in actuality is being directed at themselves and other Democrats. Why? Why because the Democrats have held control of Congress for 18 years, and it is the Congress that must pass legislation dealing with taxes.

So the berating gets a bit tiresome, especially when the inference is that Republicans are to be blamed.

The newsletter of the Republican Congressional Committee had a few words to say about such Democratic carping; and we would like to quote a few of them, to wit:

"The Democrats have controlled the Congress for the past 18 years by substantial majorities. They are the architects of our present laws. Whatever inequities exist are the direct result of their action or inaction.

"In fact, the Democrats enacted a tax 'reform' law just three years ago which carefully preserved what they now call 'loopholes.' They even killed meaningful reforms proposed by Republicans at the time.

"In short, if the tax system is fouled up the Democrats did it. If there are loopholes they had the say in putting them there. It's that simple. Democrats made our federal taxes what they are today."

President John F. Kennedy had trouble with Congress even though his fellow Democrats controlled it. So it is hardly any wonder that today President Nixon has experienced something of the same difficulty. At times, in fact, federal expenditures have been expanded beyond what Mr. Nixon has recommended. And who did the expanding? Congress. A Democratic-controlled one.

Therefore, when the Democrats set out to blister the tax laws, the ears burning hottest should be their own.

RESULTS OF QUESTIONNAIRE FROM CITIZENS OF THE 12TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, over 32,000 individual constituents in the new and expanded 12th Congressional District of Pennsylvania responded to my congressional questionnaire which I mailed out last month.

I am particularly gratified that so many people of this six-county area took the time to give me their viewpoints on a large number of questions of interest to the district specifically, and the Nation as a whole. Perhaps the most important general observations I can make after the polling are these: First, it is patently obvious that people are vitally interested in their government and desire to be heard on the issues affecting them. Second, the notion that the public is not aware of the issues is convincingly destroyed by the response to my poll; the people not only gave me their opinions, but over 3,000 took the time to expand on their answers. There were many suggestions for legislative remedies to the problems raised by the questionnaire and other public problems as well. Third, based on a careful reading and analysis of the returns, I was impressed by the care, thought, and consideration given by each individual in answering some definitely tough questions. To be more specific, the analysis proved not only a consistency of opinion in the district but also showed that the respondents were thinking about the consequences of their answers and opinions. Naturally, many individuals found it as difficult to answer yes or no to some questions just as we in Congress find it difficult to vote yea or nay on complex legislative matters. This accounts for the large number of extra comments and opinions I received with the polling.

In brief, I am very pleased with the results—not necessarily because I agree with the majority in each case—but rather because my constituents were truly interested in giving me guidance about the issues and problems that affect us all.

Knowing of the interest of other Members in congressional mail balloting, I am showing the results of my questionnaire in tabular form followed by some interesting highlights from a deeper analysis of the results. Overall, 51 percent of the responses came from men and 49 percent from women. Except in rare instances, sex distribution, in answering the questions, was not a major factor. Ninety-five percent of those answering the poll, answered every question.

TABLE I.—TABULATION OF 1972 CONGRESSIONAL QUESTIONNAIRE—DISTRICTWIDE

[In percent]

Question	Yes	No
1. Should the Federal Government collect taxes and allocate funds to State and local government with no stipulations as to use?	14	86
2. Would you approve of an alternate tax to finance education costs in order to halt increases in local property taxes?	76	24
3. Do you think that pornographic advertisements, magazines and movies are too prevalent in your area?	68	32
4. Do you feel there is adequate protection against crime in your community?	42	58
5. Do you consider the water quality and supply in your area adequate to meet present and future community needs?	70	30
6. Do you consider pollution of the natural environment a major issue in your area?	60	40
7. Do you favor a Federal law to provide incentives to businesses willing to locate in rural areas and small towns to create new employment?	74	26
8. Would you favor welfare reform to include a minimum guaranteed annual income for every family?	28	72
9. Do you favor automatically adjusting social security benefits to cost-of-living increases?	89	11
10. Would you support a national health insurance plan, operated by the Federal Government, to guarantee medical care to all?	64	36
11. Do you agree with the President's current policy regarding the war in Vietnam?	73	27
12. Do you favor increased trade and diplomatic ties between the United States and Communist nations?	63	37
13. Do you support an all volunteer army except when there is a formal declaration of war?	78	22
14. Do you favor amnesty for draft evaders?	11	89
15. Are present Government programs for assistance to farmers adequate?	75	25
16. Should we increase import taxes on foreign products as a means of equalizing competition with those goods?	80	20
17. Do you agree with the President's policies to combat inflation?	59	41
18. Should Congress and the President force settlement of labor-management disputes affecting the national interest?	84	16
19. Should the Federal Government institute a national lottery to obtain additional revenue?	52	48
20. Do you believe there should be additional Federal legislation to regulate firearms ownership?	38	62
21. Should the Federal Government continue the space program?	50	50
22. Do you favor legislation to stop new and additional busing of students to achieve racial balance?	77	23
23. Do you believe a constitutional amendment is necessary to guarantee equal rights for women?	20	80

TABLE II.—TABULATION OF 1972 CONGRESSIONAL QUESTIONNAIRE, BY COUNTIES

[In percent]

Question No.	Armstrong		Cambria		Clarion		Indiana		Jefferson		Somerset	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1	12	88	15	85	11	89	13	87	13	87	14	86
2	97	24	78	22	70	30	79	21	72	28	71	29
3	67	33	70	30	68	32	66	34	61	39	67	33
4	46	54	36	64	50	50	46	54	58	42	44	56
5	67	33	78	22	36	64	56	44	67	32	67	33
6	58	42	68	32	65	35	61	39	42	58	49	51
7	78	22	73	27	78	22	72	28	79	21	73	27
8	24	76	30	70	32	68	28	72	27	73	27	73
9	87	13	90	10	90	10	90	10	88	12	88	12
10	61	39	68	32	65	35	63	37	56	44	60	40
11	67	33	75	25	65	35	70	30	74	26	74	26
12	65	35	61	39	62	38	64	36	66	34	63	37
13	78	22	76	24	80	20	80	20	80	20	80	20
14	15	85	10	90	8	92	15	85	11	89	12	88
15	75	25	78	22	69	31	73	27	69	31	76	24
16	77	23	83	17	80	20	75	25	79	21	80	20
17	55	45	60	40	53	47	58	42	59	41	61	39
18	83	17	84	16	81	19	85	15	86	14	84	16
19	55	45	55	45	50	50	49	51	50	50	46	54
20	35	65	41	59	35	65	41	59	32	68	31	69
21	56	44	49	51	56	44	50	50	47	53	49	51
22	76	24	78	22	66	34	78	22	75	25	78	22
23	20	80	20	80	20	80	22	78	20	80	18	82

HIGH PERCENTAGE RESPONSES

Districtwide, the response to some of the questions with high percentage—over 80 percent was quite instructive. In spite of recent action by the House of Representatives, the people in my district voted overwhelmingly against revenue sharing. The vote—14 percent yes, 86 percent no. The percentage deviation from county to county was slight indicating once again that citizens know that revenue shared must come from one source—their pockets. The answer to the question is even more illuminating inasmuch as almost every local government official has voiced his support for some type of revenue sharing. The people know that revenue cannot be shared that is not available.

I asked about a favorite subject when I queried about a cost-of-living adjustment for social security recipients. The vote was 89 percent in favor; 11 percent against. The recently passed social security legislation which increased benefits by 20 percent included the cost-of-living escalator but its effective date is not until 1975.

"Do you favor amnesty for draft evaders?" Predictably, the answer was a resounding "no." The vote—11 percent yes, 89 percent no. In my district where 46 percent of the male population over the age of 18 is a veteran, including over 9,000 veterans of the Vietnam war, the results were not surprising.

Eighty percent of the respondents agreed with the proposition that we should increase import taxes on foreign goods to equalize competition. I know for a hard fact that many industries—and that means jobs—in my district have been seriously hurt and more are threatened by the apparently uncontrolled flood of imported goods from low-wage countries. The workingman in my area is not afraid of competition; but he does want to be able to compete on an equal basis. I have sponsored five bills in this Congress which would achieve the goal of fair international trade and I am still hopeful that the Congress will act to implement those measures, or ones similar, before adjournment.

One of the surprises in the results came in response to my question about labor-management disputes and the role of the Federal Government therein. In an area heavily populated by union members 84 percent of those answering the questionnaire favored the Congress and the President stepping into disputes which affect the national interest, and forcing a settlement. It would appear that the strike, especially the long strike, is less and less justifiable in the eyes of the average citizen.

On the question about the constitutional amendment to guarantee equal rights for women, the district voted heavily against the proposition: 20 percent voted for the proposal and 80 percent voted against. The sex breakdown is of interest: 16 percent of the men voted in favor, while 84 percent were against. Twenty-five percent of the women voted in favor with 75 percent against. The county-by-county results on this question were nearly identical. As one of the tiny band of holdouts in the House who voted against sending this proposal to the States for ratification, I am naturally pleased to see my district equally solid in its sentiments.

OTHER RESPONSE HIGHLIGHTS

I picked four questions of major national interest for further analysis in terms of all other questions asked in the poll. The questions were: First, should the Federal Government collect taxes and allocate funds to State and local governments with no stipulations as to use? Sixth, do you consider pollution of the natural environment a major issue in your area? Eighth, would you favor welfare reform to include a minimum guaranteed annual income for every family? And tenth, would you support a national health insurance plan, operated by the Federal Government, to guarantee medical care for all?

PROPERTY TAX ALTERNATIVE

The overall response to this question was 76 percent in favor, 24 percent against. From a detailed study of the responses to this question, the implication is that my constitutents expressed an overwhelming desire to finance education from other than property tax resources and that revenue sharing could be such an alternative. On the other hand, since the respondents did not have the opportunity to state which alternative they preferred, and they were definitely against revenue sharing, it is obvious that some new approach must be found to ease the taxpaying burden of the property owner.

WATER QUALITY ADEQUACY

To comprehend any analysis of this question, one must "know the territory" as the saying goes. Compared to the number of complaints against present systems, and requests for assistance to develop good water supply sources that have come to my office over the years, I was surprised to find 70 percent of the respondents agreeing that water quality was adequate. However, when one looks at the county figures, they vary widely, reflecting the different types of water pollution and water supply problems faced by different areas.

Not inconsistently, those who responded with a "yes" to this question, 65 percent believed that general pollution of the natural environment is a major factor in their area while 35 percent did not think so. Of those who indicated that water quality was not adequate, 78 percent did believe that general pollution was a major factor while 22 percent did not agree. The citizens of the district are concerned about pollution of their environment—the difference in the intensity of concern depends upon the area and the type of pollution which the respondent considered when answering the question. I noted for example that in Cambria County, the overall "yes" response about the adequacy of water quality was 78 percent but when asked about pollution in general, the "yes" response dropped to 68 percent. What is shown here is that pollution is too general a term to adequately describe the specific problem of any one area.

GUARANTEED ANNUAL INCOME

The overall response was a resounding "no" to the guaranteed annual income proposition. Although the yes–no percentage spread was smaller than on the revenue sharing and social security questions, it shows a basic consistency.

Some of the strongest additional comments on the poll itself and in separate

letters were voiced on this subject. I believe I can safely summarize the feelings of the respondents and the majority of the citizens of the district by paraphrasing some of the comments, to wit:

Work performed should be the criteria for income, not some artificial government standard of poverty.

My question was purposely doubled-barreled in that it tied the guaranteed annual income idea to welfare reform. Respondents were not confused—they voiced support for meaningful welfare reform but made clear that such reform should not include a guarantee of an income for those who refuse to work if so able.

NATIONAL HEALTH INSURANCE

I had expected a somewhat larger percentage of my constituents to favor a national health insurance plan than the 64 percent yes figure represents. In fact, my prediction was this would be one of the questions in the over 80-percent category of responses. Part of the explanation for the response may be due to the public's confusion about the many proposals that have been bandied about in both Houses of the Congress. As the author of one of the more limited types of health insurance plans, I am aware of the deep distrust on the part of many people of those radical schemes that would implement the cradle-to-grave insurance programs, and I judge that many of my constituents were reluctant to voice a yes of my question for fear that it would mean a vote for reducing our medical care system to the socialist mold. If I am able to conduct another poll in the near future, I intend to probe deeper into issues such as medical care and other social issues, giving the respondent an opportunity to choose alternative responses.

Although the majority of my constituents registered an affirmative vote for the President's policies to reduce inflation, the statistics show that that question was one of those least answered.

Since the beginning of the Pennsylvania lottery a few months ago, I thought that a question on a national lottery would elicit more of a favorable response than it did. The division on the question was almost evenly split. Some of the questionnaire forms returned had no other comment except one connected with this issue and, in almost every case, the reply said, "Yes, if you will get rid of" this or that tax. Another 50–50 split which caused some surprise came in response to my question about maintaining the space program. From the letters and comments I have received over the past few years, asking for a clampdown on nonessential Federal expenditures, I would have thought space would get the axe from my district. The results give no conclusive decision.

CONCLUSION

The most important conclusions I can draw from the results of the polling are those stated at the outset; in summation, I am proud to be the representative of a thinking constituency. I am naturally pleased to see that many of my votes, positions, and statements in this and previous Congresses, conform generally to the opinions of the majority of the people I am honored to represent. Moreover, I am convinced that this type of direct communication with one's constituency is a valuable two-way tool in the process of government and governing. I plan to follow up this poll with others—perhaps on a reduced but more penetrating scale—as time and funds allow.

CLAUDE PEPPER WELCOMES DELEGATES TO MIAMI BEACH

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, on July 10, our distinguished colleague, CLAUDE PEPPER, welcomed the delegates to the Democratic National Convention in Miami Beach. I would like to bring his fine address to the attention of this body:

WELCOME ADDRESS OF THE HONORABLE CLAUDE PEPPER

Distinguished and beloved and able Chairman, Larry O'Brien, distinguished guests, honorable delegates and alternates, ladies and gentlemen:

I am proud to be able to join in extending a hearty welcome to the delegates and alternates and to all of you attending this Democratic National Convention in my Congressional district, our County of Dade, and State of Florida.

It is an inspiring sight to see this great Democratic National Convention, representing every part of this beautiful America and every race, creed, color, and class among our citizens gathered here in this spacious hall, as the spokesmen for the Democratic Party, the oldest continuous political party in the United States and in the world, with a history of compassion and concern and service to the people of this country unequaled by any political party in the history of man.

And it must give to every delegate and alternate assembled here a sense of almost awesome responsibility to realize what your convening here means to the people of America; to become fully aware that for the Americans who yearn for real peace for our country and the world, who are without jobs, many almost without hope, who are hungry, ill-clad and ill-housed, who are concerned about their children in schools where drug abuse is epidemic, who are fearful night and day to walk their streets, to sleep in their homes, who are senior citizens and live in poverty and neglect, who stumble day after day under the load of frustration or work at jobs which dull both the intellect and the spirit—I say it must give a sense of almost awesome responsibility to the delegates and alternates of this Convention to realize that for all these many millions of Americans there is no help or hope in the foreseeable future except in the platform you adopt, in the nominee you select, and in the leadership that nominee gives to a Democratic Congress.

So this great Convention convenes, not to award the perquisites and the power of the Presidency to a chosen son or daughter, but to take up anew the battle to save and to serve America and every American.

I know this Convention will not let the American people down. I know that this week there shall go forth from this Convention Hall a new leader, with the vision and courage and character and faith to lead all the American people toward the promised land of a better life—a fulfillment of the old but ever new American dream.

For close to two centuries Americans have dreamed of a country which would be a citadel of freedom. A people bound together by a heritage of love and understanding. A nation free of hunger, fear, and suffering. A society governed by just laws enforced by honest men. The time for that dream has come. And I know and you know that we will not let the forces of division destroy the great work of this Convention. For we all know that whoever preaches or would practice division in the Democratic party serves the Republican Party.

These splendid men and women who are candidates for the Presidential nomination, when this convention is over and the decisions made, will show that they love America and that they love the Democratic Party by the unity and the determination with which they will wage the victorious battle for the benefactions and the blessings of a Democratic administration.

Now, my fellow Democrats, your labors will be numerous and arduous as you perform your historic mission here. Yet I hope you may still find pleasure in being amongst us and in the beauty you see round about. We want you to enjoy your labors here, to carry home happy memories of your visit to Miami Beach. Come again soon whenever there are perhaps not so many here. Thrice welcome, and Godspeed your work.

THE 50TH ANNIVERSARY OF AHEPA

(Mr. MORGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, today will mark the 50th anniversary of one of the most remarkable fraternal organizations in our country—the American Hellenic Educational Progressive Association, known as AHEPA.

This association is composed of four separate organizations: The Order of Ahepa, founded on July 26, 1922, in Atlanta, Ga., which today has some 430 local chapters in 49 States, Canada, and Australia; the Daughters of Penelope, a senior women's auxiliary; the Sons of Pericles, a junior young men's auxiliary; and Maids of Athena, junior young women's auxiliary.

For half a century now, the AHEPA family of organizations has rendered outstanding service to individuals and communities throughout our land, and has worked to strengthen the bonds of friendship and understanding between the people of the United States and the people of Greece.

While promoting constructive civic and community projects, the local chapters of AHEPA have also contributed generously to many worthy national and international causes, including relief for victims of natural disasters, improved health research and care, expanded educational opportunities for the young, and others.

Moreover, through their social and cultural activities, the AHEPA organizations have helped to preserve the Hellenic traditions on the American soil, thereby enriching the environment in which all of us live.

I am very proud of the fact that there are many active chapters of AHEPA in the State of Pennsylvania and that a number of distinguished national officers of that fine organization, both past and present, are natives of our Commonwealth.

One of the outstanding chapters of AHEPA is located in my own district, in Washington, Pa. Its officers include Mr. Manuel Johns, president; Mr. Ernest Alexas, vice president; Mr. Chris Vlachos, secretary; and Mr. Peter S. Lucas, treasurer.

Over the years, I have had many good friends among the members of AHEPA, and I have long admired the fine civic and community work done by their organization.

It is with great pleasure, therefore, that I extend my sincere congratulations to AHEPA on this 50th anniversary, and wish the organization continued growth and success in its worthy endeavors.

ENFORCEMENT OF GUN LAWS: CHICAGO TRIBUNE TASK FORCE REPORT—PART VII

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, most States have some statutes controlling the use and possession of firearms. Yet, in most major cities the enforcement of these laws has become a controversial issue.

This is the seventh in a series of 10 articles recently written for the Chicago Tribune by a task force created to study the role of the handgun in the epidemic of violence throughout America.

Today's article examines the effectiveness—or ineffectiveness—of judicial enforcement of gun control laws. Ninety percent of the people brought to court on gun charges do not have previous criminal records. Many judges feel the people involved are not likely to engage in future criminal conduct, and that no purpose would be served by imposing a harsh prison sentence. It should be noted that 70 percent of all murderers using guns have no previous criminal record and kill someone they know in a moment of passion. In these cases it is clear that strict enforcement after the fact is of little effect. Prevention is the name of the game, and therein lies the principal argument for sensible firearms controls.

The article follows:

GUN FOES HIT COURTS AS LENIENT

(NOTE.—This is the seventh in a series of Task Force reports on the gun controversy by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

Last Feb. 26, John Averett was a patron in a neighborhood tavern at 7132 S. Racine Av. He was in one of those situations that occur thousands of times each day. Had some incident lit the flame of anger, someone in the tavern might have become a murder statistic.

Averett was brandishing a loaded gun, a .32 caliber revolver.

Two weeks ago Averett appeared in Rackets Court to answer charges of unlawful use of a weapon, and failure to register his revolver with the city. He was one of the 32,159 persons charged with unlawful use of a weapon by the Chicago police in the last four years.

GETS YEAR'S PROBATION

At a brief hearing before Judge Thomas Cawley, Averett pleaded guilty to the first charge and was sentenced to one year's probation. The registration charges were dropped.

Averett could have been sentenced to a year in jail. But he had no previous criminal record, supports five children, and has lived in Chicago for 18 years.

FIRST TIME IN TROUBLE

"Nine of ten people who come in here [on gun charges] have not been arrested before," said Judge Cawley, who may hear 30 gun cases a day. "All day long you see these nice people. I can't put these types of people in jail."

Ironically, most murders are committed by persons who have never before been in trouble. "The accessibility of guns causes murder where without a gun it might have been a good fight," said Judge Cawley.

Edward V. Hanrahan, Cook County States Attorney, agrees this statement pinpoints the gravity of having guns easily available. But he decries the concept that "nice people" carry guns and that the courts should treat them lightly.

"Was Arthur Bremer [accused of shooting Gov. George Wallace] a nice fellow?" Hanrahan asks. "Some nut judge [in Milwaukee where Bremer had previously been arrested on a firearms charge] reduced Bremer's gun charge to disorderly conduct and fined him $39.50. Here we charge a little more for such things—maybe $50."

PROBLEM IN OTHER CITIES

It is not only in Chicago but also in New York City, Washington, D.C., and other large cities where there is a controversy over whether the courts effectively punish gun law offenders.

Court sentences on gun offenses make the penalty for carrying a handgun a "joke among people of criminal intent," said Patrick Murphy, New York City Police Commissioner, an outspoken proponent of gun control laws.

Chief Jerry Wilson, of the Washington, D.C., police said that no one in the criminal justice system realizes that "the unlawful possession of a firearm is a crime of the first magnitude." Tougher enforcement of his city's gun law, Chief Wilson asserts, would curtail gun-related crimes in Washington.

OPPOSES MORE LAWS

U.S. Rep. John D. Dingell [D., Mich.], vigorously has opposed additional gun control laws claiming the courts are not enforcing the 20,000 laws now on the books. "We apparently haven't yet passed a law that is enforceable and workable," said Dingell, a board member of the National Rifle Association. "It is high time we started enforcing the laws we have now."

Enforcing gun laws against persons who carry weapons in public is only part of the problem. Guns in cars, and homes, supposedly kept there to fend off robbers and intruders, are another factor.

Seventy percent of the persons who kill with a gun, kill a friend, a relative, a suitor, or someone else they know, rather than a stranger. A seizure of passion can cause an otherwise rational person to kill by gun.

CITES EXAMPLE

Take the case of Bertha Dumas. In June 14, 1971, she was sitting in her living room at 121 N. Keeler, watching television and drinking beer when her boy friend, Collis Bridges, returned home unexpectedly.

"You should be at work," she yelled, then pulled an unregistered, cheap handgun from her purse and shot him in the face. He grabbed her, and in the following struggle the gun went off two more times, killing Miss Dumas.

Then there was LaFronzell Spight, 22, who shot at his sister Carolyn with his unregistered .22 calibre rifle after she became enraged with him for walking over a freshly-mopped floor. The shot struck the kitchen door, a foot from where she was standing.

STATISTICS PROVE CASE

Among the statistics to show nonenforcement of existing gun laws are the following.

During 1971, fewer than one in eight persons convicted of a gun charge in Chicago was sentenced to jail. Most were fined or placed on probation or under supervision. The majority of gun charges filed by police never came to trial.

The Washington, D.C., police department studied 361 gun cases heard in that city during a three-month period. Forty-five per cent of the cases were not tried. Of the 157 defendants who were convicted, 103—or 66 percent—were fined, given a suspended sentence, or placed on probation. The chances of not getting jail time were better than five out of six.

The police department of New York City reviewed 156 gun cases, of which 136 were felony arrests for criminal possession of handguns. Not one of the 136 was convicted of the original felony charge.

SERIOUS FELONY OR NOT?

"Now is it a serious felony to carry an illegal handgun or is it not, according to law?" asks Police Commissioner Murphy. "If it is a serious felony, then how do we justify a record like this?"

Reporters found indications that the criminal on the street, the man who uses his .38 to rob or kill, knows he can flout gun laws.

"As a result of the low conviction rate, the word is out on the street 'don't sweat the gun,'" said Donald E. Santarelli, deputy attorney general of the United States.

GANG MEMBER TALKS

And a 22-year-old former street gang member who said he started peddling guns in Chicago at age 15, told Task Force reporters:

"If you're clean, you can register the gun with the police and everything's legal. Now say you get busted, and even if you're registered, you don't have no permit to be carryin' it around. But you know you'll just get a fine . . . you know the gun charges will be kicked off."

Some persons, such as Judge James M. Walton, who hears gun cases in Chicago's Rackets Court, maintain the police misuse gun laws.

JUSTIFY ILLEGAL SEARCH

"The confiscation of guns is used [by police] to justify an illegal stop and frisk," said Judge Walton. "Police operate on the theory that if they confiscate guns or narcotics and get them off the street they are doing their job. There is something to be said for that, but I am not going to say it. I don't think that gun laws are not being enforced, particularly against the blacks."

Concern about gun law enforcement also extends to the handling of gun charges in the federal courts and by juries.

Steven Ostrowsky, 29, of Homewood, was tried in Federal Court in Chicago for lying when he purchased guns from the Blue Island Gun Shop in 1970. He allegedly said he was not under indictment for a felony at the time, when in fact he was. Ostrowsky testified that he thought the question on the firearms transfer form meant being convicted of a felony rather than just being charged. A jury acquitted him.

"These cases are hard to prove," said Matt Lydon, an assistant United States attorney who prosecuted the case. "Some juries don't accept these cases. People think they are technicalities and they think people should be able to have guns."

Another controversial federal case in Chicago involved three Black Panther Party members, Merrill Harvey, Michael White, and Nathaniel Junior. They were accused of attempting to purchase machine guns from an undercover agent of the Alcohol, Tobacco, and Firearms Division of the Treasury department.

The three, two of whom jumped bond

before trial, pleaded guilty and were placed on three years probation by Judge Joseph Sam Perry. The prosecutor, William P. Cagney, had asked for a stiff jail sentence, arguing that "granting them probation would be giving them a license to kill." Cagney noted that six days before the attempted purchase, Junior had spoken at a rally and called for violent revolution.

NOT CASE OF VIOLENCE

"This is not a case of violence," Judge Perry replied. "The charge is attempting to buy weapons. They could have bought the same weapons at Sears Roebuck and Co., if they had given their names. Except for their Black Panther affiliations they have no criminal record of consequence.

"I don't think it is in the best interests of society to throw the book at them," Judge Perry said.

A deciding element in many gun cases can be where a gun is found, if it was accessible, and whether it was concealed. Thus, if a pistol is on a seat next to the driver it is in unlawful use because it is accessible to the driver. "If the driver gets angry he can pick it up and shoot someone," said Judge Cawley. If the gun is in the car's glove compartment or on the floor in the back, the courts don't consider it accessible.

PENALTIES ARE TARGET

The major attack on the courts' handling of gun cases concerns the penalties meted out. Chicago's gun registration laws originally called for a mandatory penalty of $500 for not registering a gun. However, the judges were reluctant to impose such a fine, so last year the City Council amended the ordinance to set fines at between $100 and $500.

"Amazing, just amazing," says Hanrahan. "The City Council watered down a good ordinance to adjust to the sentimentalities and practices of judges who won't follow the law."

Judge Walton replied: "I try to temper justice with mercy. I think this is consistent with the philosophy of law. Law-abiding citizens in the ghettos don't register their guns out of ignorance and negligence."

SEEK 60-DAY SENTENCES

Hanrahan's office routinely asks for a minimum 60-day jail sentence of anyone convicted of unlawful use of a weapon. It seldom gets it. Judge Cawley said his typical penalty is $100 and to confiscate the gun.

"This court is like Traffic Court," he said. "I don't consider most of these people criminals and would never give them 60 days. About half of the people who are brought here have made some effort to comply with gun laws."

As Judge Cawley, a trap shooter, sees it, the only real issue in the gun controversy is the sale and manufacture of handguns. "Everything else skirts that," he said. "After sitting here and seeing the confusion on guns and how they are handled I am coming to the view of outlawing the manufacture of handguns."

TELLS TALE OF YOUTH

While some courts have a propensity to treat gun offenders lightly, the policeman considers the carrying of a gun deadly serious business.

A Chicago policeman, David Ferguson, tells the story of a 16-year-old gang member who pulled a .38 cal. revolver on him. The youth was charged and when they went to court, he got supervision.

"I told his father on the steps of the courthouse that he better watch his kid," Ferguson recalled. "I told him that the kid likes guns and one of these days he's going to kill or get killed. The kid sneered at me."

Three months later, the youth was killed during an attempted armed robbery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY (at the request of Mr. O'NEILL), for today and July 27, on account of family illness.

Mr. ASPINALL, from 4 p.m. Thursday, July 27, 1972, until noon Monday, July 31, 1972, 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. WHITEHURST) to revise and extend their remarks and include extraneous matter:)

Mr. BELL, for 10 minutes, today.

Mr. DON H. CLAUSEN, for 10 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. SANDMAN, for 30 minutes, today.

Mr. KEATING, for 15 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous matter:)

Mr. YATRON, for 10 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 30 minutes, today.

Mr. METCALFE, for 5 minutes, today.

Mr. PEPPER, for 10 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. MILLS of Arkansas, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON in three instances and to include extraneous matter and tables.

Mrs. HICKS of Massachusetts.

Mr. SISK.

Mr. BURKE of Massachusetts.

Mr. UDALL, during general debate on the bill H.R. 11128, and to include extraneous matter.

Mr. SAYLOR, notwithstanding it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $340.

Mr. PICKLE, and to include extraneous matter with his special order today, notwithstanding the fact that it exceeds 4½ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $765.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. PEYSER in five instances.

Mr. WIDNALL in two instances.

Mr. LANDGREBE in five instances.

Mr. HASTINGS.

Mr. CHAMBERLAIN.

Mr. SAYLOR.

Mr. SHOUP.

Mr. WYMAN in two instances.

Mr. BOB WILSON.

Mr. DERWINSKI in two instances.

Mr. GERALD R. FORD.

Mr. SPRINGER.

Mr. SEBELIUS.

Mr. CONTE.

Mr. WINN.

Mr. KEMP.

Mr. CONOVER in three instances.

Mr. FISH.

Mr. CONABLE.

Mr. J. WILLIAM STANTON.

Mr. PELLY in five instances.

Mr. SMITH of New York.

Mr. VEYSEY.

Mr. HUNT.

Mr. ESCH.

Mr. JOHNSON of Pennsylvania.

Mr. HANSEN of Idaho.

Mr. HAMMERSCHMIDT.

Mr. TERRY.

Mr. PRICE of Texas.

Mr. BURKE of Florida.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. THOMPSON of New Jersey.

Mr. CASEY of Texas.

Mr. ANNUNZIO.

Mr. CARNEY in two instances.

Mr. DOW in two instances.

Mr. ROGERS in five instances.

Mr. FOUNTAIN in two instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. HUNGATE in three instances.

Mr. STOKES.

Mr. ASHLEY.

Mr. BIAGGI in five instances.

Mr. WOLFF in two instances.

Mr. HARRINGTON in two instances.

Mr. MCKAY in two instances.

Mr. MIKVA in 10 instances.

Mr. MINISH.

Mr. UDALL in 10 instances.

Mr. RODINO.

Mr. FASCELL in two instances.

Mr. BYRNE of Pennsylvania.

Mr. PATTEN.

Mr. KYROS.

Mr. PEPPER in five instances.

Mr. STAGGERS.

Mr. FLYNT.

Mr. HANNA.

Mr. LEGGETT.

Mr. DELANEY.

Mr. VANIK.

Mr. BURTON.

Mr. TIERNAN.

Mrs. HICKS of Massachusetts.

Mr. WALDIE in two instances.

Mr. ROONEY of Pennsylvania in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 5. An act to promote the public welfare; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

H.R. 15950. An act to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; and

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons in the service academies; and

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Thursday, July 27, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2195. Under clause 2 of rule XXIV, a letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10295. A bill to establish a Commission Security and Safety of Cargo; with amendment (Rept. No. 92–1245). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1943. An act to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; with amendment (Rept. No. 92–1249). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on H.R. 12350 (Rept. No. 92–1246). Ordered to be printed.

Mrs. HANSEN of Washington: Committee of conference. Conference report on H.R. 15418 (Rept. No. 92–1250). Ordered to be printed.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1057. Resolution waving points of order against the conference report on H.R. 12931, a bill to provide for improving the economy and living conditions in rural America (Rept. No. 92–1247). Referred to the House Calendar.

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. FLOWERS: Committee on the Judiciary. H.R. 14173. A bill for the relief of Walter Eduard Koenig (Rept. No. 92–1248). 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 Mr. MORGAN:

H.R. 16029. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. ABZUG (for herself, Mr. DELLUMS, Mr. GALLAGHER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. MIKVA, Mr. MITCHELL, Mr. NIX, and Mr. RANGEL):

H.R. 16030. A bill to amend title II of the Social Security Act to provide that an individual who resides with and maintains a household for another person or persons (while such person or any of such persons is employed or self-employed) shall be considered as performing covered services in maintaining such household and shall be credited accordingly for benefit purposes; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. ASPIN, Mr. DELLUMS, Mr. GALLAGHER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. MIKVA, Mr. MITCHELL, Mr. NIX, and Mr. RANGEL):

H.R. 16031. A bill to amend title II of the Social Security Act to provide that full old-age, wife's, and husband's insurance benefits (and medicare benefits) shall be payable at age 60 (with such benefits being payable in reduced amounts at age 55), to provide that full widow's, widower's, and parent's insurance benefits shall be payable without regard to age, and for other purposes; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. DELLUMS, Mr. GALLAGHER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. MIKVA, Mr. MITCHELL, Mr. NIX, and Mr. RANGEL):

H.R. 16032. A bill to amend title II of the Social Security Act to increase to $9,000 a year the amount of outside earnings permitted without deduction from benefits thereunder, and to provide that deductions from benefits on account of outside earnings in excess of that amount shall not exceed one-half of such excess; to the Committee on Ways and Means.

H.R. 16033. A bill to amend title II of the Social Security Act to eliminate the "family maximum" provisions which presently limit the total amount of benefits that may be paid on an individual's wage record; to the Committee on Ways and Means.

H.R. 16034. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

H.R. 16035. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so that such benefits will be payable on the same basis as benefits for wives and widows; to the Committee on Ways and Means.

H.R. 16036. A bill to amend title II of the Social Security Act to provide benefits for widowed fathers with minor children, on the same basis as is presently provided for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 16037. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 16038. A bill to amend title II of the Social Security Act to eliminate the duration-of-marriage and other special requirements which are presently applicable in determining whether a person is the spouse or former spouse of an insured individual for benefit purposes; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 16039. A bill to authorize the Attorney General to make grants to law enforcement officers and firemen in reimbursement for costs incurred by such officers in certain civil and criminal legal actions arising out of or incident to the performance of the duties of their offices or employment; to the Committee on the Judiciary.

By Mr. BLATNIK (for himself, Mr. JONES of Alabama, Mr. CLEVELAND, Mr. KLUCZYNSKI, Mr. DON H. CLAUSEN, Mr. WRIGHT, Mr. MILLER of Ohio, Mr. GRAY, Mr. TERRY, Mr. CLARK, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. COLLINS of Illinois, Mr. RONCALIO, Mr. BEGICH, Mr. MCCORMACK, Mr. RANGEL, Mr. JAMES V. STANTON, and Mrs. ABZUG):

H.R. 16040. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

By Mr. BLATNIK (for himself and Mr. MCFALL):

H.R. 16041. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. GROVER, Mr. CLEVELAND, Mr. DON H. CLAUSEN, Mr. SCHWENGEL, Mr. SNYDER, Mr. ZION, Mr. HAMMERSCHMIDT, Mr. MILLER of Ohio, Mr. TERRY, Mr. THONE, and Mr. BAKER):

H.R. 16042. A bill to amend the Public Works and Economic Development Act of 1965, to add disaster assistance, and for other purposes; to the Committee on Public Works.

By Mr. COLLINS of Texas:

H.R. 16043. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business

corporations; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 16044. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.R. 16045. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16046. A bill to amend the Railroad Retirement Act of 1937 to simplify administration of the act; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 16047. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

H.R. 16048. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself, Mr. HALPERN, Mr. BIESTER, Mr. EDWARDS of California, Mr. BELL, Mr. HAMILTON, Mr. DRINAN, Mr. ESCH, Mr. ROBISON of New York, Mrs. ABZUG, Mr. MITCHELL, Mr. HEINZ, Mr. REES, Mr. ROSENTHAL, Mr. ASPIN, and Mr. FRASER):

H.R. 16049. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. MINISH:

H.R. 16050. A bill to provide additional relief to the victims of hurricane and tropical storm Agnes, and to the victims of the South Dakota flood disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHRIVER:

H.R. 16051. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any disabled individual who has at least two quarters of coverage; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 16052. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

H.R. 16053. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. FLOOD, and Mr. FRENZEL):

H.R. 16054. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Committee on Joint Commission on Atomic Energy.

By Mr. YATRON:

H.R. 16055. A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons-detecting devices of all passengers in regularly scheduled air transportation; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.R. 16056. A bill to amend the Judicial Code to provide for the transfer of grand jury proceedings where the convenience of parties or witnesses and the interests of justice so require; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BEVILL, Mr. ICHORD, Mr. BUCHANAN, Mr. ANDERSON of Tennessee, Mr. NICHOLS, Mr. KUYKENDALL, Mr. STUCKEY, Mr. RANDALL, Mr. WHITTEN, Mr. MATHIS of Georgia, and Mr. BLANTON):

H.R. 16057. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System and the Highway Revenue Act of 1956 by extending the duration of the Highway Trust Fund for the construction of certain highways, and for other purposes; to the Committee on Public Works.

By Mr. BELL (for himself, Mr. GOLDWATER and Mr. REES):

H.R. 16058. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to create the Bicentennial film program; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 16059. A bill to amend the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BRASCO:

H.R. 16060. A bill to amend title 5, United States Code, with respect to certain employees engaged in hazardous occupations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CAMP (for himself, Mr. BELCHER, Mr. EDMONDSON, Mr. JARMAN, and Mr. STEED):

H.R. 16061. A bill to authorize the Secretary of Transportation to make loans and loan guarantees to assist railroads in rural areas; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 16062. A bill to provide free postage for parcels mailed to disaster areas; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. REUSS, Mr. RAILSBACK, Mr. STEIGER of Wisconsin, Mr. VAN DEERLIN, Mr. GUDE, Mr. BOLLING, Mr. BINGHAM, Mrs. GRASSO, Mr. HARRINGTON, Mr. FASCELL, Mr. ABOUREZK, Mr. KOCH, and Mr. ANDERSON of Illinois):

H.R. 16063. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. GREEN of Pennsylvania:

H.R. 16064. A bill to amend title 42, section 246, subsection (b)(2)(A) of the United States Code; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 16065. A bill to amend title 23 of the United States Code to authorize the construction of separate bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. LENT:

H.R. 16066. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI (for himself, Mr. ANNUNZIO, Mr. COLLINS of Illinois, Mr. KLUCZYNSKI, Mr. METCALFE, Mr. MURPHY of Illinois, and Mr. PUCINSKI):

H.R. 16067. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 16068. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H. Con. Res. 650. Concurrent resolution requesting the President to proclaim the first Sunday in June of each year as "National Church School Day"; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Con. Res. 651. Concurrent resolution requesting the President to proclaim the 24th day in October of each year as "United Nations Day"; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

412. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to reconfirmation of Federal judges at 8-year intervals; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H. Res. 1058. Resolution congratulating the Order of the American Hellenic Educational Progressive Association on its 50th anniversary and commending the order on its many contributions to strengthening American democracy; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H. Res. 1059. Resolution congratulating the Order of the American Hellenic Educational Progressive Association on its 50th anniversary and commending the Order on its many contributions to strengthening American democracy; to the Committee on the Judiciary.

By Mr. KYROS:

H. Res. 1060. Resolution congratulating the Order of the American Hellenic Educational Progressive Association on its 50th anniversary and commending the Order on its many contributions to strengthening American democracy; to the Committee on the Judiciary.

By Mr. YATRON:

H. Res. 1061. Resolution congratulating the Order of the American Hellenic Educational Progressive Association on its 50th anniversary and commending the Order on its many contributions to strengthening American democracy; to the Committee on the Judiciary.

By Mr. SARBANES:

H. Res. 1062. Resolution congratulating the Order of the American Hellenic Educational Progressive Association on its 50th anniversary and commending the Order on its many contributions to strengthening American democracy; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

263. The SPEAKER presented petition of "D C" Dockery, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.