

ORDER FOR TIME LIMITATION ON S. 750, S. 33, H.R. 15883, AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, having cleared the following requests with the distinguished Senator from Arkansas (Mr. McCLELLAN) and the distinguished Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that there be a time limitation of 1 hour on each of the following bills at such time as they are called up and made the pending business before the Senate: S. 750, S. 33, H.R. 15883, and H.R. 8389.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to each of the bills I have just enumerated, there be a time limitation on any amendment in the first degree of 30 minutes, to be equally divided between the mover of such and the manager of the bill; that there be a time limitation on any amendment in the second degree, debatable motion, or appeal, of 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the agreement just entered into with respect to time on S. 750 be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. There is already a time limitation on that bill to become effective at such time as it is called up.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ADVISORY COMMITTEE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4383.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 4383) to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HOLLINGS) appointed Mr. MUSKIE, Mr. HUMPHREY, Mr. CHILES, Mr. METCALF, Mr. PERCY, Mr. ROTH, and Mr. BROCK conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:15 a.m., following a recess. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Virginia (Mr. SPONG) will be recognized for not to exceed 15 minutes, after which the distinguished junior Senator from Indiana (Mr. BAYH) will be recognized for not to exceed 15 minutes, after which the distinguished junior Senator from Oklahoma (Mr. BELLMON) will be recognized for not to exceed 15 minutes.

At no later than the hour of 9 o'clock a.m. the Senate will resume consideration of Senate Joint Resolution 241, the Interim Agreement on Offensive Missiles. In accordance with rule XXII, a cloture motion having been presented on yesterday, and in accordance with the order entered earlier, the 1 hour of debate under the rule will begin running at 9 a.m., and at 10 a.m. the Chair will ask the clerk to proceed with the establishment of a quorum.

Upon the establishment of a quorum, about 10:15 a.m. or 10:20 a.m., the clerk will call the roll on the motion to invoke cloture. That will be a yea-and-nay vote as required by the rule.

If cloture is not invoked the Senate will continue tomorrow with the debate on Senate Joint Resolution 241 and amendments thereto, if such are called up.

If a hiatus is reached, it being the desire of the Chair to put the question, I assume that the majority leader would propose that the Senate go to other business during the day tomorrow, for example, perhaps, the land use bill. In view of the fact that another cloture motion is waiting in the wings, it would then be voted on the following day, Friday. However, if cloture is invoked tomorrow, rule XXII will be applied fairly strictly, and the unfinished business will remain the unfinished business to the exclusion of all other business until it is disposed of. That would mean there would be several yea-and-nay votes on amendments tomorrow, I would suspect, and there is a fairly good chance that Senate Joint Resolution 241 would be disposed of tomorrow. If it is not disposed of in that event tomorrow, then it would spill over into Friday, and votes on amendments thereto would continue.

The cloture rule is like a bear trap, and once it is invoked, its claws never let up. Each Senator is, of course, restricted to 1 hour in all on the unfinished business, amendments or motions affecting the same.

So there will be yea-and-nay votes tomorrow in any event. There will be yea-and-nay votes Friday in any event.

Mr. President, I would almost bet my shirt that there will be a session this Saturday, and if there is a session, there will be yea-and-nay votes Saturday. All Senators will be notified in ample time, however, if there is a change in the wager I have just made.

RECESS UNTIL 8:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess until 8:15 a.m. tomorrow.

The motion was agreed; and at 6:31 p.m. the Senate recessed until tomorrow, Thursday, September 14, 1972, at 8:15 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, September 13, 1972

The House met at 12 o'clock noon.

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

He looked for a city which hath foundations, whose builder and maker is God.—Hebrews 11: 10.

Almighty God, our Father, from whom comes all good gifts and whose mercy attends us all our days, move within the hearts of these representatives of our people that they may realize anew the strength of Thy spirit and the life of Thy love. In all the duties of this day keep

them ever mindful of Thy presence, eager to serve our country and ready to be of help to our fellow men.

Bless this Nation we love with all our hearts. Save her from violence and discord, from pride and prejudice, and from every evil way. Mold her citizens into a people united in purpose, seeking the good of all, and making righteousness and good will realities in our time.

To our President, our Speaker, our Members of Congress grant the spirit of wisdom that they may lead our country in the paths of peace, along the lanes of

liberty to that kingdom which has foundations whose builder and maker Thou art.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 4383. An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

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. 3822. An act authorizing the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State highway commission of the State of Iowa.

The message also announced that the Vice President, pursuant to Public Law 90-206, appointed Mr. Joseph Meglen, of Montana, and Mr. Bernard G. Segal, of Pennsylvania, as members of the Commission on Executive, Legislative, and Judicial Salaries.

THE LATE HONORABLE
ROBERT RAMSPECK

The SPEAKER. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I appreciate your giving me the opportunity to address the House on a matter of very profound regret which has come to my attention, and this involves the death of the Honorable Robert Ramspeck, one of Georgia's great Congressmen, on September 10 of this year.

Most of us in the House, including the Speaker and myself, arrived after the time of the service of Mr. Ramspeck, but nonetheless it was my great privilege to have known him. Shortly after I arrived here in Washington, I called his home, since Mr. Ramspeck was born in Decatur, Ga., which is the principal city in my district. When he served in Congress, his district included the area which I now represent.

I feel in a very real sense that Mr. Ramspeck was my predecessor in the Congress. He did me the great honor and the great courtesy to come by my office and visit with me. His gentlemanly instincts and his great courtesy were most impressive at the time and even though he and I were of different political parties, I found that we were of like mind in our desire to be of service to our country and to our areas.

Mr. Speaker, Robert Ramspeck devoted a long and faithful life to the service of his country and to his beloved State of Georgia. He was a gentleman in the true sense of the term and was a

tremendous asset to the U.S. Congress during his long tenure in the House of Representatives which extended from October 2, 1929, to December 31, 1945.

He served as Democratic whip of the House from 1942 to 1945. Mr. Ramspeck was well known as the guardian of civil service employees and served as chairman of the House Civil Service Committee for 10 years. Legislative employees will remember him for the "Ramspeck Act." In 1951, President Truman named him to head the Civil Service Commission, which he served until 1952.

The Georgia State Society prospered under his outstanding leadership as president in 1934 and 1935. He is also well remembered for his active participation in the founding of the Washington Heart Association in which he held a number of official positions.

Following his resignation from Congress in 1945, he became president of the Air Transport Association. In January of 1953, he became a vice president of Eastern Airlines, a position he served in until January of 1961.

Mr. Speaker, I want to also extend my condolences to his two daughters and want them to know that I share their sorrow while at the same time express my gratitude that a man such as Robert Ramspeck was with us for many years. Robert Ramspeck was fortunate in that he was given a long span of years for an active existence and he exceeded that of many of his colleagues in the House of Representatives. Many of them are still alive today and I know the number of eulogies would be far greater and the depths of sincerity would be expressed by everyone having the honor of serving with him if they were still with us. His reputation as an outstanding citizen won him a fond place in the hearts of all Americans.

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

Mr. BLACKBURN. I yield to my colleague, the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, I want to express my gratitude to the distinguished gentleman from the Fourth Congressional District of Georgia for bringing this to the attention of the House.

Bob Ramspeck was a great Georgian and a great American. I suspect that people who devote their lives to working in government, career civil servants, have had no better friend than Bob Ramspeck.

Bob was knowledgeable, he was articulate, he was loyal, he was fair, he was courteous and he was one of the most delightful gentlemen it has ever been my pleasure to know.

He lived a long and very useful life. Those of us who survive him express our gratitude for the many constructive accomplishments in the Federal Government that Bob Ramspeck helped to achieve. We join his family and his friends in expressing our gratitude to them for helping him in this service and we express our sorrow at his passing.

Mr. BLACKBURN. I thank the gentleman from Georgia for his comments.

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

Mr. BLACKBURN. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, although I was never privileged to serve in the House of Representatives during the many years that Bob Ramspeck served here so effectively, I did have an opportunity even as a newcomer to the Congress to have an exposure to his talents, his integrity, and his desire to serve the people of this country at the highest level and most exceptionally.

I join the two gentlemen from Georgia in extending to his family our deepest condolences.

Mr. BLACKBURN. I thank the minority leader for his comments.

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

Mr. BLACKBURN. I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I too would like to join in the expression of my sorrow at the announcement made by my colleague (Mr. BLACKBURN) of the death of a great American, a former Member of this House, the Honorable Robert Ramspeck. It was my privilege to know Mr. Ramspeck since I was a small boy. He and my father were good friends. They served together in the General Assembly in Georgia in 1927.

Mr. Speaker, Bob Ramspeck had a distinguished career of public service, including his 16 years as a Member of this House. At the time of his voluntary withdrawal from the House of Representatives he was Democratic whip. He was effective as a part of the leadership of the House, as he was effective as a Representative of his district and our State. He left the House to become president of the Air Transport Association. Subsequently Mr. Speaker, he became Chairman of the Civil Service Commission in which he was, as he had previously been while a Member of this House and chairman of the Committee on Civil Service, a recognized authority on civil service.

Bob Ramspeck was an outstanding Member of this body. He was an outstanding Georgian and a great American. He was my good friend.

Mr. Ramspeck's devoted and charming wife predeceased him several years ago. They were a devoted couple and they were the parents of two lovely daughters. To the daughters of Mr. Ramspeck, Mrs. Thomas Webb, Jr., and Mrs. Jarrell Judson, Jr., Patty and I extend our condolences and our heartfelt sympathy.

Mr. BLACKBURN. Mr. Speaker, I appreciate those words from my colleague.

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

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

Mr. HEBERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Bob Ramspeck was a highly respected Member of this Congress when I came to this body 32 years ago. As a young freshman Member of the Congress I came to know Bob Ramspeck very well. I admired the man as a great American and a great patriot. I served under him when he was the Democratic whip. I join in all of the eulogies that have been made with respect to Bob Ramspeck. For me to say the same things

would only be repetition, but I can say that Bob Ramspeck deserves the greatest respect from those of us from Louisiana. Incidentally, he died in Louisiana. We shall never see a man whose stature exceeds that of Mr. Ramspeck in this body. I extend my deepest sympathy to the Ramspeck family.

Mr. BLACKBURN. I appreciate the gentleman's expressions.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Speaker, when we leave this world, we take with us none of our worldly possessions, but we leave behind everything, including our reputation, our deeds, and thoughts of others. I wish I could say that I knew Robert Ramspeck. I feel as though I do. He was a friend of my father's.

He is, I would say, the first Congressman that I as a boy remember anyone talking about to any great degree. Since I have been in Congress, among the many acquaintances that I have acquired I have found a universal respect for Robert Ramspeck. This is true of all people, high and low. I dare say that this is a true measure of a man, a man who was greatly respected by all those with whom he came in contact, a man who has left his mark in this world, a man who worked for the benefit of the people of the State of Georgia and for this Nation.

I should like to extend my sympathy to his family.

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

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

Mr. FISHER. Mr. Speaker, I, too, knew Robert Ramspeck and served with him for quite a number of years in this body.

I think it is fair to say that he was one of the most able, one of the most respected, and one of the most honorable men who served here in the last two or three decades. He was a man of unusual knowledge, alertness, and he was assistant floor leader for quite a period of time. He was one of the real experts on Capitol Hill on matters pertaining to civil service and all aspects of it.

He was a friend of mine; he was a friend of practically all who knew him. We just do not find more likeable, more respectable people, more honorable people, than the late and lamented Robert Ramspeck.

I extend to his survivors my deepest sympathy in their bereavement.

Mr. BLACKBURN. I thank the gentleman for those words.

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

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

Mr. ARENDS. Mr. Speaker, when I came to Congress, one of the first and finest gentlemen I was ever privileged to meet was Bob Ramspeck, then a Representative from Georgia. Over the years in his service here we developed a warm and close friendship which I shall never forget. All of the very fine statements that have been made here today about Bob Ramspeck are richly deserved. He

was one who I would refer to as a genuine person, an individual whom I was very proud to call my friend. He was an outstanding legislator, and one whom I had the pleasure of associating myself with in many of his legislative efforts, because most of the time—almost all of the time—we were aware that Bob Ramspeck was thinking of what was good for the country and what was the best thing to do for all.

He was a deliberate, conscientious, sincere, and dedicated public servant. He indeed served his country ably and well.

I, too, extend to his wonderful family my most sincere and deep sympathy in this their time of grief.

Mr. BLACKBURN. I thank the gentleman.

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

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

Mr. BRINKLEY. Mr. Speaker, at the last meeting of the Georgia State Society, one of our most esteemed members, Mrs. Leone Buchholz, took me by the arm and led me over to where Bob Ramspeck was standing. We had a conversation, Bob and I, and impressed upon me was the fact that he was a true friend of the Georgia State Society and of its members. His long suit was his interest in other people, his contribution to civil service, and to his fellow man.

I certainly should like to express today the gratitude which I feel for the example of his life, and the sympathy which I feel for his family.

On behalf of my wife, Lois, and myself, I wish to offer sincere condolences to the family of Mr. Ramspeck.

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

Mr. BLACKBURN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I thank the gentleman for yielding.

Mr. Speaker, during my early service here I had the privilege of serving with Bob Ramspeck, whom I regard as one of the most able men who ever came to this body. For a long number of years Bob was the able and popular chairman of the Civil Service Committee. I had the pleasure of serving under him as a member of the committee. He was an unusually fair chairman, never cutting any one off and according all who appeared a full opportunity to be heard.

His general service as a member of this body was something extraordinary. Always knowledgeable and well informed of matters pending before the House, he wielded great influence over the Members. They respected his judgment and appreciated his fairness. He was my personal friend. In fact, he was the friend of many. His passing is a great loss to all of us and to the country. His family has my deepest sympathy.

Mr. BLACKBURN. I appreciate the gentleman's remarks.

Mr. STUCKEY. Mr. Speaker, on Sunday, September 10, I was saddened by the news of the death of former Representative Robert Ramspeck. I am sure that all of us who knew him and the things that he stood for share my grief. Representative Ramspeck provided the former Fifth District of Georgia with capable and

dedicated service from 1929 to 1945. During his career, Representative Ramspeck served as chairman of the House Civil Service Committee, vice president of the Air Transport Association of America, and was appointed by President Truman to head the Civil Service Commission.

A native of Decatur, Ga., his achievements and devotion to the people he represented are an inspiration—and an example—to all of us who are charged with the enormous responsibility of representing the citizens of this Nation here in Washington.

This is an age when events flow rapidly, history is made and is soon forgotten. We are concerned only with the present, and yesterday is the past. Let us pause to remember Representative Ramspeck, for this great Nation has lost a son, and we have all lost something that is most difficult to replace, a dedicated loyal brother whose love of country was supreme.

Mr. COLMER. Mr. Speaker, I would like to associate myself with the many tributes to our beloved former colleague, the Honorable Robert Ramspeck. This distinguished son of Georgia served his district, State, and the Nation well for over 40 years.

In preparation for the outstanding contribution he made as chairman of the House Civil Service Committee, and later as Chairman of the U.S. Civil Service Commission, Bob Ramspeck worked as a congressional secretary, a publisher, and a State legislator.

It has not been many months ago that Bob came back to join us on the House floor for the annual "Alumni Day." As his many friends would have expected, he was sharp and looked good as usual.

I served with this outstanding Georgian for over a decade and, like his other colleagues, I learned to respect and admire this mild-mannered, learned, effective legislator from the Fifth District of Georgia.

In closing, Mr. Speaker, I want to send my best wishes to his surviving children and grandchildren and share in their pride for the life of this great public servant.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD regarding the passing of this much-loved and much-respected former Member.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 976, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, with a House amendment thereto, insist on the House amendment,

and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, SPRINGER, and BROYHILL of North Carolina.

APPOINTMENT OF CONFEREES ON S. 3755, AMENDING AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970 AND FEDERAL AVIATION ACT OF 1958

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, HARVEY, and KUYKENDALL.

APPOINTMENT OF CONFEREES ON H.R. 4383, FEDERAL ADVISORY COMMITTEE ACT

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4383) to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HOLIFIELD, MONAGAN, FASCELL, STEIGER of Arizona, and BROWN of Michigan.

TALKS BETWEEN REPRESENTATIVES OF NORTH KOREA AND SOUTH KOREA

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

Mr. HANNA. Mr. Speaker, I should like to salute the success of the talks that have just been concluded between the Red Cross representatives for North Korea and South Korea.

While all of us in the Congress have for a long time held a very strong appreciation for that great little ally, South Korea, many have looked with some trepidation and concern at the discussions which have gone on between these two entities.

However, I should like to point out that one of the great things which has

come out of these talks is the unleashing of great good will and feelings between the Korean people on both sides of the DMZ. Those of us in Government sometimes get very involved in the forms and expressions of Government and forget that we are about the people's business. What is happening reminds us that the people are still very important. There is a strong bond on that peninsula called Korea between the people of North and South Korea, to transcend differences that have come up between the governments of the two places, and that bond is giving great expression to bring together a people who have been together over 2,000 years.

We must never fail to take note of genuine expressions of deeply held feelings by the citizenry of any country. Such an outpouring of emotion was evident in Seoul yesterday. A delegation from North Korea crossed the DMZ and proceeded to Seoul. On their way the crowds of South Korean people grew from handfuls in the villages to an enthusiastic throng in the streets of the South Korean capital. The emotional display of the South Koreans should not be misinterpreted. They override the political differences between north and south and are a genuine expression of commonality of culture and of family ties that yearn for reunification.

It is imperative that the United States acknowledge the legitimacy of the deep-seated cultural forces crying for reunification. There are political barriers to reunification, true enough, but let us be cautious that we are not the source of those barriers. We must not let our feet get stuck in the cement of a Korean status quo. The demands for reunification by the Korean people are too strong for us to ignore.

A BILL TO PROHIBIT ISSUANCE OF SOCIAL SECURITY NUMBERS TO ILLEGAL ALIENS AND TO PROHIBIT ANY FORM OF WELFARE FOR SUCH ALIENS

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

Mr. FISHER. Mr. Speaker, I have introduced a bill (H.R. 16575) which would amend title II of the Social Security Act to prevent the issuance of social security numbers to aliens who are illegally in the United States, and to prohibit the payment of aid or assistance under approved State public assistance plans, or the provision of assistance in any form under any other Federal or federally aided program, to such aliens.

It is reported the Secretary of Health, Education, and Welfare has under consideration a proposal to make welfare benefits for illegal aliens mandatory. My bill would express the will of Congress that such expenditures will not be tolerated. It is reported the Secretary is troubled by court decisions on this general subject.

As I see it, social security numbers should never be issued to people unlawfully in this country, and my bill would put a stop to that practice.

Mr. Speaker, since the bracero contract labor program with Mexico was abandoned several years ago there has been a steady acceleration of aliens crossing the Rio Grande contrary to the law. When the contract bracero program went out the no-contract wetback program came in. This influx of immigrants has created serious problems in the southwest. A way must be found to stop this inflow, and I believe the bill I have introduced will, if enacted, be useful in that respect. At least it would remove some incentives now enjoyed by illegal aliens.

1971 ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-354)

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

To the Congress of the United States:

I herewith transmit the 1971 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10 of Public Law 83-358 and covers the period January 1, 1971 through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, September 13, 1972.

TRAFFIC ACCIDENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-355)

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

To the Congress of the United States:

This Administration has serious and growing concerns about the tragic number of traffic accidents that each year exact a heavy toll in human life and suffering and economic loss in our society.

Nearly half of the 115,000 annual accidental deaths in America are due to transportation accidents, and regrettably most of the transportation accidents occur on our streets and highways.

To these 55,000 annual traffic deaths must be added the nearly four million injured each year in traffic accidents. Many of the injured suffer permanent disabilities.

The traffic death and injury toll is alarming enough. But when we add to this the \$46-billion annual drain on our economy from lost wages, medical expenses, legal fees, insurance payments, home and family care, and other expenses, we realize that we must do more to cut our human and economic losses.

The Federal Government is providing

leadership and some financial assistance to reduce the losses. And much has been done by States, communities, industry and private organizations. But we must all resolve to do even more to cut this tragic waste of human life and economic drain.

The Reports of the National Highway Traffic Safety Administration transmitted with this letter have been prepared in accordance with the Highway Safety Act of 1966, as amended, and with the National Traffic and Motor Vehicle Safety Act of 1966, as amended. They describe basic causes and effects of this problem and efforts of Federal, State and local governments to alleviate it.

Much progress has been made in recent years. For example, the rate of death per 100 million vehicle miles driven has declined from 5.5 in 1967 to 4.7 in 1971. This is an annual decrease of 3.85 percent and a five-year decrease of 14.55 percent. Had the old rate continued, 65,000 persons would have died in traffic accidents in 1971, 10,000 more than the actual number. We can also take some comfort that traffic deaths have decreased in spite of the fact that we now have more cars, more drivers, more cyclists and more pedestrians on our roads.

But progress is no cause for complacency. We must work even harder to make our highways and cars safer, to educate drivers and pedestrians and to clear our roads of drunken drivers, who are the cause of approximately half the traffic deaths each year.

The three volumes of these reports taken together map our progress in this important area, and I hope they will be read closely by Members of the Congress. Your continued support will be required to back up our national commitment to make our highways and vehicles safer for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, September 13, 1972.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 15495, MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1115

Resolved, That immediately upon the adoption of this resolution, clause 2, rule XXVIII to the contrary notwithstanding, it shall be in order to consider the conference report on the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against sections 605 and 608 of said conference report are hereby waived.

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

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes for the minority to the very able and distinguished gentleman from Nebraska (Mr. MARTIN). Pending the use of that time, I yield myself such time as I may consume.

Mr. Speaker, I shall be very brief in the presentation of this resolution.

This is a rule making in order the consideration of the conference report and waiving points of order in three instances: One, the 3-day rule; and two instances where nongermane amendments have been added by the other body. Mr. Speaker, this bill as agreed upon in the conference report comes to a total of some \$20½ billion, roughly. That is a lot of money. But, we are living in a time and an era when we have to have protection for our Government and our country and our institutions.

Mr. Speaker, I want to congratulate the able and distinguished chairman of the Armed Services Committee of the House, Mr. HÉBERT; the gentleman from Illinois, the majority ranking member, Mr. ARENDT, and other members of this valuable committee for the work that they have done.

Mr. Speaker, I wish to thank them particularly and to congratulate them for all the work they have done in eliminating this so-called end-the-war provision. I hope this is finally the end of this attaching of riders and other kinds of recommendations and fine sounding sentiments about ending the war. I think everybody is trying to end the war; those in authority, and if we could just have a cessation of these attacks upon what is trying to be done, I think we could get the war over with sooner.

In that connection, if we could also keep some of our visiting people, who are so welcome in Hanoi, at home, it would be helpful.

I should also like to extend my congratulations to the committee for the work that they have done in eliminating seven of the nine nongermane amendments that were put in by the other body.

Mr. Speaker, in that connection, as a few of my colleagues here may be aware, that is one thing some of us have been trying for years to do something about. Personally, I have been a Member of this body for a long time, and I have been trying for more than a quarter of a century to do something about stopping the other body from putting extraneous and unrelated and nongermane amendments upon House-passed bills that come back here, and the House has no opportunity to consider them. I hope that within the next few days we will be able to bring to you a resolution that would do something about that.

I do not have to remind this House that we have seen the sorry legislative spectacle of a private bill, not on one occasion, but on many occasions, or some other comparatively minor bill, passing this House and then having some major piece of legislation added to it that is completely unrelated as well as nongermane, coming back over here, and then we have to take it or kill the conference report.

So we hope, as I say, that is, the Committee on Rules, to bring in a resolution

in the next few days that would stop that procedure. The very fact that we have been working on that is illustrated in the fact that the House conferees were able to get seven of these nongermane amendments out of this particular bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, as the gentleman from Mississippi has explained, House Resolution 1115 provides for waiving points of order in three instances. First, in regard to the 3-day rule on conference reports. The conferees completed their action last Friday. The conference report was filed on Monday. As a consequence it could not be brought up for consideration today unless the 3-day rule was waived.

The other two points of order were waived on sections 605 and 608.

In connection with section 605 this is relating to the continuation of submarine pay to operational command staffs. The House had unanimously passed this legislation in identical form on November 1, 1969, as H.R. 82 of the 91st Congress. Unfortunately, the Senate failed to act on the legislative proposal, and it died with the termination of the 91st Congress.

Briefly stated, at the present time the law requires that the staff personnel must accumulate 48 hours of underway time during each calendar month in order to retain eligibility for submarine incentive pay.

Under the provisions of this amendment, these personnel would be permitted to "bank" underway time and thus accumulate sufficient underway time so as to preclude the necessity for going to sea every month to retain eligibility for the continuation of this pay.

The second amendment relating to the sale of military equipment to the State of Israel (section 608) on which points of order have been waived, was originally enacted into law as a consequence of action taken in conference by the Armed Services Committee with the other body in 1970. That conference report, filed on September 26, 1970, provided authority for the sale of military equipment to the State of Israel until September 30, 1972—Public Law 91-441.

The action taken by the conference committee would simply extend this authority until December 31, 1973.

As a consequence, Mr. Speaker, you can see that the House has previously taken action on both of these sections on which the Committee on Rules has waived points of order.

Mr. Speaker, I support the rule and urge its adoption.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 347, nays 23, not voting 61, as follows:

[Roll No. 360]

YEAS—347

Abbott	Eckhardt	McClary
Abernethy	Edwards, Ala.	McCloskey
Adams	Eilberg	McClure
Addabbo	Erlenborn	McCollister
Alexander	Eshleman	McCormack
Anderson,	Evans, Colo.	McCulloch
Calif.	Fascell	McDade
Anderson, Ill.	Findley	McFall
Andrews, Ala.	Fish	McKay
Andrews,	Fisher	McKevitt
N. Dak.	Flood	McKinney
Annunzio	Flowers	Madden
Archer	Flynt	Mahon
Arends	Foley	Mailliard
Ashley	Ford, Gerald R.	Mallary
Aspin	Forsythe	Mann
Badillo	Fountain	Martin
Barrett	Fraser	Mathias, Calif.
Begich	Frelinghuysen	Mathis, Ga.
Belcher	Frenzel	Matsunaga
Bennett	Frey	Mayne
Bergland	Fulton	Mazzoli
Betts	Fuqua	Meeds
Blaggi	Garmatz	Melcher
Blester	Gaydos	Metcalfe
Blackburn	Gettys	Michel
Boland	Gialmo	Miller, Ohio
Bolling	Gibbons	Mills, Ark.
Bow	Goldwater	Mills, Md.
Brademas	Gonzalez	Minish
Brasco	Goodling	Mink
Bray	Grasso	Minshall
Brinkley	Gray	Mitchell
Brooks	Green, Oreg.	Mizell
Broomfield	Green, Pa.	Mollohan
Brown, Mich.	Griffin	Monagan
Brown, Ohio	Griffiths	Montgomery
Broyhill, Va.	Grover	Moorhead
Buchanan	Gubser	Morgan
Burke, Fla.	Gude	Mosher
Burke, Mass.	Hagan	Moss
Burleson, Tex.	Haley	Murphy, Ill.
Burlison, Mo.	Halpern	Murphy, N.Y.
Burton	Hamilton	Myers
Byrne, Pa.	Hanley	Natcher
Byrnes, Wis.	Hanna	Nedzi
Byron	Hansen, Idaho	Nichols
Cabell	Harsha	O'Hay
Caffery	Harvey	O'Konski
Carey, N.Y.	Hastings	O'Neill
Carlson	Hays	Patman
Carter	Hébert	Patten
Casey, Tex.	Heckler, Mass.	Pepper
Celler	Heinz	Perkins
Chamberlain	Helstoski	Pettis
Chappell	Henderson	Peyser
Clancy	Hicks, Mass.	Pickle
Clark	Hicks, Wash.	Pike
Clausen,	Hillis	Pirnie
Don H.	Hogan	Poage
Clawson, Del.	Holifield	Podell
Cleveland	Horton	Powell
Collins, Ill.	Hosmer	Preyer, N.C.
Collins, Tex.	Howard	Price, Ill.
Colmer	Hull	Price, Tex.
Conable	Hungate	Pryor, Ark.
Conover	Hunt	Purcell
Conte	Hutchinson	Quie
Corman	Ichord	Quillen
Cotter	Jacobs	Railsback
Coughlin	Jarman	Randall
Crane	Johnson, Calif.	Rarick
Culver	Johnson, Pa.	Reuss
Curlin	Jones, Ala.	Roberts
Daniel, Va.	Jones, N.C.	Robinson, Va.
Daniels, N.J.	Jones, Tenn.	Robison, N.Y.
Danielson	Karth	Rodino
Davis, Ga.	Kazen	Roe
Davis, S.C.	Keating	Rogers
Dellenback	Kee	Roncallo
Denholm	Keith	Rooney, Pa.
Dennis	King	Rostenkowski
Dent	Kluczynski	Roush
Derwinski	Kuykendall	Roy
Devine	Kyl	Roybal
Dickinson	Kyros	Runnels
Diggs	Landrum	Ruppe
Donohue	Latta	Ruth
Dow	Leggett	St Germain
Downing	Lennon	Sandman
Dulski	Lent	Sarbanes
Duncan	Link	Satterfield
du Pont	Long, Md.	
Dwyer	Lujan	

Saylor
Scherle
Scheuer
Schneebeli
Scott
Sebellius
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton
V. J. William
Stanton
James V.
Steed
Steele

Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waggoner
Waldie
Wampler

Ware
Whalen
White
Whitehurst
Whitten
Wildnall
Williams
Wilson
Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyle
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

Mr. Baring with Mr. Wiggins.
Mr. Long of Louisiana with Mr. McMillan.
Mr. DOW changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 14370. An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14370) entitled "An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. 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 Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14370, REVENUE SHARING

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. FRASER. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from Minnesota reserves the right to object.

Mr. FRASER. Mr. Speaker, I reserve the right to object, but I shall not object. I do, however, want to take this opportunity to indicate my grave concern about the impact of the Senate social services amendments.

NAYS—23

Abzug
Ashbrook
Bingham
Clay
Dellums
Drinan
Edwards, Calif.
Gross

Hall
Hammer-
schmidt
Harrington
Hechler, W. Va.
Kastenmeier
Koch
Landgrebe

Nix
Rangel
Rees
Riegle
Rosenthal
Rousset
Seiberling
Steiger, Wis.

NOT VOTING—61

Abourezk
Anderson,
Tenn.
Aspinall
Baker
Baring
Bell
Bevill
Blanton
Blatnik
Boggs
Brotzman
Broyhill, N.C.
Camp
Carney
Cederberg
Chisholm
Collier
Conyers
Davis, Wis.
de la Garza
Delaney
Dingell

Dorn
Dowdy
Edmondson
Esch
Evins, Tenn.
Ford,
William D.
Gallagher
Hansen, Wash.
Hathaway
Hawkins
Jonas
Kemp
Lloyd
Long, La.
McDonald,
Mich.
McEwen
McMillan
Macdonald,
Mass.
Mikva

Miller, Calif.
Nelsen
Passman
Pelly
Pucinski
Reid
Rooney, N.Y.
Ryan
Schmitz
Schwengel
Shriver
Springer
Stokes
Thompson, Ga.
Ullman
Vander Jagt
Whalley
Wiggins
Wilson, Bob

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Cederberg.

Mr. Blatnik with Mr. Nelsen.

Mr. Boggs with Mr. Bob Wilson.

Mr. Bevill with Mr. Baker.

Mr. Macdonald of Massachusetts with Mr. Esch.

Mr. Mikva with Mr. Bell.

Mr. Delaney with Mr. McEwen.

Mr. Dingell with Mr. Brotzman.

Mr. Passman with Mr. Shriver.

Mr. Reid with Mr. Kemp.

Mr. William D. Ford with Mr. Collier.

Mr. Evins of Tennessee with Mr. Lloyd.

Mrs. Chisholm with Mr. Abourezk.

Mr. Dorn with Mr. Broyhill of North Carolina.

Mr. Ullman with Mr. Schwengel.

Mr. Stokes with Mr. Miller of California.

Mr. Conyers with Mr. Pucinski.

Mr. Blanton with Mr. Camp.

Mr. Anderson of Tennessee with Mr. Springer.

Mrs. Hansen of Washington with Mr. Vander Jagt.

Mr. Hawkins with Mr. Gallagher.

Mr. Hathaway with Mr. Davis of Wisconsin.

Mr. Ryan with Mr. Pelly.

Mr. Gallifanakis with Mr. Whalley.

Mr. Carney with Mr. McDonald of Michigan.

Mr. Edmondson with Mr. Jonas.

Mr. de la Garza with Mr. Schmitz.

Mr. Aspinall with Mr. Thompson of Georgia.

All of us, I think, recognize the need for a spending limitation on the social services authorized under the Social Security Act. But the Senate has not merely imposed controls. It has taken a meat ax to the entire program. It has completely abolished aid for the mentally retarded, counseling for drug addicts, homemaking services for the elderly, and other needed social service efforts in thousands of communities throughout the country.

Under the Senate bill, all that remains of social services after this year will be a narrowly defined program of family planning and day care aid for welfare families. The retarded, the elderly, and others with social needs will be left out in the cold.

The Senate action means that most States will lose needed Federal aid and some will lose more than they gain under revenue sharing. In my State, Minnesota, we will receive \$133.5 million from the Senate bill beginning in fiscal 1974 but we will lose as much as \$72 million in social service funds at the same time. The Senate bill means a net revenue gain of \$61 million for us while the House bill, which does not get entangled with the social service issue, will bring us \$114 million.

Even what little social service that remains in the bill, \$600 million in fiscal year 1974, would not be very helpful because of administrative complications. Currently social service programs are operated mainly by State agencies. In some States, like my own, the counties also play an important role. But the Senate bill gives the social services money to all jurisdictions that now qualify for aid under the other provisions of the revenue sharing bill. This means that every eligible village and township will get a few extra dollars to set up programs that should be administered on a more centralized basis.

Mr. Speaker, Senate social services amendments will only succeed in disrupting needed community programs intensifying the financial crisis facing State and local governments. I hope the House conferees will make sure that we are protected from this potentially disastrous Senate action.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I will state to the gentleman from Minnesota that we will certainly bear in mind the gentleman's statement when we go to conference.

Mr. FRASER. Mr. Speaker, at this point I would like to insert in the Record a chart which indicates the cutback in fiscal year 1974 social service funding below the spending level currently projected by the States for fiscal year 1973. This loss will be partially offset by the allocation of \$600 million for family planning and day care.

The chart follows:

Social Service Funding Loss Under Senate Revenue Sharing Bill

[In thousands]

Alabama	\$135,000
Alaska	18,971
Arizona	6,304
Arkansas	8,750

California	273,007
Colorado	30,603
Connecticut	22,912
Delaware	26,361
District of Columbia	20,798
Florida	113,572
Georgia	206,475
Hawaii	2,588
Idaho	24,871
Illinois	211,603
Indiana	20,000
Iowa	13,500
Kansas	7,415
Kentucky	30,024
Louisiana	34,875
Maine	6,665
Maryland	415,721
Massachusetts	95,952
Michigan	108,912
Minnesota	72,375
Mississippi	269,393
Missouri	16,910
Montana	3,270
Nebraska	12,600
Nevada	1,980
New Hampshire	4,857
New Jersey	415,944
New Mexico	32,404
New York	854,850
North Carolina	50,304
North Dakota	3,957
Ohio	90,000
Oklahoma	48,496
Oregon	25,153
Pennsylvania	106,469
Rhode Island	15,800
South Carolina	176,224
South Dakota	2,929
Tennessee	227,625
Texas	179,468
Utah	5,250
Vermont	2,599
Virginia	32,136
Washington	90,571
West Virginia	14,771
Wisconsin	58,500
Wyoming	608
Total	4,590,000

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas. The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. BETTS, SCHNEEBELI, and BROYHILL of Virginia.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. PRICE of Illinois. Mr. Speaker, I call up the conference report on the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 11, 1972.)

Mr. PRICE of Illinois (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed, I ask unanimous consent to dispense with the further reading of the statement of the managers.

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I rise in support of the conference report on H.R. 15495 and urge its approval by the House.

H.R. 15495 is the bill which provides the authorization for annual appropriations for the armed services for the procurement of weapons, R.D.T. & E., and active and reserve personnel strengths for fiscal year 1973.

The bill, with recommended amendments, as presented to the Congress by the Department of Defense included programs totaling \$23,272,971,000;

The bill as passed by the House totaled \$21,318,788,250;

The bill as passed by the Senate totaled \$20,521,671,000;

The bill as agreed to in conference totals \$20,943,847,000; and

The figure arrived at by the conferees is \$2,329,124,000 less than the amount requested by the Department of Defense.

I will not attempt to make a line item review of the action taken by the conferees in resolving the differences between the two Houses. This is adequately taken care of in the conference report and the joint statement of managers which is available to the Members, House Report No. 92-1388, and was presented in the CONGRESSIONAL RECORD of September 11. However, I think it pertinent that I review some of the highlights of the conference committee action.

In respect to the money differences, the following actions were taken:

AV-8A Harrier aircraft: Approved House total of \$133.1 million for the procurement of 30 aircraft for the Marine Corps, rejecting a Senate deletion.

A-7D, F-5B, and C-130 aircraft: Approved House version totaling \$152 million to procure the minimum quantity necessary to keep production lines open, thus avoiding heavy startup costs resulting in a break in production.

C-5A aircraft: Approved the Senate total of \$107.6 million reflecting a reduction of \$100 million on the grounds that this additional amount would not be needed during fiscal year 1973.

Airborne command post: Approved \$155.9 million for procurement and R. & D. for four aircraft recommended by the Senate rather than the six aircraft previously approved by the House.

Safeguard system: Approved a Senate total of \$555.5 million for military procurement and research and development—a reduction of \$245 million from the House approved bill.

In addition, the conferees agreed upon language restricting deployment authority to Grand Forks, N. Dak., only and prohibiting the initiation of work on a site in the vicinity of Washington, D.C., to protect the National Command Authorities.

ATS rescue and salvage ship: Approved \$31 million for one ship rather than two contained in the original House bill.

R.D.T. & E.: Approved \$8,516,547,000 which is \$255,200,000 less than was requested by the Department of Defense.

The House receded from its position of a percentage cut across-the-board and with specific restrictions on the military sciences budget activities of the three services.

The Senate made reductions to specific programs which are identified in the conference report.

The conferees approved the Senate approach making certain adjustments to restore reductions in several programs. These are identified on pages 16, 17, and 18 of the conference report.

SALT-related adjustments: Approved \$60 million of the \$110 million requested by the Department of Defense, rejecting the House approval of \$20 million for the improved reentry vehicles associated with our ballistic missile program; reduced the Navy submarine-launched cruise missile from \$20 to \$10 million; approved \$40 million of the \$60 million requested for the site defense program associated with the protection of Minuteman missiles; and approved the full amount of \$10 million requested for improving our military communications, command, and control capabilities.

LANGUAGE DIFFERENCES

Again this year the House and Senate versions of the bill contained numerous language differences.

The Senate, in acting on H.R. 15495, struck all after the enacting clause and substituted new language in the form of an amendment. This new language reflects both committee action as well as a number of floor amendments, some of which apparently are in conflict with the House rule on germaneness.

Specifically, the Senate amendment included nine provisions which, in my opinion, are in violation of the spirit and intent of clause 3 of rule XX.

Your House conferees attempted to reject every one of these nine provisions pointing out that they constituted a violation of the House rules. The Senate capitulated on seven of these nine provisions, and the House found it necessary to accept two of these provisions in order to insure a successful conclusion of the conference.

The two provisions which are in the conference report and appear to be in conflict with the House Rules on germane amendments are section 605 of the Senate amendment relating to submarine duty pay (section 605 of the conference report). And the second is in section 608, section 608 of the conference report, a provision extending the existing statutory authority for the transfer of military equipment to the State of Israel.

In both instances, the House had pre-

viously acted favorably on the subject matter of these amendments.

In the case of the language relating to the continuation of submarine pay to operational command staffs, section 605, the House had unanimously passed this legislation in identical form on November 3, 1969, as H.R. 82 of the 91st Congress. Unfortunately, the Senate failed to act on the legislative proposal and it died with the termination of the 91st Congress.

Briefly stated, at the present time the law requires that these staff personnel must accumulate 48 hours of underway time during each calendar month in order to retain eligibility for submarine incentive pay.

Under the provisions of this amendment, these personnel would be permitted to "bank" underway time and thus accumulate sufficient underway time so as to preclude the necessity for going to sea every month to retain eligibility for the continuation of this pay.

The second amendment relating to the sale of military equipment to the State of Israel, section 608, was originally enacted into law as a consequence of action taken in conference by this committee with the Senate in 1970. That conference report, filed on September 26, 1970, provided authority for the sale of military equipment to the State of Israel until September 30, 1972, Public Law 91-441. The action taken by the conference committee would simply extend this authority until December 31, 1973.

Mr. Speaker, your conferees met 11 times in attempting to resolve the disagreements with the Senate. The result of these conferences is a very fair and equitable compromise. I urge approval of the conference report.

Mr. ARENDS. Mr. Speaker, the Armed Services Committee brings this conference report back after a very long and difficult—but very successful—conference.

The bill as approved by the conferees totals \$20,943,847,000. This is a reduction of approximately \$2.3 billion below the amount requested by the Department of Defense. However, it should be recognized that some \$973.4 million of the request was submitted too late for consideration and was, in effect, passed over without prejudice by the conference.

As Members of the House know, we are faced annually with the problem of amendments adopted in the Senate, often as floor amendments without any committee study, which are not germane and are, therefore, in violation of the House rules. The Senate, as you know, has no rule of germaneness. As Peter Finley Dunne once said:

The Senate is ruled by courtesy, like the longshoremen's unions.

In response to the clearly expressed desires of the House in the past, your conferees were very stalwart in their opposition to nongermane Senate amendments. There were nine in the Senate version of the bill. We managed to get seven of those struck out in conference. The two we retained were the amendments regarding crediting of sea-duty time for submarine pay, which was con-

tained in a bill previously passed by the House and an amendment continuing the authority for credit sales to Israel. Neither of these items required any increase in the budget authorization.

I am particularly happy to note that we were successful, after a very extended discussion, in getting the Senate conferees to recede on the so-called Brooke amendment attached to their bill which contained yet another version of the call for immediate withdrawal of U.S. forces from Indochina. No single subject in the bill evoked as much discussion. In resisting this amendment, the House conferees were clearly responding to the wishes of the House which, on August 10 of this year, rejected a so-called "end-the-war amendment" with a specific withdrawal date similar to the Senate amendment. The House vote against that proposal was 228-178. House conferees pointed out that there was already embodied in permanent law legislative provisions passed last year which adequately reflect the objectives of the Congress concerning the termination of hostilities in Southeast Asia without tying the hands of the President in his efforts to terminate our military operations in Indochina at the earliest practical date.

Mr. Speaker, the gentleman from Illinois (Mr. PRICE) has explained the conference report and I will not take any further time of the House to repeat the details here. I believe we have an excellent bill that fully upholds the position of the House, and I urge immediate adoption of the conference report.

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

Mr. ARENDS. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I have received a letter from a constituent which includes a copy of an item in Parade magazine containing this question:

Q. Lockheed Aircraft Corporation which the Government had to rescue from bankruptcy with a \$250 million loan is one of the worst-managed corporations in America. Yet I understand, it has raised the pensions of its top executives from \$40,000 to \$65,000 per year. Can you verify or deny?

A. The firm's stockholders recently voted to increase pensions for Lockheed Chairman Daniel J. Houghton and other company officials from \$3,333.33 per month to \$5,416.66 per month, retroactive to Christmas day, 1971.

Mr. Speaker, I understand there is money for the C-5A in this bill, is there not?

Mr. ARENDS. Yes.

Mr. YATES. I also read from a newspaper item which reported what the conference had done. One of the statements in this article, and I would like the gentleman to comment on this, says:

The conferees agreed to a tax concession worth \$4.4 million to the Lockheed Aircraft Corp. in its production of the controversial C-5A cargo plane "which can carry 85 percent of everything the Army uses."

In addition to authorizing \$107 million for completion of the C-5A contract, the bill allows Lockheed to claim up to \$4.4 million in plant and equipment depreciation for income tax purposes. Up until now, such depreciation has been barred, Stennis said.

Will the gentleman explain what is meant by the Lockheed tax benefits that

are granted under this conference report?

Mr. ARENDS. Mr. Speaker, I have in mind what the gentleman is talking about and I am somewhat knowledgeable about it, but I want to ask the gentleman from California (Mr. GUBSER) to reply to that question.

Mr. GUBSER. Mr. Speaker, I would say to the gentleman from Illinois that the term "tax concession" renders that entire article as any reader would interpret it to be a complete falsehood. Let me give the gentleman the history of this situation. The gentleman will recall that there were certain items in court and in controversy with respect to the C-5A and certain claims being made by Lockheed against the Government.

This was settled, and the claims were withdrawn. An agreement was reached between the Government and the Lockheed Corp. that Lockheed would be forced to absorb a fixed \$200 million loss on the C-5, and that in the future all costs would be audited, proper costs would be allowed, and Lockheed would still have to take a \$200 million loss.

This language of the Senate Bill to which the gentleman refers prevented any recovery of cost for independent research and development, for bid and proposal, for other technical effort, and for depreciation.

The first time the language was inserted in the Senate bill was when the controversy was still going on, and the court settlement or the agreement and the contract had not been promulgated. Unfortunately the language was continued in the next year. So Lockheed was singled out, and unlike any other contractor in the whole defense picture, was told that although depreciation and bid and proposal and independent research and development are allowable and legitimate costs for every business in the United States, that you, Lockheed, are going to have to be punished further, and you cannot recover these legitimate costs which are allowed to everyone else.

So in the next year, the last fiscal year, the one just completed, this amounted to the Government actually amending its contract with Lockheed unilaterally and instead of the \$200 million fixed loss, as the parties agreed upon, Lockheed suffered a \$211 million fixed loss.

This year the House did not put any such language in the bill. In fact, we never have, but the Senate added section 603 which again continued this punitive extra punishment, which was placing loss upon loss when the amount of the fixed loss had been agreed upon.

We argued this back and forth.

Some of us felt that bid and proposal, other technical effort, independent research and development, and particularly depreciation, ought to be allowed as a cost, just as it is to everyone.

I might point out that there are over \$100 million in debentures which have been sold by the Lockheed Corp., for purchase of capital equipment which is peculiar only to the C-5A. The day the last C-5A rolls off of that production line, that \$100 million is going to be \$1 worth of junk. They have got to repay these debentures which they have sold in

the market, and the only way they can repay them is through recovering part of it as depreciation. So it is not a concession to allow Lockheed to take off depreciation as a legitimate cost; it is only the right which is given to every facet of American industry, both in defense and out of defense.

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

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

Mr. YATES. With respect to that point, is not the question of depreciation and the allowability of expense for production usually within the judgment of either GAO or of the Internal Revenue Service?

Mr. GUBSER. And it will be under the terms of the bill as it is now before you. They will have to come in and prove depreciation as an allowable cost. They will have to prove it, and if it is not provable, it will not be allowed.

Mr. YATES. The gentleman is saying that the statement that appears in the newspaper as to what the conferees agreed upon is not accurate in that it asserts that Lockheed received a tax concession?

Mr. GUBSER. Yes; if it is interpreted as being a concession, it is absolutely false. It is only allowing them what any other business has. It amounts to this: Are we going to sit here in Congress and abrogate and amend contracts which have been entered into by the Government, and then say for the future that depreciation is not an allowable cost?

That is exactly what we would be doing if we did not maintain the House position.

Mr. YATES. The gentleman is asserting, then, that the conferees did not allow the claim as such but, rather, gave Lockheed the opportunity to make the claim before appropriate Government agencies for deductibility?

Mr. GUBSER. That is exactly right. It allowed Lockheed to be treated the same as any other business so far as its relation with the Defense Department is concerned as it pertains to depreciation.

Mr. YATES. Can the gentleman answer my other point with respect to the Lockheed increase in pension benefits versus executives?

Mr. GUBSER. I am sorry; I cannot.

Mr. YATES. So far as the gentleman knows, the assertion of the newspaper is correct?

Mr. GUBSER. I do not know.

Mr. YATES. May I ask the gentleman whether there is money in the bill for continuation of the B-1 bomber development?

Mr. PRICE of Illinois. There is, yes. There is an authorization for appropriation for the B-1. That was not in disagreement.

Mr. YATES. Is there money in the bill for continuation of the construction of the LHA program?

Mr. PRICE of Illinois. There is no authorization for the LHA program. It was not in disagreement.

Mr. YATES. Is there any money in the bill for construction of an ABM site at Grand Forks, N. Dak.?

Mr. PRICE of Illinois. We receded on the Senate language on the ABM.

Mr. YATES. What would the effect of that be, to limit construction of the ABM to Grand Forks?

Mr. PRICE of Illinois. Yes. To that one site at Grand Forks, N. Dak.

Mr. YATES. One site?

Mr. PRICE of Illinois. Grand Forks only.

Mr. YATES. Then the District of Columbia proposed Washington, D.C., site has not been authorized?

Mr. PRICE of Illinois. That is correct.

Mr. YATES. Does this eliminate authorization for research on the Washington, D.C., site, as well?

Mr. PRICE of Illinois. That is right.

Mr. YATES. I thank the gentleman.

Can the gentleman tell the House how much money is in this bill for the continuation of the war in Southeast Asia?

Mr. PRICE of Illinois. There is nothing in here specifically for Southeast Asia.

Mr. YATES. Are there no funds to carry on the war?

Mr. PRICE of Illinois. This is a procurement authorization bill. It does not carry funds of that nature. There are no funds in here specifically for operations in Southeast Asia. That would be under the O. & M. portion of the appropriations which does not require prior authorization.

Mr. YATES. I thank the gentleman.

Mr. ARENDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I know I reflect the feelings of the House conferees when I draw attention to the fact that our distinguished chairman, the gentleman from Louisiana (Mr. HEBERT), was not able to be present at the conference and in his stead the gentleman from Illinois (Mr. PRICE) chaired the conference. I am sure I speak for all of my colleagues when I compliment him for the excellent job he did.

I thought the House fared very well in this conference, and a great share of the credit is due to the gentleman from Illinois.

Now let me deal briefly with another subject. My colleague from California, the Honorable BOB WILSON, and I are privileged to represent considerable numbers of military retirees. We believe that a grave injustice has been done to the many thousands who serve honorably with the promise of the right to recompute their retirement pay on the basis of current active duty pay. For this reason, we supported the Hartke amendment and were keenly disappointed that it was rejected by the conferees.

The amendment was faulty in its draftsmanship and the cost estimates varied from a low of \$10 billion to \$19 billion.

The conferees recognize that an injustice has been done and all would like to correct that injustice but because the amendment had defects, because it was impossible to estimate the cost and because it was not germane to the House-passed bill, it was decided that the most sensible course was for each committee to hold immediate and extensive hearings on the subject. Chairman HEBERT has already fulfilled a portion of this promise and has assigned the subject to

a subcommittee. The chairman of that subcommittee, the gentleman from New York (Mr. STRATTON), has already announced that hearings will commence within the next 2 weeks.

Mr. WILSON and I would like to have seen the matter settled by adoption of the Hartke amendment with perfecting amendments. But since this was not possible, we shall devote our efforts to presenting the best possible case for the restoration of recomputation during the forthcoming hearings.

We both commend Chairman HEBERT for taking this action and we look forward to a permanent settlement of this most difficult and complex problem.

Mr. PRICE of Illinois. I thank my colleague from California for his kind remarks. Of course, I had support from both sides of the aisle in the conference.

Mr. FRENZEL. Mr. Speaker, I am pleased that the conference committee report is, in all respects, an improvement over the House bill previously passed.

Stricter costs and procurement constraints have been added for the Navy 214 aircraft; \$20 million has been reduced from the Air Force ABRES program. The Safeguard ABM site for Washington has been stricken completely. ABM deployment is now limited only to one North Dakota location.

I am also very pleased to see in the conference report an extension of the Presidential authority to sell jets to Israel. These improvements make it easier for me to support the conference report on H.R. 15495, and I congratulate the conference committee on a job well done.

I note that the final authorization is about \$2.3 billion under the budget request. This is a reduction of about 10 percent on the original \$23-plus billion request, and is in marked contrast to the HEW appropriation—\$1.8 billion over budget—and the Agriculture-EPA appropriation.

Mr. FRASER. Mr. Speaker, it was easier for me to vote against H.R. 15495 on June 27, when the House passed the fiscal 1973 military procurement authorization, than it is for me to vote today against the version of H.R. 15495 reported by the conferees.

The conferees have improved upon the House bill: Authorization of funding for the National Command Authorities—NCA—antiballistic missile site in the Washington area was eliminated, and use of prior-year funds for the NCA-ABM is precluded; section 501 of Public Law 91-441, authorizing the President "to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East" was extended from September 30, 1972, to December 31, 1973; the total authorization of \$20.9 billion is \$2.4 billion less than the \$23.3 billion administration request, and is less than the House-passed bill authorized; and a \$20 million authorization sought by President Nixon for the Air Force ABRES program for an improved reentry vehicle was eliminated.

But while this bill before us today is a better bill, the changes, except for the extension of section 501 of Public Law 91-441, are minor modifications of a basically unsound bill.

Strategic weapons programs are unwisely accelerated or continued without need. And the need to end our military involvement in Indochina remains unattended.

Mr. Speaker, I continue my support for adequate military aid to Israel so that she can defend herself. Congressional support for this policy is deep and independent of political ideology and party. My failure to vote for this bill in no way undermines Israel's security for the defeat of this bill would not herald the end of military aid for Israel.

But, my vote against this bill does protest other policies and programs which should meet a permanent end. First among these is our involvement in Indochina.

Mr. KOCH. Mr. Speaker, I intend to vote "no" on the conference report on the Defense Department appropriations for fiscal year 1973. I voted against this same bill when it was first passed by the House. The objections I had then to the bill have not been met by the conference committee, and very important, it does not include the end-the-war amendment.

The conference committee did add a provision to the bill to extend for 2 years the President's authority to provide aircraft and equipment to Israel. The President's authority to undertake credit sales to Israel expires on September 30, 1972. The Senate provision which is now included in the conference report would extend the authority to December 31, 1973.

Mr. Speaker, those familiar with my record on Israel know that I not only support this provision, as I did when the foreign aid bill passed the House, but also believe that the United States should give grants to Israel for needed military purchases, instead of loans, as we do other allies.

We all know that this House and the Senate favor overwhelmingly providing these credits for Israel to enable it to buy arms and planes. If today's bill is defeated, the Senate will add this same extension of Presidential authority to its foreign aid bill which has already been passed by the House.

Mr. ANDERSON of California. Mr. Speaker, I rise to reluctantly vote for the adoption of the conference report on H.R. 15495. I do so with mixed emotions, as I realize the overall importance of this legislation, but I deeply regret the conference committee's action to delete the recomputation amendment.

Mr. Speaker, on August 1, the Senate adopted an amendment to H.R. 15495, which reestablished the principle of recomputation for retired military pay.

As the author of H.R. 4330, a bill to allow our retired military personnel to recompute their retired pay on the basis of today's active duty pay scales, I hailed the Senate move as a step toward providing equity for retired servicemen.

However, the conference committee, which was appointed to iron out the differences in the House and Senate ver-

sions of H.R. 15495, decided to delete the recomputation amendment.

The many retired military men who have served our country and who have given of their minds, bodies, and years—none of which can be replaced—certainly deserve no less than equity in their retired pay. Thus, I am deeply disappointed by the decision to delete recomputation.

Mr. Speaker, since 1958, when the retirement pay system was switched, a tremendous gap in retired pay has grown between the retirees of the same grade and years of service.

In short, it has created a marked inequality among peers—an inequality that will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

But, there is a silver lining to this story. Hearings will be held in the very near future on proposals such as my bill, H.R. 4330. Hopefully, these hearings will result in legislation which, not only reestablishes the principle of recomputation, but, also increases benefits across-the-board for those who have given so much in the service of our country, and now wish to live out their remaining years in peace and dignity.

Mr. PRICE of Illinois. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 43, answered "present" 1, not voting 51, as follows:

[Roll No. 361]

YEAS—336

Abbutt	Brademas	Cleveland
Abernethy	Brasco	Collins, Tex.
Adams	Bray	Colmer
Addabbo	Brinkley	Conable
Alexander	Brooks	Conover
Anderson	Broomfield	Conte
Calif.	Brown, Mich.	Corman
Anderson, II	Brown, Ohio	Cotter
Anderson	Broyhill, Va.	Coughlin
Tenn.	Buchanan	Crane
Andrews, Ala.	Burke, Fla.	Daniel, Va.
Andrews	Burke, Mass.	Daniels, N.J.
N. Dak.	Burleson, Tex.	Danielson
Annuizio	Burlison, Mo.	Davis, Ga.
Archer	Byrne, Pa.	Davis, S.C.
Arends	Byrnes, Wis.	Davis, Wis.
Ashbrook	Byron	de la Garza
Ashley	Cabell	Dellenback
Baring	Caffery	Dennis
Barrett	Carlson	Dent
Belgich	Carter	Derwinski
Belcher	Casey, Tex.	Devine
Bennett	Cederberg	Dickinson
Bergland	Celler	Diggs
Betts	Chamberlain	Donohue
Blaggi	Chappell	Downing
Blester	Clancy	Dulski
Blackburn	Clark	Duncan
Boland	Clausen	du Pont
Bolling	Don H.	Dwyer
Bow	Clawson, Del	Edwards, Ala.

Ellberg	Kyl	Rogers
Erlenborn	Kyros	Roncallo
Eshleman	Landgrebe	Rooney, Pa.
Evans, Colo.	Landrum	Rostenkowski
Fasell	Latta	Roush
Findley	Leggett	Rousset
Fish	Lennon	Roy
Fisher	Lent	Runnels
Flood	Link	Ruppe
Flowers	Long, La.	Ruth
Flynt	Long, Md.	St Germain
Foley	Lujan	Sandman
Ford, Gerald R.	McClary	Sarbanes
Ford,	McCloskey	Satterfield
William D.	McClure	Saylor
Fountain	McCollister	Scherie
Frelinghuysen	McCormack	Scheuer
Frenzel	McCulloch	Schneebeli
Frey	McDade	Sebelius
Fulton	McEwen	Seiberling
Fuqua	McFall	Shipley
Garmatz	McKay	Shoup
Gaydos	McKevitt	Sikes
Gettys	McKinney	Sisk
Gialmo	Madden	Skubitz
Gibbons	Mehon	Slack
Goldwater	Malliard	Smith, Calif.
Gonzalez	Mann	Smith, Iowa
Goodling	Martin	Smith, N.Y.
Grasso	Mathias, Calif.	Snyder
Gray	Mathis, Ga.	Spence
Green, Oreg.	Matsunaga	Staggers
Griffin	Mayne	Stanton
Griffiths	Mazzoli	J. William
Gross	Meeds	Stanton
Grover	Melcher	James V.
Gubser	Michel	Steed
Gude	Miller, Ohio	Steele
Hagan	Mills, Ark.	Steiger, Ariz.
Haley	Mills, Md.	Steiger, Wis.
Hall	Minish	Stephens
Halpern	Mink	Stratton
Hamilton	Minshall	Stubbsfield
Hammer-	Mizell	Stuckey
schmidt	Molohan	Sullivan
Hanley	Monagan	Symington
Hanna	Montgomery	Talcott
Hansen, Idaho	Moorhead	Taylor
Harsha	Morgan	Teague, Calif.
Harvey	Murphy, Ill.	Teague, Tex.
Hastings	Murphy, N.Y.	Terry
Hays	Myers	Thompson, Ga.
Hébert	Natcher	Thomson, Wis.
Heckler, Mass.	Nichols	Thone
Henderson	O'Hara	Tiernan
Hicks, Mass.	O'Konski	Udall
Hicks, Wash.	O'Neill	Ullman
Hillis	Patman	Van Deerlin
Hogan	Patten	Vanik
Holifield	Pepper	Veysey
Horton	Perkins	Vigorito
Hosmer	Pettis	Waggonner
Howard	Peyser	Wampler
Hull	Pickle	Ware
Hungate	Pirnie	White
Hunt	Poage	Whitehurst
Hutchinson	Podell	Whitten
Ichord	Powell	Widnall
Jacobs	Preyer, N.C.	Wiggins
Jarman	Price, Ill.	Williams
Johnson, Calif.	Price, Tex.	Wilson,
Johnson, Pa.	Fryer, Ark.	Charles H.
Jones, Ala.	Purcell	Winn
Jones, N.C.	Quile	Wright
Jones, Tenn.	Quillen	Wyatt
Karh	Rallsback	Wyder
Kazen	Randall	Wylie
Keating	Rarick	Wyman
Kee	Rhodes	Yatron
Keith	Roberts	Young, Fla.
Kemp	Robinson, Va.	Young, Tex.
King	Robison, N.Y.	Zablocki
Kluczynski	Rodino	Zion
Kuykendall	Roe	

NAYS—43

Abzug	Eckhardt	Nix
Aspin	Edwards, Calif.	Obey
Badillo	Forsythe	Pike
Bingham	Fraser	Rangel
Burton	Green, Pa.	Rees
Carey, N.Y.	Harrington	Reuss
Chisholm	Hechler, W. Va.	Rosenthal
Clay	Helstoski	Roybal
Collins, Ill.	Kastenmeier	Thompson, N.J.
Conyers	Koch	Waldie
Culver	Metcalfe	Whalen
Dellums	Mitchell	Wolff
Denholm	Mosher	Yates
Dow	Moss	Zwach
Drinan	Nedzi	

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—51

Abourezk	Edmondson	Miller, Calif.
Aspinall	Esch	Nelsen
Baker	Evins, Tenn.	Passman
Bell	Galifianakis	Pelly
Bevill	Gallagher	Pucinski
Blanton	Hansen, Wash.	Reid
Blatnik	Hathaway	Rooney, N.Y.
Boggs	Hawkins	Ryan
Brotzman	Helms	Schmitz
Broyhill, N.C.	Jonas	Schwengel
Camp	Lloyd	Scott
Carney	McDonald,	Shriver
Collier	Mich.	Springer
Curlin	McMillan	Stokes
Delaney	Macdonald,	Vander Jagt
Dingell	Mass.	Whalley
Dorn	Mallory	Wilson, Bob
Dowdy	Mikva	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.
Mr. Rooney of New York with Mr. Vander Jagt.
Mr. Blatnik with Mr. Camp.
Mr. Macdonald of Massachusetts with Mr. McDonald of Michigan.
Mr. Delaney with Mr. Nelsen.
Mr. Dingell with Mr. Shriver.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Reid with Mr. Helms.
Mr. Passman with Mr. Lloyd.
Mr. Gallagher with Mr. Hawkins.
Mr. Miller of California with Mr. Stokes.
Mr. Blanton with Mr. Bell.
Mr. Bevill with Mr. Broyhill of North Carolina.
Mrs. Hansen of Washington with Mr. Esch.
Mr. Dorn with Mr. Pelly.
Mr. Ryan with Mr. Springer.
Mr. Carney with Mr. Whalley.
Mr. Aspinall with Mr. Brotzman.
Mr. Mikva with Mr. Mallory.
Mr. Pucinski with Mr. Schwengel.
Mr. Hathaway with Mr. Scott.
Mr. Edmondson with Mr. Collier.
Mr. Abourezk with Mr. Jonas.
Mr. Galifianakis with Mr. Schmitz.
Mr. Curlin with Mr. McMillan.

Messrs. CULVER, WOLFF, and CAREY of New York changed their votes from "yea" to "nay."

Mr. LONG of Maryland changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 14896, CHILD NUTRITION

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 14896), to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other pur-

poses related to expanding and strengthening the child nutrition programs, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 11, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 30 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, the conference report before us will greatly improve and expand all child nutrition programs. Substantial progress has been made with child feeding programs, particularly in recent years. Throughout this period, however, programs have been hampered by uncertain funding levels, reimbursement rates, and eligibility standards. The thrust of the conference report is to eliminate administrative and funding problems this school year in the school lunch program, the school breakfast program, and the nonschool assistance program, and to stimulate expanded participation in each.

The progress in the past has been impressive. In 1967, \$440,234,000 was provided for all child nutrition programs. This increased to \$500,920,000 in 1968; \$619,873,000 in 1969; \$718,483,000 in 1970; \$977,502,000 in 1971; \$1,257,356,000 in 1972; and to a budgeted level of \$1,426,747,000 in 1973.

Tragically, however, in the last year the school lunch program has stopped growing. Since last October the number of students being served on a daily basis has leveled off to about 22,800,000. We should not be satisfied with this. We should not be satisfied with the proposed levels for fiscal year 1973 that will serve only 23,100,000 students. At a minimum, we should be serving 25,000,000 of the 52,500,000 children in school.

Provisions of this legislation can assist in meeting this minimum goal.

One of the complications of the past with both the lunch and breakfast program is related to the formulas for distributing funds. Under the legislation before us, there is authorized beginning in fiscal year 1974 a direct and simple apportionment of funds in both programs. Funding under section 4 of the School Lunch Act and in the breakfast program will be on a performance basis; a uniform system is provided. Each State agency will receive an average payment for each breakfast served and each lunch served under the regular school lunch program.

A more realistic reimbursement rate is

established for section 4 of the National School Lunch Act. Rising food costs and increasing labor costs have made it impossible for lunches to be served at the present rate of reimbursement. Any increase in the cost of lunches will mean a decreased rate of participation. A minimum reimbursement rate of 8 cents per meal is established therefore, not only for this school year, but established on a permanent basis. In the past, schools have not known the level of reimbursement. With passage of this legislation, the program will be given the stability and continuity which is necessary for effective planning. This legislation requires the use of section 32 funds as may be necessary to provide States with a statewide average payment of 8 cents per lunch in section 4 payments during fiscal year 1973.

Dollar ceilings on the authorization for the special nonschool food program and the school breakfast program will be eliminated. In the past, these have hampered the growth of the program, the most recent example being this current fiscal year; \$25,000,000 in section 32 funds were used for the special food program because the authorization of \$32,000,000 was insufficient. So, too, in the school breakfast program, only \$25,000,000 was authorized, and section 32 funds had to be used to bring up the programs to the budget level of \$52,500,000. To add further to the stability of these programs, the legislation which we are now considering extends both through fiscal year 1975.

Other important and constructive changes will be made in the programs. Advanced payment for the school lunch and school breakfast programs is authorized. This amendment will end the unnecessary delays which schools have experienced in receiving the funds for these programs. To facilitate more timely and certain funding of the school lunch program, there is proposed that States be permitted to meet the program matching requirements on the basis of the preceding fiscal year.

As in the House bill, new guidelines are established for determining eligibility of children for free or reduced price lunches. There will be no curtailment in program participation because of the establishment of these new guidelines. The conference report contains a grandfather clause which will allow the use of higher income eligibility standards in fiscal year 1973 if such standards were established prior to July 1, 1972.

The conference report responds to the great and well documented need for equipment in schools which do not have food service programs; \$40,000,000 is authorized each year through fiscal year 1975 with at least 50 percent of the funds to be directed to schools which have no facilities whatsoever.

Mr. Speaker, these are important and necessary changes which must be made in our school feeding programs. I have discussed the major features in the conference report with the exception of one provision, and I must express very serious concern over this. The conference report changes the authority of the Department of Agriculture to regulate the

sale of food items which are in competition with programs authorized under the Child Nutrition Act of the National School Lunch Act. The conference report contains the following section:

Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools, or of organizations of students approved by the schools.

The original House bill provided that nutritious foods could be sold in participating schools through vending machines where the proceeds of such sales would inure to the benefit of schools or of organizations of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized.

The Senate amendment would have continued the Department of Agriculture's authority to regulate the sale of competitive food items in the lunchroom except in the case of senior high schools so long as the proceeds of such sales were deposited in the school lunch account.

My concern with the provision in the conference report is simply this—there is the possibility that if not carefully monitored, it may directly conflict with the nutritional objectives of the school lunch program. It is my strong hope that educators, school officials, and all organizations and individuals concerned with the nutrition and health of children will join together to minimize the offering and sale of competitive foods in the lunch program wherever it will interfere with the nutritional objectives and financial stability of individual school lunch programs.

With this reservation, I support and urge the approval of the conference report before us because it contains so many features that are essential to the effective operation of the school lunch program in the current fiscal year.

Finally, Mr. Speaker, our agreement includes a Senate amendment which would establish a 2-year supplemental feeding program to help pregnant and lactating women, and infants ranging from birth to age 4 who are determined medically to be a nutritional risk.

This amendment was authored by the distinguished Senator from Minnesota (Mr. HUMPHREY). May I take this opportunity to pay tribute to Senator HUMPHREY for having directed our attention to an area and a problem which has been left unattended for too long a period of time. In conference, his very eloquent and persuasive arguments convinced us of the importance, desirability and in fact necessity for agreeing to this new program.

The program will provide cash grants to State health departments to financially assist local health clinics serving low-income residents to combat malnutrition among infants. Eligibility for assistance under this amendment is determined, based upon whether the mother or infant is a nutritional risk. A fairly precise definition of "nutritional risk" is spelled out in the amendment. The same is true with respect to what supplemental

foods may be purchased with the funds provided under this amendment to help combat nutritional deficiencies discovered through medical examination of the mother or infant. Funds authorized by the amendment for this program amount to \$20 million for fiscal year 1973, and the same for fiscal year 1974. The Secretary is required to take these funds out of section 32 custom receipts which will later be restored through supplemental appropriation action by Congress.

The Congress over the past several decades has acted to improve the nutritional welfare for almost every group with the voice and the ability to speak for its own interests. But we have continued to ignore, regrettably, one group which cannot speak for itself and which is the most vulnerable to adverse effects of malnutrition, namely—our Nation's infants.

In part, our neglect in this regard has been based upon earlier reports that little could be done for infants and children through nutritional assistance to help them avoid certain physical and mental deficiencies. However, a great deal of medical and scientific evidence has been developed in the last few years that makes a strong and compelling case for the importance of adequate nutrition during these early and formative years of a child's development.

For instance, a study conducted by three Mexican researchers on this question demonstrated strong evidence that malnutrition among infants in their prenatal and postnatal periods of life may lead to permanent chromosome damage, that may, in turn, make these children prone to a particular form of malignancy.

In another study conducted on this subject by Dr. H. Peter Chase and Dr. Harold P. Martin, the following was found: When 19 children who had been hospitalized with malnutrition in the first year of life were compared with a control group 3 to 4 years later, the test group was found to be lower in mental quotient. Impairment of physical and mental development appeared to correlate with the duration of undernutrition in the first year of life. Nine children admitted to the hospital with undernutrition, but treated in the first 4 months of life, now have a mean developmental quotient of 95 which is similar to the mean of 99 for the control children. In 10 with undernutrition after 4 months of age low indexes for height, weight and head circumference were more frequent, and the mean developmental quotient was 70.

In yet another study published in June of this year in the American Journal of Public Health, Dr. Herbert G. Birch, M.D., reviewed numerous studies, experiments and investigations that have been made in recent years—throughout the world—pertaining to the relationships that exist between malnutrition and learning ability—and especially as it relates to prenatal and postnatal periods of a child's physical development.

Mr. Speaker, the purpose of this amendment is to carry out a 2-year pilot program of grants to States to make available certain needed supplemental

foods to low-income mothers and infants not now provided under any other existing program. This pilot effort would be in addition to any current USDA programs now operating to assist these particular citizens. That is to say that it would be operated in conjunction with either the current commodity distribution and food stamp programs.

In view of the pilot nature of this program, eligibility would be determined simply on the basis of nutritional need, which as I have already indicated, is to be ascertained by competent professional authority.

Competent professional authority is defined in this amendment as meaning physicians, nutritionists, dieticians or State or local medically trained health authorities.

Mr. Speaker, the House conferees disagreed with the Senate on this particular amendment only on a technical basis. I believe I am correct in reporting that the House conferees are unanimously in support of this amendment and ask the House to recede to the Senate regarding its adoption.

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

Mr. Speaker, we have made enormous progress in our child-nutrition programs in the past few years, both in the levels of funding and in the numbers of children served. Since 1967 we have more than doubled our appropriations for child feeding services. Of particular importance, Federal support for free and reduced-price lunches for needy children has been increased from \$2 million in fiscal year 1967 to \$495 million in fiscal year 1972. Since fiscal year 1969, the number of children served free or reduced-price meals under the lunch program has increased from 2.8 million to an estimated 8.4 million in this fiscal year. Equally dramatic increases have been made in participation in the school breakfast and special service institution feeding programs.

H.R. 14896 will contribute to the progress we are making in these nutritional programs. The bill would—

First. Extend the special—nonschool—food assistance program for children through June 30, 1975, and increase the appropriation authorization from \$32 million annually to "such sums as are necessary";

Second. Authorize the use of \$25 million of section 32 funds during the period May 15 to September 15, 1972, for the special—nonschool—food assistance program for children;

Third. Extend the school breakfast program through June 30, 1975, and increase the appropriation authorization therefor to "such sums as are necessary";

Fourth. Require the use of section 32 funds in such amounts as may be necessary to carry out section 4 of the National School Lunch Act—the regular school lunch program—and provide an average reimbursement rate of not less than 8 cents per meal in each State in fiscal 1973;

Fifth. Require that free lunches be served to every child whose family income does not exceed a guideline fixed by the State educational agency, such guideline to be not less than 100 percent

nor more than 125 percent of the income poverty guideline for each size family. If a school elected to serve reduced-price lunches, they would have to be served to every child within guidelines fixed by the State educational agency at not more than 150 percent of the applicable family size poverty guideline;

Sixth. Increase the nonfood assistance—equipment—appropriation authorization to \$40 million for each of the fiscal years 1973, 1974, 1975, and \$20 million for each succeeding fiscal year;

Seventh. Rescind the statutory authority of the USDA to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act, leaving the decision on such matters to State and local authorities;

Eighth. Beginning with fiscal year 1974, provide for Federal performance funding for section 4 of the National School Lunch Act and for the school breakfast program;

Ninth. Provide for advance payments for the school lunch program as well as for the school breakfast program; and

Tenth. Authorize a special 2-year pilot program of assistance to State health agencies for special nutritional projects which would make available supplemental foods to pregnant and lactating women and to infants who are at nutritional risk.

While the special program for pregnant and lactating women and infants is reported in technical disagreement, the House conferees urge agreement with this Senate provision. It would permit the continuation of projects already started in the past few years by hospitals and other groups in various cities in the United States, and would also permit a number of other projects to be initiated. The existing projects include those at St. Jude's Hospital in Memphis, Tenn.; Johns Hopkins Hospital in Baltimore, Md.; the Ford Hospital in Detroit, Mich.; the Human Development Corp. in St. Louis, Mo.; and, by the department of social welfare in Montpelier, Vt. The results and findings of these projects again underscore both the need and success that can be obtained in combating malnutrition among low-income infants who are found in both the urban and rural areas of our Nation.

I understand that an estimated 400,000 infants in this Nation are in need of the type of assistance provided in this amendment. Although the funds provided under this amendment are not sufficient to meet the needs of all these infants, sufficient funds are provided to finance a sound pilot program in a few urban and rural localities. The amendment makes clear that these pilot efforts are to lead to an expansion of the program later if the medical evidence and experience of this program proves that such assistance does in fact help avert physical and mental damage caused to children due to malnutrition.

The amendment requires that adequate medical records be maintained in order to permit appropriate evaluation to be made by the Secretary of Agriculture and the General Accounting Office following the first year's completion of the

pilot program. I further asked that language be included in the conference report on the bill requiring the Secretary of Agriculture and State health departments administering or involved in this pilot effort to consult with appropriate officials of the U.S. Department of Health, Education, and Welfare pertaining to any procedures, recordkeeping, and medical criteria that might be applied to the operation of this particular program. I believe these combined requirements will result in sufficient data and information for Congress to adequately evaluate the results obtained from this program when it is asked later to consider an extension or expansion of it.

The only other matter actually in controversy—that of permitting a competitive food service at the option of local schools—has already been discussed at some length. A version of this amendment was in both the House-passed and Senate-passed bills, and I believe that we have presented a reasonable compromise. The amendment simply prohibits the Secretary of Agriculture from making regulations which prohibit a local school from allowing the sale of competitive foods in food service areas during the time federally supported school lunches are being served, so long as the proceeds from the sale of such foods inure to the benefit of the school or student organizations approved by the school.

This leaves the whole matter up to the local school board, where it properly belongs. The House version of this amendment spoke of "the sale of nutritious food through vending machines". The conference version gives the local school board more latitude and under it a local school may choose to use vending machines and/or other methods of selling competitive foods. I much prefer this broader language.

Mr. Speaker, I am confident that this conference report represents a major improvement of our total child nutrition program. There are yet additional improvements to be made—such as placing the distribution of free and reduced cost lunch funds on a "performance basis" as requested by the Department of Agriculture—but we can take these less urgent things up next year. I urge adoption of the conference report.

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

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

Mr. PERKINS. Mr. Speaker, first let me compliment my distinguished colleague, the gentleman from Minnesota (Mr. QUIE) for all the untiring and outstanding work the gentleman did in connection with this legislation. As he has said there was considerable disagreement in connection with the so-called vending machine amendment. In the House bill the provision was limited to nutritious foods such as apples and other fruits. In conference the word "nutritious" was deleted. We further provided that all the benefits from the sale of foods would go to the schoolchildren in the House bill.

Mr. QUIE. That is not quite accurate. In the House we provided for school-approved student associations and parental organizations.

Mr. PERKINS. That is right; I stand corrected.

Mr. QUIE. In conference we dropped parental organizations.

Mr. PERKINS. But in other action we inserted the word "competitive" for "nutritious". So we have created a situation where if the local education agency should decide, there could be competition with the subsidized school lunch program through the sale of other foods in vending machines or otherwise.

Mr. QUIE. No; I think I should correct the chairman, and state that there could be no subsidization for the services in vending machines or those set out on a school table.

Mr. PERKINS. Let me ask my colleague, so we can make some legislative history here. Did we not contemplate that the Department of Agriculture in administering this program should hold to the sale of nutritious foods, and not go beyond that? Is that not what we contemplated?

Mr. QUIE. If we had wanted to do that I guess we would have left the word "nutritious" in the conference agreement, but the conferees felt that the schools ought to determine that. We used the term "competitive," and let the schools make that determination. I doubt that the schools are going to permit the distribution of food that would be nonnutritious. But I do not want the Department of Agriculture telling them what is or what is not a nutritious food because they just do not have that kind of competence. For instance, you could say that candy bars are not nutritious food, and there are candy bars that are not, but there are candy bars that are of a high protein value.

Mr. PERKINS. I fully agree that local educational agencies are perfectly competent to make decisions along this line. In the past vending machines have been prohibited because of regulations of the Department of Agriculture, and I believe these were reasonable restrictions. There resulted nutritious lunches for our young schoolchildren.

I think we share a responsibility to see that there is no service of items that are not nutritious. Nonnutritious foods must not replace wholesome lunches which have been and are now being provided.

Mr. QUIE. Mr. Speaker, I will say to the chairman, there is just no chance of that happening that I can see because we keep increasing the subsidization of the school lunch program. Any time foods are processed and dispensed through a vending machine this increases the cost. Such foods will have a hard time competing with the subsidized program. Also they have to go through the local school officials. But no doubt there will be organizations with vested interests who will make an effort. But I do not think that is going to happen. You can make that claim in the amendment in disagreement. It is the baby food manufacturers now who want to have an inside track to get some Federal money, some \$20 million, to pay for baby food. I think this is thrown out to get away from the main thrust of the argument.

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

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. I think the gentleman will agree that it is the intent of the conference that the school lunch program does not get away from nutritious foods. Am I correct in that statement?

Mr. QUIE. Well, we thought—my own feeling is they ought to have nutritious food. I have said this many times before, but we cannot say that the Department of Agriculture has the responsibility to write regulations on what is nutritious food.

The decision is left to local school officials. I do not see how we can conscientiously say that the Federal Government has more intelligence than these people at the local level.

Mr. PERKINS. I have not said nor even implied that.

Mr. QUIE. All I can say from what I have observed is that local people have a lot more sense. I just wish they had a freer hand in many areas.

Mr. PERKINS. It is the intent of the Congress where school lunches are served that they serve nutritious foods; am I correct in that statement?

Mr. QUIE. Yes; that is correct. The local schools will determine that. They will determine to the extent they want these competitive foods to be used. They can say "No" and they will make the determination which ones are.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. RUTH) who is on the conference committee.

Mr. KAZEN. Mr. Speaker, will the gentleman yield to me so that I may ask a question and so that he may answer also?

Mr. QUIE. I yield to the gentleman.

Mr. KAZEN. The gentleman and the chairman have done a pretty good job in confusing me as to what is in this conference report.

Will the gentleman please explain to me what they are talking about when they talk of a vending machine program?

Mr. RUTH. If the gentleman will let me respond, you kind of beat me to the gun—

I want to explain that the first thing we realized about the conference report was that the words "vending machine" had no business there. Whether you are selling anything or not—you might sell it out of your pocket or at the book store or sell it out of a vending machine. We took the vending machine language out.

The second thing is, I think, the conferees are entitled to tell the Members of the House what is in the bill and not what you heard about what was in the bill.

I think the gentleman from Minnesota (Mr. QUIE) is well qualified to do that. I would be happy to and I would like to explain to the House Members exactly what the bill consists of, and not what you thought it might or might not have consisted of.

Would you like me to make a throw at that? That is not too difficult.

Mr. QUIE. I yield to the gentleman from North Carolina.

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has consumed 10 minutes.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, frankly, it was decided that food could be dispersed in the schools. We eliminated the word "nutritious" and left it in the judgment of the school official, and also in the judgment of the school official as to how the funds could be used—or who would get the profit. It is just that simple. We did kick it around a good deal, but that is the final decision and that is what the House is entitled to know.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman has consumed 1 minute.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I rise in support of the conference report on H.R. 14896. The effect of this legislation will be to provide needed stability and strength to the school lunch, school breakfast, and out-of-school feeding programs, and to provide assistance for school lunch equipment to many of the 18,000 schools in the Nation which are now unable to participate in the school feeding programs because of lack of food service equipment.

I heartily support the provisions of the bill which extend the breakfast program and the nonschool food assistance—including the summer feeding programs—through June 30, 1975, with funding which meets the actual needs throughout the Nation, the raise in the reimbursement rate to 8 cents per lunch, the establishment of reasonable eligibility guidelines for those children who are offered free and reduced price lunches, a guarantee for 1 additional year of eligibility to those who received free and reduced price lunches under previously established eligibility standards, the increase in equipment authorizations to \$40 million for 1973, 1974, and 1975, and \$20 million for each succeeding fiscal year, with a set-aside of 50 percent of the funds for no-program schools, and finally the changeover from the present cumbersome allocation formula funding to a simple performance funding. Under this new funding proposal, each State agency will receive a uniform payment for each lunch served of not less than 8 cents in a fiscal year. Within the statewide average payment, States could vary the per lunch rate of section 4 assistance to individual schools. Similarly, this new performance funding will be a feature of the breakfast program as well, beginning with fiscal year 1974. By this method, each State will be able to ascertain how much money will be provided in Federal assistance by multiplying the number of lunches served by the assistance factor—not less than 8 cents per lunch.

I feel very strongly that this new legislation will enable State and local school authorities to plan more intelligently in the future for the programs which they feel are essential for the needs of their children. They will know in advance how

much they may expect in funds, and they will know in advance which of their children will be eligible for free and reduced price lunches, and breakfasts. And furthermore, they will know that the Congress is in support of their efforts to provide nutritious meals for all children.

There is one provision of the legislation, however, which I feel could be disastrous to the school feeding programs.

This provision reads as follows:

Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools, or of organizations of students approved by the schools.

This provision goes considerably beyond what was contained in either the House or Senate bills on the subject of the sale of competitive food items in the lunchroom itself. The House bill provided that nutritious foods could be sold in participating schools through vending machines where the proceeds of such sales will inure to the benefit of schools or of organization of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized.

The Senate amendment on this matter would have continued the Department of Agriculture's authority to regulate the sale of competitive food items in the lunchroom except in the case of senior high schools so long as the proceeds of such sales were deposited in the school lunch account.

The effect of the new language on the sale of competitive foods as contained in the conference report is simply this:

(a) The authority of the Department of Agriculture to regulate the sale of competitive foods in the school lunchroom itself is totally rescinded. I must remind the House that this specific authority was granted by the Congress to the Department of Agriculture only 2½ years ago in the passage of Public Law 91-248.

(b) Any food or snack or beverage item, regardless of its nutritional value, may be sold in the lunchroom in direct competition with the complete nutritious lunch.

(c) The financial stability of individual school lunch programs will be endangered. Children's lunch money will be often diverted to the purchase of less nutritious items with a consequent drop in the number of children purchasing the complete lunch. Again I should remind the House that one of the major purposes of this bill is to provide additional general support to the lunch program in order to avoid further increases in prices to the children for a complete lunch. Thus, by one action we are negating the purpose of the other.

(d) School principals will be subjected to enormous pressures from a variety of sales agents to undertake sales of competitive food items in the lunchroom on the basis that such sales would constitute a new source of income for school activities other than the lunch program.

(e) One of the major objectives of the school lunch program is to teach children the importance of good nutrition and its relationship to good health. If the child is taught in the classroom the importance of eating a well balanced nutritious lunch, what is he to think when he is offered in the lunchroom a choice of buying the complete lunch or selecting his lunch from a variety of individual items of less nutritional value.

All in all, this provision is in direct conflict with the nutritional objectives of the school lunch program. It is my strong hope that educators, school officials, and

all organizations and individuals concerned with the nutrition and health of children will join together to minimize the offering and sale of competitive foods in the lunch program wherever it will interfere with the nutritional objectives and financial stability of individual school lunch programs.

With this reservation, I support and urge the approval of the conference report on H.R. 14896 because it contains so many features that are essential to the effective operation of the school lunch program in the current fiscal year.

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

Mr. Speaker, I rise in support of this conference report.

First of all I say to my colleagues I would agree with them that a cursory examination of the report would indicate that the House receded in far more areas than we were able to prevail upon the Senate to recede. Yet on close examination I think Members will find most of those areas in which we receded were not matters of substance but were areas which related to the fiscal years for the program and other minor matters. The Senate did take up the bill after the House had acted and they were able to make some changes in the light of what we had done. In fact, in most of the areas in which there was some substance, such as amendment No. 5, the House was able to prevail upon the Senate to recede.

On amendment No. 24 in particular I would disagree with my colleague, the gentleman from Washington (Mr. MEEDS) who has indicated he thought the conference took the worst of both provisions. I happen to think—not just because I was the author of the language the conferees adopted—that in principle it is correct to give as much autonomy to the local schools as possible. I favored that language because I think it has been misunderstood. On page No. 5 of the report, on amendment No. 24, quotation marks could have been put around the words because they are the exact language we agreed upon. I suggest the Members read the five lines beginning with the word "such" as follows:

such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools.

The conferees agreed on that. I happen to think this is a good compromise, a good way to resolve the issue.

Some fears have been expressed that somehow or other the school lunch program might break down and we might see a decrease in the service of nutritious foods. I think that suggests a lack of confidence in the local administrators. I have been contacted by a number of administrators from my district in Ohio who have some question about this because they felt it would open up pressures upon the schools to turn over to the student organizations and student-approved groups these competitive food concessions in the cafeterias. I would say it was clearly the understanding of most of the conferees, and I know I can speak for them, that in 95 to 98 percent of the

schools, proceeds from any competitive sales would go into the school lunch program coffers, and only in those areas where the school might deem it financially feasible to allow an organization of students or a non-school-funded group to take care of this particular competitive food service facility do we allow them the option. Certainly it is not our intention to open up a flood gate of pressure on the local schools. We allow their sound judgment to be supreme and that is as it should be.

We believe that in most cases any competitive food sale proceeds will go to the school's own funds; in those few cases where they want to do otherwise, they should have this option. But again, in light of what I said previously, I am not going to worry about pressure being placed on local school districts to allow student groups to get these proceeds. I am sure they can handle themselves, just as I am sure they can in determining what is nutritious and can be sold in competitive supplement to the school lunch program.

I would say amendment No. 24 reflects the good judgment of the House in doing what so many times we talk about back home when we are campaigning but rarely do, and that is to give to the local school districts, give to the local people, some autonomy and some control over their own schools and over their own school lunch program.

Quite the opposite of the doubts that have been reflected here, I think this shows a confidence in our local schools and local school administration, and in no way do I think it will lead to non-nutritious foods being peddled, promoted, or served in conjunction with a school lunch program. I think quite the opposite. It will give options to our young people, options that they might want at some time and in some way to supplement their school lunch program with an apple, with an orange, or with whatever the local school district deems proper. So quite the opposite of casting fear in the minds of Members, I would say that the action of the conferees indicates the confidence we have in the local school system, the administrators of our local schools.

I heartily support the amendment, and I support the conference report and urge its adoption.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I rise in support of the conference report on the national school lunch program. Hunger and malnutrition have no place in modern America. Especially among the young, we must act to eliminate completely the debilitating condition of hunger before we will be able to provide equal educational opportunity for all of our children.

Since 1946, when the National School Lunch Act was first enacted, the school lunch program has grown to be one of the most significant Federal contributions to the health and well-being of American youth. The enactment in 1969 of the national school lunch amendments made major improvements in

child nutrition programs by providing an additional \$45 million for meals for schoolchildren.

In 1970 and 1971, two of my amendments, the school breakfast program and the summer lunch program, defined new nutrition programs that would be eligible for Federal subsidies. During the last school year, over 25 million children participated daily in the programs, with 8 million of this total receiving their lunches either free of charge or for a token payment.

The 1972 amendments to the national school lunch program make further necessary improvements in the program.

Under these provisions, child care centers will be eligible for Federal nutrition subsidies. Also, approximately 600,000 more children in New York alone will be served by summer lunch programs. The conference report also removes the limitation on the amounts that can be appropriated to the school breakfast program and changes this program from its research and development status to the status of a fully funded and recognized program. The 1972 amendments increase the guaranteed Federal rate of contribution from 6 cents per meal to 8 cents per meal and also provide \$20 million for nonfood assistance programs. These are significant and necessary improvements to the school lunch program and we must vote to implement them. However, even with these provisions, our job is not done.

The latest figures available to the Department of Agriculture show that approximately 20,000 schools, with an enrollment of over 6 million children, do not offer any type of food service. The tragedy of this situation is heightened by the substantial number of needy children—perhaps over 1 million—cannot receive free and reduced priced meals which they need and are eligible for, simply because they do not attend schools which participate in the program.

Hunger and malnutrition directly affect a child's ability to concentrate and learn in school. Hungry children are deprived not only of good health but also of equal educational opportunity.

The national school lunch program has an impressive record of achievement and expansion. But there is still urgent need for improvement. It is essential that we accept this conference report today in order to feed many hungry children and to reaffirm our commitment to eliminating hunger in America.

Mr. FISH. Mr. Speaker, I am most pleased that the House of Representatives has today taken final action on legislation to continue and expand the school lunch program. Unfortunately, this program, which passed the House back in June, was first delayed in the Senate and by a summer congressional recess. These delays have already disrupted the planning of local school budgets.

This measure passed today will provide \$248 million for this fiscal year—1973—for the basic school lunch program, the school breakfast program, and the special food service program. It increases the minimum Federal contribution for every lunch served from 6

cents to 8 cents per lunch. Also, for the first time a "performance funding" concept is adopted. Under performance funding each State agency will receive a uniform payment for each lunch served in a fiscal year, with an additional payment for each free or each reduced-price lunch served to children eligible for such meals.

I am hopeful for quick Presidential action on the bill.

Mr. PERKINS. Mr. Speaker, there are no further requests for time on this side.

Mr. ASHBROOK. Mr. Speaker, we have no further requests for time.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. McFALL). The question is on the conference report.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 362]

YEAS—380

Abbott	Cabell	Edwards, Ala.
Abernethy	Caffery	Edwards, Calif.
Abzug	Carey, N.Y.	Ellberg
Adams	Carlson	Erlenborn
Addabbo	Carter	Eshleman
Alexander	Casey, Tex.	Evans, Colo.
Anderson	Cederberg	Fascell
Calif.	Celler	Findley
Anderson, Ill.	Chamberlain	Fish
Anderson	Chappell	Fisher
Tenn.	Chisholm	Flood
Andrews, Ala.	Clancy	Flowers
Andrews	Clark	Flynt
N. Dak.	Clausen	Foley
Annunzio	Don H.	Ford, Gerald R.
Archer	Clawson, Del.	Ford
Arends	Clay	William D.
Ashbrook	Cleveland	Forsythe
Ashley	Collins, Ill.	Fountain
Aspin	Collins, Tex.	Fraser
Badillo	Conable	Frelinghuysen
Baring	Conover	Frenzel
Barrett	Conte	Frey
Begich	Conyers	Fulton
Belcher	Corman	Fuqua
Bennett	Coughlin	Garmatz
Bergland	Crane	Gaydos
Betts	Culver	Gettys
Biaggi	Curlin	Gialmo
Blester	Daniel, Va.	Gibbons
Bingham	Daniels, N.J.	Goldwater
Blackburn	Danielson	Gonzalez
Boland	Davis, Ga.	Goodling
Bow	Davis, S.C.	Grasso
Brademas	Davis, Wis.	Gray
Brasco	de la Garza	Green, Oreg.
Bray	Dellenback	Green, Pa.
Brinkley	Delums	Griffin
Brooks	Denholm	Griffiths
Broomfield	Dennis	Gross
Brown, Mich.	Dent	Grover
Brown, Ohio	Derwinski	Gubser
Broyhill, N.C.	Devine	Gude
Broyhill, Va.	Dickinson	Hagan
Buchanan	Diggs	Haley
Burke, Fla.	Donohue	Hall
Burke, Mass.	Dow	Halpern
Burleson, Tex.	Downing	Hamilton
Burlison, Mo.	Drinan	Hammer-
Burton	Dulski	schmidt
Byrne, Pa.	Duncan	Hanley
Byrnes, Wis.	du Pont	Hanna
Byron	Eckhardt	Hansen, Idaho

Harrington	Meeds	Satterfield
Harsha	Melcher	Saylor
Harvey	Metcalfe	Scherie
Hastings	Michel	Schuer
Hathaway	Miller, Ohio	Schneebell
Hays	Mills, Ark.	Scott
Hebert	Mills, Md.	Sebelius
Hechler, W. Va.	Minish	Seiberling
Heckler, Mass.	Mink	Shipley
Heinz	Minshall	Shoup
Helstoski	Mitchell	Shriver
Henderson	Mizell	Sikes
Hicks, Mass.	Mollohan	Sisk
Hicks, Wash.	Monagan	Skubitz
Hillis	Montgomery	Slack
Hogan	Moorhead	Smith, Calif.
Hollifield	Morgan	Smith, Iowa
Horton	Mosher	Smith, N.Y.
Hosmer	Moss	Snyder
Howard	Murphy, Ill.	Spence
Hull	Murphy, N.Y.	Staggers
Hungate	Myers	Stanton
Hunt	Natcher	James V.
Hutchinson	Nedzi	Steed
Ichord	Nichols	Steele
Jacobs	Nix	Steiger, Ariz.
Jarman	Obeys	Steiger, Wis.
Johnson, Calif.	O'Hara	Stephens
Johnson, Pa.	O'Konski	Stratton
Jones, Ala.	O'Neill	Stubblefield
Jones, N.C.	Patman	Stuckey
Jones, Tenn.	Patten	Sullivan
Karh	Pepper	Symington
Kastenmeier	Perkins	Talcott
Kazen	Pettis	Taylor
Keating	Peyser	Teague, Calif.
Keith	Pickle	Teague, Tex.
Kemp	Pike	Terry
King	Pirnie	Thompson, Ga.
Kluczynski	Poage	Thompson, N.J.
Koch	Podell	Thomson, Wis.
Kuykendall	Powell	Thone
Kyl	Preyer, N.C.	Tiernan
Kyros	Price, Ill.	Ullman
Landgrebe	Price, Tex.	Van Deerlin
Landrum	Pryor, Ark.	Vanik
Latta	Purcell	Veysey
Leggett	Quile	Vigorito
Lennon	Quillen	Waggonner
Lent	Rallsback	Waldie
Link	Randall	Wampler
Lloyd	Rangel	Ware
Long, La.	Rarick	Whalen
Long, Md.	Rees	White
Lujan	Reuss	Whitehurst
McClary	Rhodes	Whitten
McCloskey	Riegle	Widnall
McClure	Roberts	Wiggins
McCollister	Robinson, Va.	Williams
McCormack	Robison, N.Y.	Wilson
McCulloch	Rodino	Charles H.
McDade	Roe	Winn
McFall	Rogers	Wolf
McKay	Roncallo	Wright
McKevitt	Rooney, Pa.	Wyatt
McKinney	Rosenthal	Wylder
Madden	Rostenkowski	Wyle
Mahon	Roush	Wyman
Mallard	Rousslot	Yates
Mallory	Roy	Yatron
Mann	Roybal	Young, Fla.
Martin	Runnels	Young, Tex.
Mathias, Calif.	Ruppe	Zablocki
Mathis, Ga.	Ruth	Zion
Matsunaga	St Germain	Zwach
Mayne	Sandman	
Mazzoli	Sarbanes	

NAYS—0

NOT VOTING—51

Abourezk	Dwyer	Passman
Aspinall	Edmondson	Pelly
Baker	Esch	Pucinski
Bell	Evins, Tenn.	Reid
Bevill	Gallfianakis	Rooney, N.Y.
Blanton	Gallagher	Ryan
Blatnik	Hansen, Wash.	Schmitz
Boggs	Hawkins	Schwengel
Bolling	Jonas	Springer
Brotzman	Kee	Stanton
Camp	McDonald	J. William
Carney	Mich.	Stokes
Collier	McEwen	Udall
Colmer	McMillan	Vander Jagt
Cotter	Macdonald	Whalley
Delaney	Mass.	Wilson, Bob
Dingell	Mikva	
Dorn	Miller, Calif.	
Dowdy	Nelsen	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.
Mr. Rooney with Mr. New York with Mr. Vander Jagt.
Mr. Delaney with Mr. McDonald of Michigan.
Mr. Dingell with Mr. Nelsen.
Mr. Evans of Tennessee with Mr. Baker.
Mr. Ryan with Mr. Bell.
Mr. Reid with Mr. Schwengel.
Mr. Passman with Mr. Springer.
Mr. Pucinski with Mr. Stokes.
Mr. Aspinall with Mr. Hawkins.
Mr. Blatnik with Mr. Brotzman.
Mr. Blanton with Mr. Collier.
Mr. Bevil with Mr. Schmitz.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Carney with Mr. Esch.
Mr. Kee with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. Pelly.
Mr. Abourezk with Mr. Udall.
Mr. Cotter with Mr. McEwen.
Mr. Dorn with Mr. Jonas.
Mr. Edmondson with Mr. Camp.
Mr. Miller of California with Mr. McMillan.
Mr. Colmer with Mr. Gallagher.
Mr. Galifianakis with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: On page 17, line 12, insert:

Sec. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

"SPECIAL SUPPLEMENTAL FOOD PROGRAM"

"Sec. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use \$20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of \$20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use \$20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such sub-

section, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

"(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 per centum of the Federal funds provided under the authority of this section.

"(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

"(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary and Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973, and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation.

"(f) As used in this section—

"(1) 'Pregnant and lactating women' when used in connection with the term 'at nutritional risk' includes mothers from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term 'at nutritional risk') also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

"(2) 'Infants' when used in connection with the term 'at nutritional risk' means children under four years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with 'at nutritional risk', may also include (at the discretion of the Secretary) children under four years of age who (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

"(3) 'Supplemental foods' shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C. Such term may also include (at the discretion of the Secretary) any food product commercially formulated preparation specifically designed for infants.

"(4) 'Competent professional authority' includes physicians, nutritionists, registered nurses, dietitians, or State or local medically trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk."

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

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

There was no objection.

MOTION OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to Senate amendment No. 26 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the motion was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1973

Mr. ANDERSON of Tennessee. Mr. Speaker, I call up House Resolution 1114 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1114

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, 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. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill except against section 743 are hereby waived.

Mr. ANDERSON of Tennessee. 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 1114 waives the 3-day rule for consideration of H.R. 16593, the Department of Defense appropriation bill, in order that it could be called up today. In addition, all points of order are waived against the bill except against section 743, which is controversial. The general waiver was granted due to the fact that authorizations have not been enacted into law.

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

Mr. SMITH of California. Mr. Speaker, I see no need for further comment. We just are taking up a rule to bring the bill before the House today. We have waived the 3-day rule and all points of order that have to do with this legislation on this bill, starting with page 30 and continuing on, with the exception of section 743, beginning on page 51, on which we did not waive points of order.

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

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll:

The question was taken; and there were—yeas 342, nays 34, not voting 55, as follows:

[Roll No. 363]

YEAS—342

Abbutt	de la Garza	Horton
Abernethy	Dellenback	Hosmer
Adams	Denholm	Howard
Addabbo	Dennis	Hunt
Alexander	Dent	Hutchinson
Anderson, Ill.	Derwinski	Ichord
Anderson, Tenn.	Devine	Jacobs
Andrews, Ala.	Dickinson	Jarman
Andrews, N. Dak.	Diggs	Johnson, Calif.
Annuzio	Donohue	Johnson, Pa.
Archer	Downing	Jones, Ala.
Arends	Dulski	Jones, N.C.
Ashbrook	Duncan	Jones, Tenn.
Ashley	du Pont	Karh
Aspin	Eckhardt	Kazen
Baring	Edwards, Ala.	Keating
Barrett	Elberg	Keith
Begich	Erlenborn	Kemp
Belcher	Eshleman	Kling
Bennett	Evans, Colo.	Kluczynski
Bergland	Fascell	Kuykendall
Betts	Findley	Kyl
Blaggi	Fish	Kyros
Blester	Fisher	Landgrebe
Blackburn	Flood	Landrum
Boland	Flowers	Latta
Brademas	Flynt	Leggett
Brasco	Foley	Lennon
Bray	Ford, Gerald R.	Lent
Brinkley	Ford, William D.	Link
Brooks	Forsythe	Lloyd
Broomfield	Fountain	Long, La.
Brown, Mich.	Frelinghuysen	Long, Md.
Brown, Ohio	Frenzel	Lujan
Broyhill, N.C.	Frey	McClary
Broyhill, Va.	Fulton	McCloskey
Buchanan	Fuqua	McClure
Burke, Fla.	Garmatz	McCollister
Burke, Mass.	Gaydos	McCormack
Burleson, Tex.	Gettys	McCulloch
Burlison, Mo.	Gialmo	McDade
Byrne, Pa.	Gibbons	McEwen
Byrnes, Wis.	Goldwater	McFall
Byron	Gonzalez	McKay
Cabell	Gooding	McKevitt
Caffery	Grasso	McKinney
Carey, N.Y.	Gray	Madden
Carlson	Green, Oreg.	Mahon
Carter	Green, Pa.	Mailliard
Casey, Tex.	Griffin	Mallory
Cederberg	Griffiths	Mann
Chamberlain	Grover	Martin
Chappell	Gubser	Mathias, Calif.
Clancy	Gude	Mathis, Ga.
Clausen,	Hagan	Matsunaga
Don H.	Haley	Mayne
Clawson, Del.	Halpern	Mazzoli
Cleveland	Hamilton	Meeds
Collins, Ill.	Hammer-	Melcher
Collins, Tex.	schmidt	Michel
Colmer	Hanley	Miller, Ohio
Conable	Hanna	Mills, Ark.
Conover	Hansen, Idaho	Mills, Md.
Conte	Harsha	Minish
Conyers	Harvey	Mink
Corman	Hastings	Minshall
Coughlin	Hays	Mizell
Crane	Hébert	Mollohan
Culver	Heckler, Mass.	Monagan
Curlin	Heinz	Montgomery
Daniel, Va.	Helstoski	Morgan
Daniels, N.J.	Henderson	Mosher
Danielson	Hicks, Mass.	Murphy, Ill.
Davis, Ga.	Hicks, Wash.	Myers
Davis, S.C.	Hillis	Natcher
Davis, Wis.	Hogan	Nedzi
	Hollifield	Nichols
		Nix

O'Hara	Ruppe	Talcott
O'Konski	Ruth	Taylor
O'Neill	Sandman	Teague, Calif.
Pattman	Sarbanes	Teague, Tex.
Patten	Satterfield	Terry
Pelly	Saylor	Thompson, Ga.
Pepper	Scherle	Thompson, N.J.
Perkins	Scheuer	Thompson, W.S.
Pettis	Schneebeli	Thone
Peyser	Scott	Tiernan
Pickle	Sebelius	Udall
Pike	Seiberling	Ullman
Pirnie	Shipley	Vanik
Poage	Shoup	Veysey
Powell	Shriver	Vigorito
Preyer, N.C.	Sikes	Wampler
Price, Ill.	Sisk	Ware
Price, Tex.	Skubitz	Whalen
Pryor, Ark.	Slack	White
Purcell	Smith, Calif.	Whitehurst
Quile	Smith, Iowa	Whitten
Quillen	Smith, N.Y.	Widnall
Railsback	Snyder	Wiggins
Randall	Spence	Williams
Rarick	Staggers	Winn
Reuss	Stanton	Wolf
Rhodes	J. William	Wright
Roberts	Stanton,	Wyatt
Robinson, Va.	James V.	Wyder
Robison, N.Y.	Steed	Wyllie
Rodino	Steele	Wyman
Roe	Steiger, Ariz.	Yatron
Rogers	Steiger, Wis.	Young, Fla.
Roncallo	Stephens	Young, Tex.
Rooney, Pa.	Stratton	Zablocki
Rostenkowski	Stubblefield	Zion
Roush	Stuckey	Zwach
Rousselot	Sullivan	
Roy	Symington	

NAYS—34

Abzug	Gross	Obey
Anderson,	Hall	Podell
Calif.	Harrington	Rangel
Badillo	Hathaway	Rees
Bingham	Hechler, W. Va.	Riegle
Burton	Hull	Rosenthal
Chisholm	Hungate	Roybal
Clay	Kastenmeyer	St Germain
Dellums	Koch	Van Derlin
Drinan	Mitchell	Waldie
Edwards, Calif.	Moorhead	Yates
Fraser	Moss	

NOT VOTING—55

Abourezk	Dow	Murphy, N.Y.
Aspinall	Dowdy	Nelsen
Baker	Dwyer	Passman
Beil	Edmondson	Pucinski
Bevill	Esch	Reid
Blanton	Evins, Tenn.	Rooney, N.Y.
Blatnik	Gallifanakis	Runnels
Boggs	Gallagher	Ryan
Bolling	Hansen, Wash.	Schmitz
Bow	Hawkins	Schwengel
Brotzman	Jonas	Springer
Camp	Kee	Stokes
Carney	McDonald,	Vander Jagt
Celler	Mich.	Waggonner
Clark	McMillan	Whalley
Collier	Macdonald,	Wilson, Bob
Cotter	Mass.	Wilson,
Delaney	Metcalfe	Charles H.
Dingell	Mikva	
Dorn	Miller, Calif.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.
Mr. Rooney of New York with Mr. Vander Jagt.
Mr. Delaney with Mr. McDonald of Michigan.
Mr. Dingell with Mr. Nelsen.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Ryan with Mr. Bell.
Mr. Reid with Mr. Schwengel.
Mr. Passman with Mr. Springer.
Mr. Pucinski with Mr. Stokes.
Mr. Aspinall with Mr. Hawkins.
Mr. Blatnik with Mr. Brotzman.
Mr. Blanton with Mr. Collier.
Mr. Bevill with Mr. Schmitz.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Carney with Mr. Esch.
Mr. Kee with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. Bow.

Mr. Mikva with Mr. Galifanakis.
Mr. Abourezk with Mr. Gallagher.
Mr. Cotter with Mr. Celler.
Mr. Dorn with Mr. Jonas.
Mr. Edmondson with Mr. Camp.
Mr. Miller of California with Mr. Dow.
Mr. Murphy of New York with Mr. Metcalfe.
Mr. Waggonner with Mr. Charles H. Wilson.
Mr. Clark with Mr. Dowdy.
Mr. Runnels with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE PRESIDENT

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

THE COST OF LIVING COUNCIL'S THIRD QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am transmitting with this the Cost of Living Council's third quarterly report on the Economic Stabilization Program covering the period April 1 through June 30, 1972.

The report reflects the significant progress which the country is continuing to make toward the joint goals of reducing the rate of inflation and restoring vigorous health to the economy:

1. In the battle against inflation, the annual rate of increase in consumer prices has been cut to 2.9 percent since I announced the New Economic Policy on August 15, 1971. During the same period, real spendable weekly earnings have increased at an annual rate of 3.8 percent.
2. The recovery which the economy is experiencing is evidenced by nearly all of the key economic indicators. Last quarter's real GNP grew at an annual rate of 9.4 percent, the greatest increase in seven years. Productivity increased at a 6 percent annual rate in the second quarter of 1972, with an accompanying decline in unit labor costs. Employment has increased by 2.6 million workers since the program began, and the rate of unemployment has declined moderately.

While this encouraging progress has resulted from the interaction of many economic factors, the temporary wage and price controls of the Economic Stabilization Program have played an important role in maintaining price stability during a period of rapid expansion. The disciplines of the controls program,

together with responsible fiscal and monetary policies and the continued support and cooperation of the private sector, can enable us to move into a new era of unprecedented prosperity for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, September 13, 1972.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, before moving to go into the Committee of the Whole on the defense appropriation bill, 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. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and to include extraneous matter.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. 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. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. MINSHALL) and myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16593, with Mr. ROSTENKOWSKI 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 unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. MINSHALL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman this is another historic moment in the House of Representatives. We are beginning consideration of the largest money bill that has ever been

presented to any legislative body in the history of the world. So it is a very important measure, and of course it takes a big bite out of the tax dollar.

Of course, a bill of this magnitude and importance, having to do with the very life of the Nation and perhaps of the world, deserves very close scrutiny.

COMMITTEE REVIEW

There is evidence from time to time that a large segment of the American people are beginning to become disenchanted with the operations of our Government. Huge blunders in the management of defense dollars over a long period of years—dollars provided by the Congress for defense—have contributed to this unrest, unhappiness, and disenchantment.

It was with that in mind that the Committee on Appropriations devoted so many hours, weeks, and months to consideration of this defense appropriation bill.

I hope the actions by the Congress this year on this defense appropriation bill will strengthen the credibility of the Congress with the American public.

It will be readily apparent that we have given thorough scrutiny to the various requests for defense spending. The report, which is the most complete, perhaps, ever presented on an appropriation bill—and it should be—is full of facts. Members who want to know about the bill need not listen to me speak. They could probably better use their time reading and rereading the report. It is heavy reading, but it is very important.

REDUCTIONS RECOMMENDED

In this measure we reduce the requests for appropriations by the executive by \$4.4 billion.

This is not remarkable. There is nothing new about this. Over the years, the Congress has reduced defense appropriations wherever this appeared to be logical and in the public interest.

There have been times in the past when we have increased appropriation bills above the request of the executive, and in this bill today we are increasing funds for certain purposes beyond the request of the executive branch of the Government.

For the fiscal year 1968, the congressional reduction in the defense appropriation bill was \$2 billion; in 1969 it was \$5.6 billion; in 1970 it was \$5.7 billion; in 1971 it was \$2.3 billion; and in 1972 it was \$3.3 billion. So there is nothing antimilitary or antidefense in the fact that we have made reductions of considerable magnitude in the bill which is before us.

We had not recommended reductions without sharing with the Congress and with the press and with the Pentagon the reasons why the reductions were made. All that needs to be done is for the report to be read. And whether our reasons are sound or not is a matter for the citizens to decide, but we have given our views for the American people to consider.

FUNDS PROVIDED

This bill provides the Department of Defense for the fiscal year 1973, which ends June 30, 1973, with \$75.2 billion. It is about \$1.4 billion more than the funding available last year. It is notable that war costs allegedly are going down, but the defense budget is going up, and that is hard completely to rationalize, but I think a study of the situation will reveal that inflation is largely responsible for this and it is in the public interest to provide the funds which have been recommended in this bill.

As I said, this is a very large bill, the largest ever presented, but the total funds provided for the Department of Defense will be larger since next year we will provide probably in a supplemental about \$1.5 billion in addition to this \$75 billion for pay increases.

With respect to the magnitude of the defense appropriation bills, some of you may recall that during World War II Congress appropriated some \$99 billion in 1942 and \$80 billion in 1944. But those sums for those years were not provided in one bill. Rather, they were provided in a number of regular and supplemental bills.

The committee recommends reductions in new budget authority amounting to about \$5 billion, but by applying certain unexpended funds that amount has been reduced by \$650 million, making a total available of about \$75.2 billion.

These funds, of course, are beyond one's capability fully to understand, but the purposes for which they are provided are very understandable.

AUTHORIZATION REDUCTIONS

The committee of conference on the defense authorization bill today presented to the House a recommendation for a reduction in the President's request of \$2.3 billion. Of course, that is a part of the reduction that has been made by the Committee on Appropriations. It was not a matter for the determination of the Committee on Appropriations. The authorization bill treated with less than one-third of the dollar total of the bill before us today, because this bill includes almost all aspects of defense.

SOUTHEAST ASIA BUDGET AMENDMENT

The authorizing committees, however, did not consider the Southeast Asia budget amendment submitted by the President on June 30 of this year. The President, in view of the invasion by the North Vietnamese into South Vietnam, requested \$2.2 billion in additional money because of the loss of aircraft and the huge expenditure of funds for weapons otherwise and for ammunition.

The Appropriations Committee considered that amendment, and with the concurrence of the Committee on Armed Services, which I would say is a fair statement, included most of the funds requested.

Most of the Southeast Asia budget amendment was considered to be justified because of the increased activity, and a large part of it, as indicated, was

recommended for funding. This added funding caused us to be above the authorization in three procurement appropriations. When we consider authorizations of \$2.3 billion on less than one-third of this bill, and the funding of most of the Southeast Asia budget amendment, the overall reduction of \$4.4 billion in this bill does not loom as it otherwise might appear to be.

ADEQUACY OF FUNDS

We believe this bill provides adequate funds for the Defense Department. Of course, many things are involved in the defense of the country other than mere dollars and mere weapons. The \$75.2 billion in this bill, together with unexpended balances of about \$32 billion, will provide a total availability of over \$107 billion for the Department of Defense during this fiscal year.

I must point out, of course, that the \$24.8 billion of unexpended balances available to the Department is already obligated for the most part on legally binding contracts for weapons and long leadtime items.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield myself 10 additional minutes.

REASONS FOR REDUCTIONS

The reductions recommended do not cut into the bone and marrow of the Defense Establishment, in the opinion of the committee. They are recommended in those areas where savings, we feel, can be realized by better management of defense resources. They were recommended to eliminate obsolete or marginal programs. They were recommended to encourage a more cautious approach to production of military hardware where substantial development and testing has not been completed, in consonance with the "fly-before-you-buy" concept espoused by the Congress and by the Department of Defense.

They were recommended in recognition of shortfalls in military personnel strengths. In short, the reductions recommended to the House were considered to be fully justified. I trust that the Members can find the time to read the report on this bill to which reference has been made.

WAR IN SOUTHEAST ASIA

Mr. Chairman, I understand that there will be an "end-the-war" amendment offered to the bill. This is expected on many other major bills which are presented. I hope that we will not expend a great deal of time on this issue, because we have so thoroughly explored it, and we have each, I think, generally made up our minds as to what probably is the best course to follow.

This bill provides \$2.5 billion for support of the South Vietnamese and other free world forces in Southeast Asia during the current fiscal year. The Department estimates another \$3.3 billion will be required to support U.S. forces in the war effort. The committee did not recommend a reduction in the Southeast Asia request, because, under the present

circumstances, the committee did not wish to tie the hands of the President in protecting the remaining U.S. forces in Vietnam as he continues our withdrawal from that conflict, and seeks to find a way to end the war that could be considered by reasonable men to be honorable.

POSSIBLE INCREASED FUNDING REQUESTS

I must warn that it is possible that additional funds may be required for Southeast Asia this fiscal year if the current intensity of that conflict continues beyond September 30. I mark my words when I say that the President's Southeast Asia budget amendment of June 30 of \$2.2 billion is designed to support the Department only through that date at the sortie rates and munition consumption levels experienced at the time of the North Vietnamese incursion into South Vietnam.

The intensity of activity continues at a relatively high rate today, as we approach September 30. None of us, of course can predict how long the enemy will continue the present level of conflict.

FUNDS RECOMMENDED

You will note that in the table on pages 12 and 13 of the report, the committee recommended some \$20.7 billion for the Army, about \$24.6 billion for the Navy, approximately \$23.7 billion for the Air Force, and more than \$1.8 billion for Defense agencies and the Office of the Secretary of Defense. Pay for retired military personnel was funded at about \$4.4 billion which is the full amount of the request.

CIVILIANIZATION OF KP

One of the most controversial reductions recommended by the committee was in the program to civilianize kitchen police, or KP, as we usually refer to it, and other work detail duties in the military services. The Department of Defense proposes during the current fiscal year to hire civilian contractors to provide such services as serving food, washing dishes, mowing lawns, cleaning barracks, and acting as guards at military installations. The department requested some \$260 million for this fiscal year for this purpose. It is estimated that these contract services will cost nearly \$500 million annually in future fiscal years; that is, to eliminate KP and other house-keeping responsibilities at military installations.

The question that was before the committee, and is before the House today, and will be before the House tomorrow on this issue, is: Will one-half billion dollars annually for these services contribute in any really substantial and significant way toward the success of an all-volunteer Army, and toward the strengthening of the defense posture of the United States? Will young men decide to choose a military career because they will be free from such duties during their earlier years of enlistment?

The majority of the committee did not believe so, and we recommended that the program be discontinued by April 30, 1973. Many contracts have been entered

into already without action by the Congress, and in violation of the spirit of the continuing resolution. But I would warn you that all Government contracts of this nature are tentative, and they are subject to authorization and funding by the Congress.

ABM DEFENSE OF WASHINGTON, D.C.

As you know, the Washington, D.C., Safeguard site—and I am changing the subject abruptly in order to cover a little more territory—was not authorized, and the committee recommended a reduction of \$250 million in the Safeguard program for the defense of Washington, D.C. I for one did not believe it was practical to try to initiate a program to protect Washington, D.C., which is a soft site—and I am using that not in an unfavorable light, but it is not like trying to protect hardened missiles and silos. The Washington, D.C., site was not authorized, so this is no problem to the committee to recommend a reduction of this amount of money.

OTHER REDUCTIONS

I could go on, and cite the many reductions in the bill recommended by the committee, but as I have indicated earlier, each recommendation is explained in the report.

We do not make any pretense of having been perfect. We have just done the best we could with a difficult job, and we hope that the Members will familiarize themselves with the reasons that motivated the committee on making the recommendations we have made.

For the convenience of the Members we have provided a table of contents in the report this year in order to facilitate the location of the many programs discussed in the report. I trust the Members will find this most convenient as they consider the many facets involved in this very large and complicated appropriations bill.

In summary, the committee feels it has done a thorough job in reviewing and addressing one of the most important appropriations bills the House will consider this session. The amount recommended for our national defense is large, and the dollar reductions recommended are likewise significant in total, but not unrealistic.

While we are encouraged by the SALT treaty and the strategic arms limitation agreement signed in Moscow by the President, we cannot move toward unilateral disarmament. We must maintain a strong national defense. It would be utter folly to make significant unilateral reductions in our defense posture.

The reductions recommended, therefore, are in keeping with our continued responsibility to the American public that only fully justifiable defense programs be funded.

We, in the committee, believe we have presented a good bill to the House, a defense bill that the majority of the Members can support.

Under permission granted, I include for the record the summary tables from the committee report:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation, fiscal year 1972 (new obligatory authority)	Budget estimate, fiscal year 1973 (new obligatory authority)	Committee bill	Committee bill compared with—	
				Appropriation, fiscal year 1972	Budget estimate, fiscal year 1973
Title I—Military personnel	\$22,964,100,000	\$23,658,559,000	\$23,081,821,000	+\$117,721,000	—\$576,738,000
Title II—Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	+437,238,000	—
Title III—Operation and maintenance	20,553,925,000	21,634,944,000	21,001,245,000	+447,320,000	—633,699,000
Transfer from other accounts			(200,000,000)	(+200,000,000)	(+200,000,000)
Title IV—Procurement	17,776,892,000	21,169,830,000	18,338,470,000	+561,578,000	—2,831,360,000
Transfer from other accounts	(843,700,000)		(389,500,000)	(+454,200,000)	(+389,500,000)
Title V—Research, development, test, and evaluation	7,519,062,000	8,768,767,000	7,793,928,000	+274,866,000	—974,839,000
Transfer from other accounts	(101,900,000)		(60,000,000)	(+41,900,000)	(+60,000,000)
Transfer authority	(50,000,000)	(50,000,000)		(+50,000,000)	(+50,000,000)
Title VI—Special foreign currency program	12,000,000	3,400,000	3,400,000	—8,600,000	—
Title VII—General Provisions (Additional transfer authority, Sec 735)	(750,000,000)	(1,000,000,000)	(650,000,000)	(+100,000,000)	(+350,000,000)
Title VIII—Antiballistic missile construction	109,570,000			—109,570,000	—
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	+1,720,553,000	—5,016,636,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(+296,100,000)	(+649,500,000)
Total funding available	73,802,595,000	79,594,184,000	75,227,048,000	+1,424,453,000	—4,367,136,000
Transfer authority	(800,000,000)	(1,050,000,000)	(650,000,000)	(+150,000,000)	(+400,000,000)
Distribut on by organizational component:					
Army	121,039,789,000	22,027,213,000	20,461,434,000	—578,355,000	—1,565,779,000
Transfer from other accounts	(351,900,000)		(783,600,000)	(+431,700,000)	(+431,700,000)
Navy	23,176,145,000	26,154,554,000	24,459,587,000	+1,283,442,000	—1,694,967,000
Transfer from other accounts	(260,000,000)		(125,000,000)	(+135,000,000)	(+125,000,000)
Air Force	22,882,597,000	25,043,601,000	23,451,342,000	+568,745,000	—1,592,259,000
Transfer from other accounts	(323,700,000)		(233,200,000)	(+90,500,000)	(+233,200,000)
Defense agencies/OSD	1,837,018,000	2,010,132,000	1,846,501,000	+9,483,000	—163,631,000
Transfer from other accounts	(10,000,000)		(7,700,000)	(+2,300,000)	(+7,700,000)
Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	+437,238,000	—
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	+1,720,553,000	—5,016,636,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(+296,100,000)	(+649,500,000)
Total funding available	73,802,595,000	79,594,184,000	75,227,048,000	+1,424,453,000	—4,367,136,000
Transfer authority	(800,000,000)	(1,050,000,000)	(650,000,000)	(+150,000,000)	(+400,000,000)

¹ Includes \$98,500,000 for military construction, Army, under title VIII—Antiballistic missile construction.

² Includes \$11,070,000 for family housing, Defense, under title VIII—Antiballistic missile construction.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, as my good friend, the chairman of the Appropriations Committee has pointed out, we are again presenting the annual defense appropriations bill.

COMMITTEE REVIEW

I want to point out that the subcommittee has spent many, many long hours in sessions—closed sessions and some open sessions—but of necessity most of them were closed sessions, hearing hundreds of witnesses who came before us. I want to point out from the start that as able as we think we are in the subcommittee, none of us are experts, but over the years we have become knowledgeable about matters pertaining to the military. Some of us have specialties or fields in which we think we know a little bit more than others. This is as it should be, so we end up helping one another.

I want to point out that this subcommittee approaches matters pertaining to national defense on a strictly nonpartisan basis. I have never seen a vote cast in this Defense Subcommittee that had any earmarks or hint of a so-called party line vote. We do what we think is best for America, and best for the Nation's security.

Mr. Chairman, I support this bill. I believe the bill as reported is a good bill and should be reasonably satisfactory to all members and anyone else concerned.

I would be remiss, if I did not add to my remarks that I think service on the Subcommittee on the Department of Defense is both a privilege and a penance. There is no more satisfying work to be found than dealing on a day-to-day basis with the problems involved in providing

for the military defense of our Nation. Providing for our national security and seeing to it that the President, whoever he might be is given the means to deal with other nations from a position of strength.

The Members can see the nine volumes of hearings that we have here on the desk and obtain some idea of the many hours of effort which must go into the preparation of this bill. I have here in my hand a report of more than 250 pages. I would like to point out that we have provided a table of contents to the report. The table of contents consists of nearly 7½ pages with nearly 500 items listed thereon.

These hearings that I pointed to a moment ago contain over 8,500 pages of testimony and data. If anybody has the time to read them, they are welcome to, but it is a time-consuming task to go through all these hearings. Much of the testimony and detailed data has been deleted for security reasons. So, in effect, the report of our hearings would be much, much larger had it not been necessary for security reasons to delete some data.

Our hearings started on January 25 of this year, immediately following submission of the fiscal year 1973 budget to the Congress. The last hearing was held on July 20. As all Members know the committee meets both morning and afternoon, week in and week out. The number of witnesses heard is both lengthy and impressive. What really takes the time is the evaluation of the testimony, discussing what we will actually put in the bill and finally arriving at recommendations which are brought before the full committee and the House. In a sense, we sit as a jury and arrive at a verdict with respect to the many programs and items included in the Department's budget. We

considered requests in this bill totaling almost \$80 billion. The recommendations of the committee are for the most part specific and precise.

REDUCTIONS

We have provided for the security of the Nation. We have eliminated funds whenever we found reductions could be made without jeopardizing our national defense and our national security. It is never easy to make reductions. We reduced the programs by \$5 billion, offset by funding transfers of \$650 million for a net reduction of \$4.4 billion. All programs, all expenditures have their advocates, but we have made decisions and have made recommendations to the House and they are documented in the report that accompanies the bill.

The report itself, as I said, is over 250 pages with eight pages of index. I do commend, not the hearings, because that would be too time consuming, but the report to all Members for their reading. The report has been written with care and great thought and the reasons for the committee's action are clearly stated therein.

SECRETARY OF DEFENSE

Mr. Chairman, it is always difficult to criticize the Department of Defense. There are so many fine people, both military and civilian, associated with the Department. Our former colleague, Mel Laird, is a man who is tireless in his devotion to his country. He has done a superb job as Secretary of Defense and I, for one, am very sorry that he has made an announcement that he is going to leave this position sometime after the first of the year. I understand that 4 years is long enough for any man in the very difficult position of the Secretary of Defense, a position second only to the President of the United States in com-

plexity and overall responsibility. I have said to Mel Laird on more than one occasion: "Mel, I do not envy your job one bit but I am very glad you are where you are." I think every Member of this Congress and every American should be thankful that we have had such a great Secretary of Defense.

COMPARISON OF DOD BUDGET REQUESTS WITH CONGRESSIONAL ACTION—BASIC BUDGETS

(In thousands)

	DOD request	HAC action	Difference cols. 1 and 2	House enacted	Difference cols. 1 and 2	Congress enacted	Difference cols. 1 and 6
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Fiscal year:							
1968	76,174,811	74,586,042	-1,588,769	74,586,042	-1,588,769	74,152,312	-2,022,499
1969	79,945,200	74,551,768	-5,393,432	74,551,768	-5,393,432	74,322,846	-5,622,354
1970	78,390,285	72,969,862	-5,420,423	72,969,862	-5,420,423	72,667,882	-5,722,403
1971	71,582,847	69,304,325	-2,278,522	59,454,325	-2,128,522	69,243,701	-2,339,146
1972	76,182,986	73,443,845	-2,739,141	73,443,845	-2,739,141	72,856,995	-3,325,991

In an establishment as large as the Department of Defense which manages a budget in the area of \$75 billion a year, even under the best and most responsible management there will always be mistakes. There is bound to be some waste and some extravagance. There will always be some programs which do not turn out just right. There will always be programs that are marginal in their usefulness. There will always be items that would be nice to have but which are not essential to our national defense. It is these items that this subcommittee has attempted to weed out. It is these items which the committee has recommended for deletion from the accompanying bill.

CHEYENNE HELICOPTER PROGRAM

The Cheyenne helicopter program is an example of a program which has not been well managed and I can think back on other programs which have been badly managed. I remember and also the gentleman from Pennsylvania (Mr. Flood) will remember back to the early sixties when we were successful in terminating the so-called BOMARC program. That program went its merry way until they had spent billions before deciding the missile would not work. This kind of waste and extravagance in the military is absolute nonsense. The same is true with the main battle tank program. It started in the early sixties. They finally gave up on that last year at the direction of the House Appropriations Committee.

The Cheyenne program started in the Army back in March of 1963, as an advanced aerial fire support system. The Cheyenne was to be a "fighter-chopper," a helicopter gunship, a helicopter which could defend transport helicopters from groundfire and which could attack enemy tanks and troop positions. Over the years the Army spent \$417,600,000 directly on the Cheyenne. In addition, there were other indirect costs, such as the cost of military personnel involved in the administration and management of the program at all levels, and the cost of the utilization of test ranges and other facilities of the Defense Department. I think it would be a most conservative estimate to say that at least \$450 million has been spent on this program.

The day before the committee met to mark up this bill, the Army announced

CONGRESSIONAL CONTROL
Mr. Chairman, we have a fine Military Establishment in this country, one for which we all have great respect, but under our form of government we have civilian control of the military, and we in the Congress have to exercise that con-

trol primarily through the power of the purse. We listen to and evaluate the recommendations, but as I said we have the responsibility of making the final and ultimate decisions. We have a good record of making reductions. We have cut over \$19 billion, as the following table shows, in the last 5 fiscal years:

the termination of the program. Nine years of effort and \$450 million of the taxpayers' money went down the drain. The program had been in technical difficulty for some time. The Army had terminated the procurement part of the Cheyenne contract some years ago, and substantially revised the program. Apparently they just did not go far enough. The early wind tunnel tests and the flight tests should have convinced the Army that the Cheyenne was not practical.

Year after year the committee closely questioned Army witnesses about this program, and year after year we were always assured that the program was absolutely vital to the Army, and that it would turn out all right; that no reductions could be made; and the technical difficulties would be overcome.

Now we find out some 9 years later that this was just not the case, and the Cheyenne is added to the long list of programs, like the C-5A and the BOMARC and the main battle tank program, and others that I have mentioned earlier. This committee determination to get to the bottom of the close air support issue and the assignment of the General Accounting Office to review Army tests of the Cheyenne were instrumental in canceling the Cheyenne.

PERSONNEL TURBULENCE

In the opinion of the committee one of the reasons for the difficulties in these military systems acquisition programs is the military promotion system which requires that a man change jobs frequently in order to advance in rank. This is generally ridiculous and utterly so when applied to managers of complex weapons systems.

We get a manager into a complex program, and as soon as he understands the program—in the case of the Navy he wants to command a ship in order to be advanced in rank. This is what has happened to the managers of these major procurement programs. I think this turbulence of personnel is often responsible for the troubles that we have had with these programs.

Year after year, the committee has called on the military service to change their personnel policies and leave men on their jobs for longer periods of time so that they can become more efficient and

acquainted with and adequately prepared to perform them.

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

Mr. MINSHALL. Yes, I will yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman pointed out that we have civilian control of the military. How does this relate to all the frustration we have had in trying to get the military to do what everybody realizes is the sensible thing to do? Year after year after year Congress tells them to do something, asks them to do it, pleads with them to do it, and we do not get anywhere. How can we call such inaction civilian control of the military?

Mr. MINSHALL. I think the gentleman already has the answer. He sits on the Military Construction Subcommittee and also sits on the parent Appropriations Committee. He has been involved in these matters.

Mr. LONG of Maryland. I must say I do not think we have civilian control of the military. It is my observation that the military does pretty much what they please, and we are to a very large extent a front for it.

Mr. MINSHALL. I believe that Mel Laird has control of the military. He takes a reasonable amount of advice from the military. Why should he not? They are experts in charge of these programs. Mel Laird, I believe, has done an outstanding job in this regard. He is the one who has advocated and promoted the fly-before-you-buy concept, rather than the total package procurement concept of previous years.

Mr. Chairman, a policy which has been embraced by the Appropriations Committee, as well as by the Secretary of Defense, as an answer to some of our difficulties in military procurement is the policy of fly-before-you-buy. Too often we have bought paper airplanes that existed on blueprints only that were said to be able to do remarkable things and which turned out to be both very expensive and unremarkable. A number of the actions taken by the committee fall in this area. We are trying to insist that procurement funds not be spent on new hardware before that hardware is thoroughly tested and evaluated and determined to be ready for procurement.

We deleted \$101 million from the F-15 aircraft of the Air Force for this reason. We believe the F-15 program to be a good one and we believe that the Air Force will ultimately have an outstanding fighter as a result of this program, but we know and have ample documentation of the potential difficulties and slippages in the engine program for the F-15. We have the testimony of the Secretary of Defense and the Secretary of the Air Force to the fact that very little testing of the F-15 was scheduled to take place before the initiation of this major procurement. What we have done in the F-15 program is provide the funds for a minimum buy under the contract of 15 aircraft in fiscal year 1973 rather than the 30 aircraft requested in the budget. This will mean that we will have produced fewer aircraft with the difficulties inherent in any aircraft in the early stages of production. After sufficient testing has been under the contract, additional aircraft over the presently programmed numbers can be undertaken in subsequent years if it is felt that such action is in the best interest.

Another program in which we are practicing fly before you buy is in the S-3A antisubmarine warfare aircraft of the Navy. The S-3A aircraft is a very complex aircraft with much electronic gear required for the detection of submarines. All of this gear has not been fully tested and we call for a reduction in procurement until further testing is performed.

Mr. YATES. Mr. Chairman, will the gentleman yield for one question?

Mr. MINSHALL. I yield to the gentleman for one question.

Mr. YATES. Will the gentleman tell the House why we need the largest appropriation bill in history if, in fact, we have just concluded the SALT agreement and the Department of Defense is being run so excellently under the administration of Secretary Laird?

Mr. MINSHALL. If the gentleman will be patient, we will bring out these points in the course of the debate and also tomorrow when we get into the amending process.

Mr. YATES. That is not really an answer.

Mr. MINSHALL. It is an answer. It is my answer for now. We will answer further in due course, but I do not want to get into that question right now.

There are hundreds of millions of dollars provided in this bill for things to make life better for our military personnel so that service life will be more attractive for our men so that they will reenlist and recruiting will be more successful. Yet, one of the major irritants in the life of a military man is too frequent moves from one location to another, from one job to another. This is an area in which there must be further improvement, in the view of the committee, without delay.

PERSONNEL COSTS

More and more of the funds appropriated to the Department of Defense are being taken up by personnel costs. If I might, this will get to the question the gentleman from Illinois asked me a moment ago, "Why is this bill so high?" It

is primarily because of personnel costs. Depending upon how one computes it, we are spending from 52 to 63 percent of our total Defense budget on the pay and allowances and support of personnel.

When one looks for reductions in Defense spending, one must look at the personnel area for some of the reductions, since the lion's share of the money is in this area.

The committee has recommended in the bill now before us some personnel reductions. They are minimal and are not harmful to our Defense effort and are generally specific in their application.

We recommend reductions in the number of personnel in the various headquarters of the military services.

We recommend reduction in the funds requested for permanent change of station, travel.

We have deleted funds budgeted to pay transportation costs for bringing foreign purchased automobiles back to the United States by individual servicemen.

We have cut the funds in this bill requested for the recruiting of personnel. We feel that the services have gone overboard in requesting additional personnel for recruiting for an all-volunteer force.

The costs of military manpower have risen drastically in recent years. If the gentleman from Illinois will listen to these remarks, they will answer a part of his question.

Since 1964 the cost of military manpower, including basic pay and allowances and retirement pay and family housing costs, have risen from \$14.7 billion to over \$30 billion, an increase of 100 percent.

I might point out also that as recently as 1965 an E-1 in the military service was getting approximately \$60 a month. Today an E-1 in the service gets a little over \$260 a month, an increase of four times what he was getting about 7 years ago.

If we can go back to World War II, I remember full well from my own practical experience when I, and I know many others in this room, got only \$21 a month.

Basic military pay alone has risen from \$8.5 billion in fiscal year 1964 to \$18.5 billion in fiscal year 1973.

Much of this increased cost is a result of pay raises which have been granted by this very Congress.

The CHAIRMAN. The time of the gentleman has expired.

UTILIZATION OF MILITARY PERSONNEL

Mr. MINSHALL. Mr. Chairman, I yield myself 5 additional minutes.

As I said, much of this increased cost is as a result of pay raises passed by Congress. Since all other costs were rising, it was necessary to provide pay increases for military personnel, but personnel costs have risen to such an extent that we must now carefully look at the utilization of military personnel.

All of you who have been in the military service know that there is very often a great waste of people. This is even less permissible now than it was in the past when the people costs were relatively low. Today people costs have risen sharply, and we must be sure that the military really needs the number of personnel requested, and we must see

that they perform military duties and not civilian duties which could be performed more cheaply and probably more efficiently by civilian personnel.

We need to see, also, that the make-work jobs which serve no useful purposes are eliminated.

Because of the great rise in military costs future management improvements in the Department of Defense must be directed more toward the personnel area than ever before.

SUMMARY

Mr. Chairman, there are so many defense programs and so many actions have been taken by the committee with regard to various programs that I am not going to undertake to discuss them all at this time. I have tried only to highlight a few of the area.

I recommend this bill and urge that the House pass it.

In summary I would like to point out that the total reductions in this bill from the budget request are \$5.016 billion. Of this reduction, \$2.3 billion stems from the authorization action. Included within the \$75.2 billion provided is \$650 million of prior year balances made available to the Department of Defense to offset reductions in new appropriations.

In summarizing the bill as best I can, I can say that just to hold the budget at an absolutely even level from fiscal 1972 to fiscal 1973, including the hiring of exactly the same number of people and purchasing exactly the same amounts of goods and services, adding nothing—adding nothing, mind you—we would have to add \$3.8 billion to this bill. We are in fact only adding \$1.8 billion. This means in real terms that the defense budget is down \$2 billion.

I commend this bill to the House and I urge its passage. I hope that the other body can act expeditiously so that we may resolve the differences in conference this month. The end of this month will mark the end of the first quarter of the Government's fiscal year. The Department of Defense as is true of the other departments and agencies of the Government, needs to know what their funding programs are to be for this fiscal year without additional delay. I am very pleased that we have this bill on the floor in the month of September rather than later as has been the case in the past few years. I would hope that next year we could bring a bill to the floor even earlier.

Mr. Chairman, this bill provides the essentials for our Nation's defense. This bill provides for the exercise of congressional control of the military through the power of the purse. This bill cuts fat where it has been found. It is a good bill.

Mr. SIKES. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this very large and very detailed appropriation package is not an easy one to understand—not easy for the Members of the House to understand; not easy for the members of the committee to understand. There is no way for any one individual to fully grasp all that is contained and projected in a \$74.6 billion bill. One point sticks in my mind. Most of the bills that have been reported

by the Committee on Appropriations are at about the budget level or they are above the budget level. The pressure to cut always seems reserved for defense. I am not sure this is a healthy situation. I think the case for an increase in appropriations for defense is as good as that made for most of the other agencies. America needs real, not token, modernization. But in defense, instead of an increase, we have a cut which, including authorization and appropriation cuts, totals about 6 percent. There have been times when a 6-percent cut was not particularly alarming in the military budget. But I happen to know that military budgets now are much more tightly screened than in prior years.

Nevertheless, the bill before you is probably the best we can get under all the circumstances. And the cuts have been very carefully made. Obviously the committee must consider both the requirement for adequate defense and mounting costs of defense in this country. We live in a world which communism seeks to dominate by whatever means are required. In Indochina, and particularly in Vietnam, the Communists are seeking to establish control of more territory, regardless of where it is or what it is, so that they can go to the conference table after a cease-fire saying, "This is ours. Now we will negotiate for yours." In the Olympics, we have seen instance after instance where Communist judges voted blindly for Communist athletes—never mind whether they were right or wrong. In the SALT talks we yielded on many points just to get an agreement and hopefully to stop the military buildup. I support what was done because we need to reach understandings. Nevertheless, that is the way the Communists always operate and the one sure protection America has is military strength.

Yet the committee must recognize pressures for funds for domestic needs, must look at the sad state of the budget. There are some areas that permit a cut in expenditures—involvement in Southeast Asia, apparent improvement in world atmosphere, reduction in cost of the ABM system. This is helpful.

Members of the House can learn a great deal about the problems of a defense budget by studying the report. It comprises 254 pages and it is very probably the most detailed and complete one ever submitted on a defense appropriation bill. It explains every aspect of defense. It tells of the manner in which we are seeking to obtain modernization, but it does not spell out the contrast of numbers of weapons—many of them new and modern—between our forces and Communist forces. When someone tells you we have a tank as good as the Russian tank, he is not giving you the whole story unless he says the Russians have three times as many as we. Those are not very good odds to send American boys up against.

The budget estimate was \$79.6 billion. The recommended appropriation is \$74.6 billion, a \$5 billion reduction. It is \$1.8 billion higher than last year's bill. A very big part of cost increases in the Department of Defense is personnel. We have the most highly paid personnel, civilian and military, in the world. Over 60 per-

cent of each defense dollar is for pay of people in the U.S. military. This is double the amount for the Soviets. Consequently they get more weapons, more modernization, and the scale is tilting rapidly in their favor in modernized weapons capability. In addition, by cutting force levels we are taking unilateral disarmament. This bill cuts force levels.

Cost of retired military personnel is up roughly one-half billion dollars. This will continue to increase. O. & M. is up one-half billion dollars. This is primarily personnel and it will be noted that the committee cut this item nearly two-thirds billion dollars below the budget. Procurement, which is new weapons and modernization, is up one-half billion dollars, but it is \$2.8 billion below the budget. Research and development, which means new and improved weapons for tomorrow, is up one-third billion dollars, but it is \$900 million below the budget. These are not optimistic figures. And, of course, most of the problem is the fact that manpower costs associated with all aspects of the U.S. defense program are going right through the ceiling and they will not get better.

I am told by defense officials that the committee has cut too deeply into personnel funds. The committee has made estimates of short falls in strength and has cut appropriations accordingly. The services insist the cuts are too severe and they will cause serious funding problems. The committee attitude seems to be to let the matter go to the Senate for adjustment. I do not think this is proper. The time is short for reconsideration but we should make certain of our facts and make corrections if they are needed.

Now, before I talk about specific items in the defense program, let me discuss the civilianization of kitchen police. This program has been in progress for several years in the Navy and in the Air Force. It was done without specific committee approval. The committee noted it but took no action to stop it. Quite obviously the soldiers want the same benefits that sailors and airmen have, so the Army has been under pressure to eliminate KP duties. The Army began the program of civilianization on a modest scale and now seeks to complete it. The committee has looked at the cost figures and proposes to require all the military services to return to KP duty. This truly would cause an uproar.

Kitchen police duty, as some people here know, is an onerous task. Nobody likes it. In the old days, enlisted men simply had to do it. Now we live in a different age. They object to such requirements and the Department of Defense feels that in today's more modern and more sophisticated military services, men should be permitted to specialize and to train rather than be required to do KP. The services feel so strongly that civilianization of KP is essential to a modern, all-volunteer force that they have even offered to take cuts in other activities in order to continue civilianization. In other words, they will take the cost out of their hides.

So I will offer an amendment to the defense appropriation bill to permit civilianization of KP duties. The amendment

will not provide additional money for that purpose—repeat, will not provide additional money. The amendment will give the military service the alternative of submitting reprogramming proposals to Congress. By this procedure, civilianization of KP can be carried forward if the services are willing to drop other activities of comparable cost. This the services have indicated to me they are willing to do. I do not think it be feasible to offer an amendment to provide additional funds to the bill in view of the present tight budget situation.

The amendment which I shall offer is as follows:

On page 48 of the bill, at line 9, in Sec. 735, delete "\$650,000,000" and insert in lieu thereof "\$750,000,000", and at line 20 change the period to a colon (:) and insert the following:

"Provided further, That not less than \$92,950,000 of the authority granted in this section shall be available only for the Civilianization of Kitchen Police program of the Department of Defense."

Section 735 of the bill gives transfer authority to the Secretary of Defense. Last year the amount of such authority was \$750,000,000. This year the bill, as reported, would have reduced the amount of transfer authority to \$650,000,000. By adding \$100,000,000 of transfer authority, I restore the total amount to that carried in the bill last year and I provide more than enough for the \$92,950,000 requested for civilianization of the KP program servicewide.

The second section of the amendment spells out specifically the authority for civilianization of KP to continue.

This procedure will insure civilianization if the services so desire, but at no additional cost to the taxpayer.

I think it well to bear in mind that the civilians who fill the jobs we will provide are from the lowest level of employment skills. They are the people in whose ranks are found the highest percentage of unemployed. Many of them were on welfare. In this program they can be given jobs, they can receive training, they can begin to build hopes for a better future. It has been stated that elimination of civilian KP would cause approximately 70 small business firms to go out of business. All of these are considerations which should not be disregarded. And it will cost less money to do KP by contract. Assuming, of course, that the number of military personnel is not greater than those needed for actual military duties.

Now let me talk about specific programs. We realize that all is not well in the Department of Defense. Programs such as the Cheyenne combat helicopter run up the cost of defense and hurt the credibility of the services. The decision to drop the Cheyenne after spending \$450 million was not an easy one and while it is highly regrettable so much money was spent on a busted program, we must give credit for courage to face up to the problem rather than attempting to go through with it. The Cheyenne was designed for more effective utilization of battlefield airspace. The Army wanted a faster attack helicopter with more firepower than the Cobra. Unfortunately delays caused by technical problems and

resultant cost escalations jumped the price of the Cheyenne to \$4 million per copy. The Army simply decided it should seek a smaller, more agile, less costly helicopter to perform its firepower requirements. It wants to get started on the new program. It needs a chopper with capabilities beyond those of the Cobra, with built-in effectiveness against tanks and other point targets at ranges of up to 3,000 meters and with night vision.

Survival on the battlefield is the name of the game and we know that the Soviets do not spare the horses when it comes to developing weapons for more effective utilization of the battlefield. We have learned a lot about this in Indochina. I think we should have provided more money for advanced attack helicopters.

The committee is postponing its decision on the F-14. We are funding the program according to the budget request. I do not quarrel with this. A decision is going to have to be made on the F-14 problem but the problem is not really ours. The Department of Defense is the one to decide whether to hold Grumman to a contract which probably will bankrupt the company. We need the aircraft because we need modern planes. The F-4, the best we have, has been in inventory more than a decade. The Soviets have developed several advanced attack aircraft in that time period. I think we are doing the right thing in financing the F-14 buy. We need the advanced version of this aircraft even more than we need the initial version. If there are changes in the contract this point should be emphasized.

The committee may have made a mistake in withholding part of the funds for the F-15. Apparently this has been a virtually trouble free advanced aircraft. The Air Force is subjected to the same problems of lack of modernization which disturb the Navy. We know they are going to need the aircraft. The committee has decided to postpone a part of this year's buy without prejudice. If they must be bought anyway, there really is no point in postponing the buy except to make this year's budget look a little better.

One item which has been particularly disturbing to me through the years has been the lack of progress we have made in meeting the cruise missile threat. The Soviets developed the cruise missile capability more than a decade ago. We have seen its effectiveness capably demonstrated. We know it is a formidable weapon but the sad fact is we have done almost nothing about it. We have neither an effective defense nor an effective cruise missile of our own. This is one of the truly weak points in today's defense program.

We are continuing to build one ABM site under the SALT talks agreement. We could have two. The second, which is the National Capital site, has been rejected in the authorization process. I do not quarrel with that decision. I do not think it would be of great value. Nor do I think the one ABM site which is under construction will be of much value. It will give us the expertise and permit us to continue and program for possible improvement and expansion in the future

and that is about all. The Soviets have developed an extensive ABM program for the protection of Moscow and its environment. They have an obsession for the protection of Moscow. This has been true throughout their history. This they have accomplished. If we were to start a similar protection for our National Capital, it would be at least 5 years in the making and of doubtful value because of the threat from ballistic-missile-firing submarines.

We are still playing games in tank development. After wasting 10 years and a lot of money trying to build a main battle tank in a joint program with the Germans we have scrapped that program and now we are trying to pick up the pieces and improve on what we already have. This is another area where the Department of Defense has definitely not distinguished itself.

I would like to stress, as I have done before, the need for both Congress and Government agencies to push weapons sales abroad. Many of our weapons are too expensive or too complex for the needs of other nations but not all of them. There is a rich and for us largely untapped market in these sales which other nations exploit for the betterment of their industries and their workmen. France has built a tremendous foreign weapons sales program largely in countries that sought to buy from us and for one reason or another were not able to do so. The opportunity remains but stumbling blocks imposed by Congress, the State Department, and even the Department of Defense will have to be removed.

We must begin to face up to the problem of maintaining strength levels particularly in Reserve components. The threat of draft calls sent many young men into Reserve components and into some in the active services. That pressure is off to a very great extent. The strength levels in the Reserves are dropping quite rapidly. It will be necessary to build more charisma into Reserve programs and very probably necessary to increase financial benefits. The time to face up to this problem is now. Next year will find many of the units at strength levels too low for effective training.

The fact that I have been critical should not be taken to mean that I am completely unhappy with the defense program and this bill. As I stated earlier, I think this is the best bill we could get in view of the attitude of Congress toward defense expenses and the pressure for increased spending for domestic programs. The services do have new weapons systems, many of them. They represent some very important improvements and these are essential for there is no other way to bridge the gap of Communist superiority of numbers in weapons and manpower. Both the Communists and ourselves are testing new weapons in Indochina. This has been an important proving ground for both. There are many very dedicated personnel both military and civilian who are striving to give America a better defense. They are not the ones whose names make the headlines. Headlines are usually reserved for those who stumble or make mistakes somewhere along the way. There should

be appreciation for those who constantly work for and produce improvements in defense. This is an essential service. We are not out of the woods on national security even though the international atmosphere has improved a little. The Soviets are continuing to press for advantages all over the world and with them everything is a team effort. Merchant marine, Navy, diplomatic corps, businessmen, everything is coordinated for the advancement of the Communist dream. By contrast we have never quite been able to put it all together in this country except in an all-out war. Too often we pull each other apart instead of pulling together. This carries a dangerous portent for the future. In today's bill we seek to keep America's defense strong enough to insure the survival of our country but at minimum cost levels. Let us hope the cost levels are not too low.

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

Mr. SIKES. I yield to the gentleman.

Mr. YATES. Has the committee ever gone into the question of comparative costs as between the Soviets and the United States for identical facilities? For example, the Soviets have missile destroyers. The United States is building the DD-963 which I assume is a comparable vessel. Has the committee gone into the question as to the difference in cost?

Mr. SIKES. Insofar as the committee can with the knowledge we have of the Soviet weapons systems—the characteristics of their weapons are not as well advertised as ours so it is not easy to know what they are building into their weapons systems—but insofar as we can we have contrasted the costs. As I said a few moments ago, by virtue of the fact that the Soviet's people costs are so much lower than ours, they are able to get about twice as much in new equipment for weapons dollars as we can get.

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

Mr. Chairman, I congratulate the gentleman from Florida on his excellent analysis of this legislation. And I compliment him on his proposed amendment to permit civilianization of KP duties to continue if found to be fiscally a savings. The amendment would not provide additional money for that purpose, but would give the military services the alternative of submitting reprogramming proposals to Congress if they would be dollar saving. By the procedure of dropping other activities of comparable cost the proposed Sikes amendment increases the amount of money that can be transferred under transfer authority in order to take care of this item, but does not increase the amount of money in the bill.

At a time when we are seeking to have our military men volunteer 100 percent or as near as possible to that degree, it is essential that we pursue every possible helpful course toward this end, providing the cost to the Government is not excessive. Since in this instance evidence indicates that the cost would actually be less, it makes good sense to allow the services to pursue that course, not only for cost savings, but also for increasing the attractiveness of the military service.

Studies indicate that experience has shown a saving where civilianization of KP programs has been undertaken. For instance, a study was made at Fort Hood, Tex., showing that to do the same work the cost of military KP's was \$5,726,500, while to do the same work by civilians the figure reached was \$2,288,000, bringing about a savings of \$3,438,500 by using the civilian route.

Approximately 10,000 civilians, largely from low-income and minority group communities, have already been hired for these nonmilitary jobs and will lose their employment unless the program is continued.

The House Armed Services Committee Subcommittee on Recruiting and Retention has vigorously endorsed the civilianization effort with the following comment:

The hiring of civilian personnel for such tasks as housekeeping, groundkeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

Since civilianization of KP functions has been a strong positive factor in military morale, and has saved money for the Government, and provides employment for people who would have great difficulty in finding employment otherwise, I strongly hope that the Sikes amendment will be approved.

Mr. MINSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RHODES).

COST OF DEFENSE

Mr. RHODES. Mr. Chairman, this is the most important appropriation bill which we ever consider in any given year. This year is certainly no exception. It is an extremely important bill. As the chairman of the subcommittee and the full committee, the distinguished gentleman from Texas, said, "This is the largest single bill ever brought before this body."

However, I think it is fair to point out the fact that this is not the most money we have ever projected to spend for defense in any fiscal year. During World War II there were two separate bills voted on by the House and the Senate, one for each of the two departments then in existence. Therefore, the funds which were actually appropriated in World War II exceeded the magnitude of this bill, but the statement is certainly correct that this is the largest single bill.

Also, during the height of the Vietnam war, there were, of course, huge appropriation bills for the military, but there was a deliberate policy on the part of the Pentagon to underestimate the cost of the Southeast Asian war during those days, which resulted in the appropriation bill for Vietnam not being as large as this one is. However, when we consider the amounts of the funds which were later appropriated in those years as a result of supplemental bills, they, of

course, were close to the amount of this bill.

The gentleman from Ohio, I think, did an outstanding job in pointing out several facts about this bill and the reason that it appears to be rather large. One of course is the high cost of hiring and keeping personnel. We are working toward an all-volunteer armed service and, when we do that, we naturally try to make the Armed Forces as attractive as we possibly can so the young men of this country will look upon the armed services as a worthy career and will enlist in the services and stay in them for the allotted time which would be required before they would be eligible for retirement. It is very expensive to do this. We have to offer higher pay, as has been mentioned by the other members of the committee. We have to have better living conditions, and have to give the serviceman an interesting job which presents a challenge to his intellect. And, yes, we have to have less "Mickey Mouse" involved as far as the individual soldier is concerned.

HOUSEKEEPING CHORES

However, I do not intend to support my good friend, the gentleman from Florida, in the amendment he will offer tomorrow. I choose not to support it for a number of reasons. One is the budget deficit, which is rather large.

To me, \$300 million to go into a civilianized KP program at such a time really is not necessary nor desirable. Furthermore, I do not believe that serving on KP has ever hurt a soldier—at least none that I know of. It certainly did not hurt this former soldier when he was on active duty. Also, to me this is just not the time nor the place to do away with the necessity of the armed services to be self-supporting. Certainly the fact that we do not provide combat units with civilian KP's is interesting. It indicates there is a need in the combat unit for the skills which are required to operate the kitchens of such units, and the KP duties required to keep them clean.

I just wonder where we intend to train people to go into combat units for kitchen duty if we do not do it while they are in garrison duty.

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

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is there any particular reason why housekeeping chores, as they are called, whether KP or clean-up details, should be considered beneath the dignity of members of the Armed Forces?

Mr. RHODES. None that I can understand. As a matter of fact I certainly think these duties are not beneath their dignity. They were not considered so in the past.

Mr. WYMAN. If the gentleman will yield further, if a serviceman has these types of details assigned for 30 days during the year, then the detail would not involve more than 2 or 3 days a month, would it?

Mr. RHODES. Certainly it would not.

Mr. SIKES. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to the gentleman from Florida.

Mr. SIKES. I want to be sure that we have the facts on this matter of KP. It is a stated policy that the services will continue kitchen police requirements for basic trainees and for field assignments. You do not carry a contract crew around while you are out in the field. I am told that the requirements for KP duty are about 4 days a month, not 2 or 3.

Mr. RHODES. I thank the gentleman for his great contribution.

Mr. WYMAN. Mr. Chairman, would the gentleman yield to me further?

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman has spoken, as did the gentleman from Ohio, about this large appropriation bill. In terms of dollars, is not the present appropriation bill the lowest level of constant dollar spending that has been proposed for defense since 1951?

Mr. RHODES. The gentleman is correct. The gentleman from Ohio pointed out the fact that if we were to buy just the same goods and services for fiscal 1973 that we had for fiscal 1972, we would have to increase the bill by \$3.8 billion over the expenditures of fiscal 1972, so that actually this is a \$2 billion cut. When you compare the constant dollars of this bill with the bill for 1964, which was the year before the huge increase for the Vietnam war, this is a smaller bill than that one. So this is not a large bill.

Mr. HICKS of Washington. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Washington.

Mr. HICKS of Washington. The gentleman was speaking about when he served and was doing KP. I was wondering what was his rate of pay at that time.

Mr. RHODES. My rate of pay at that time as an ROTC Cadet was so small, I do not think it is even worth mentioning. It would be de minimis.

Mr. HICKS of Washington. It would seem to me that maybe the pay that the gentleman was getting was about what it was worth to do that KP, but we are paying these fellows quite a bit more these days.

Mr. RHODES. Well, I think the gentleman from Washington would have to agree with me, however, that if we hire civilians to do this work, it is going to cost us more in comparable figures, because a civilian can only work 8 hours a day. It will cost about \$13,000 a year to hire civilians to do the same amount of work that we can get a soldier to do for \$5,500 a year.

Mr. HICKS of Washington. Is that what we are putting out on a cost basis?

Mr. RHODES. That is one of the factors that I think most people should consider. I think the taxpayers will consider it, and I hope the voters in your district and mine will consider it when they decide what to do with us in November.

Mr. HICKS of Washington. I would agree with the gentleman, but I have been led to believe that the cost ratio went the other way. Are the gentleman's figures as given accurate?

Mr. RHODES. The gentleman's figures are accurate.

Mr. HICKS of Washington. I thank the gentleman.

Mr. WYMAN. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman's question presupposes that those who are in the military are so busy and so preoccupied with their duties in a peacetime military posture that they absolutely cannot be taken from their military duties to perform KP. I submit that that is not a realistic position as it applies to peacetime military life.

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

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

Mr. MINSHALL. I should like to point out that if the gentleman from Washington (Mr. Hicks) would just look in the middle of page 28 of the committee's report the comparative costs of civilian vis-a-vis military personnel are summarized.

ALL VOLUNTEER FORCE

Mr. RHODES. I should like to go on, if I may, and suggest some of the difficulties in an all-volunteer armed service. I think probably we can with great patience and with the expenditure of great sums get enough people for an all-volunteer Army, Air Force, and Navy.

The main problem is going to be the procuring of professional help; doctors, dentists, and the like. I suggest to this committee that this problem has certainly not been solved as yet. I am told by the people who are most knowledgeable in the military that there is no solution yet in sight. So the beautiful Utopian idea of an all-volunteer armed service may not be possible of achievement in all categories of endeavor.

So far as the Navy is concerned, it is necessary, of course, for there to be some time provided for a man who serves on a ship to spend with his family. One of the reasons why it is expensive to get an all-volunteer Navy is because of the necessity of rotating their duty from time to time. One of the steps which has been taken, which I believe may bear some fruit, is providing home stations for Navy people overseas. This, we hope, will provide the Navy man with a means of spending more time with his family than he now can, therefore, to improve his morale and hopefully to improve his desire to stay in the Navy for a career.

The future of the armed services in peacetime I believe is rather important to contemplate. One of the more important things which Secretary Laird has done is to declare that the organized Reserves and the National Guard will be treated as actual members of the armed services. The old idea was that when we needed more manpower in the armed services, we drafted more people and brought them in as draftees. That is not the present idea in the Pentagon. The idea is that we will train the Reserve echelons as thoroughly as possible, will provide them with the best equipment we can get for them, and will bring them to the highest state of readiness in which we possibly can maintain them. If

indeed it is necessary for us to augment any portion of the armed services at any time, the present plans are to do this by calling to active duty the members of the National Guard, the Air National Guard or of the Reserve echelons of the Army, Navy, and Air Force.

WORLDWIDE THREAT

Now let us consider the worldwide threat. What we are arming against, actually? Of course, I believe the first thing one thinks of is the threat in the Middle East.

Little Israel is doing its very best to maintain its position as a nation, and we are doing our very best to help Israel maintain that position. One of the reasons why she has been successful in maintaining that position, other than her own gallantry and the fact that we have been selling her war materiel is the presence of the 6th Fleet in the Mediterranean. This is a very powerful fighting force made up of at least two aircraft carriers and supporting ships for aircraft carrier flotillas.

Not too many months ago there were rumblings of a war in the Middle East. In fact, there were Syrian tanks which were heading toward the border of Jordan with the apparent purpose of crossing that border and possibly overturning the regime in Jordan and setting up the Palestinian refugee regime as the ruling power in Jordan. The mere fact that the 6th Fleet was there left no doubt in the mind of anybody that if it were necessary to do so, the 6th Fleet could transport Marines into Jordan to stabilize that situation. The airplanes of the 6th Fleet were ready, willing, and able to do whatever was necessary to maintain air superiority in that part of the world, and I believe that is one of the main reasons why Jordan has been able to remain viable, and we have been able to keep the eastern flank of Israel from being exposed.

So in the 6th Fleet area we certainly have in the future a very definite need for more and more support. I think it is important to note in this bill we provide one more nuclear aircraft carrier to go with the *Nimitz* and the *Eisenhower*, which hopefully will be sailing the seven seas of the world before too many more months have elapsed.

Also a part of the threat to this Nation comes from the Pacific area and Southeast Asia. I do not think I need to dwell on Southeast Asia other than to say that since we last considered this bill the winding down of our effort in Southeast Asia has kept on a pace. We are in the process now of removing the last of the ground troops in southeast Asia. Hopefully we will be able to look forward to some kind of a stable peace there before too long.

However, on the borders of China and Siberia we have another trouble spot brewing. It is not a new one, but it is being aggravated since the last time that we presented this bill. Those of you who read the papers recently are aware of the fact that three new mechanized Soviet divisions have been deployed on the border of China.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. RHODES. Nobody really knows what the outcome of the bellicose attitude of Soviet Russia toward China will be, but there is very little doubt that the decision as to whether to "go" or not will be made very soon by the U.S.S.R.

The aim of this Nation, of course, is to maintain stability in that part of the world. We certainly cannot maintain that type of stability if we cut the defense budgets any more than this one is cut. This budget is barely adequate, if it is adequate.

Certainly hearing people talk about cutting the defense budget \$30 billion frightens me. If such cuts were to be made, we would not be able to fulfill the aims which we have for stability around the world. With such a cut in our Armed Forces, we would find ourselves in a position of isolation, because we could not fulfill our responsibilities abroad. We would not be able to defend ourselves in any way except to withdraw to what we call fortress America and hope that that fortress can be held. That would be the most foolish thing that this Congress can contemplate. I trust we will not, and the American people will continue to insist on armed forces which can deter or defeat any enemy.

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

Mr. MINSHALL. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, the committee had denied the funds requested to continue the development of the airframe for the Air Force's medium short takeoff and landing aircraft at this time.

Since the release of the Committee on Appropriations report on September 11, 1972, information has been made available to me which leads me to believe that there has been a lack of communications between the Air Force and the Appropriations Committee which has led to a misunderstanding of the Air Force's position on the program. Further, from its remarks found at page 225 I do not believe the committee has been aware of the indepth studies conducted by the Air Force over the past few months covering the specific issues the committee has cited in its report as reasons for denying the program.

The Air Force has advised me that in accordance with the instructions issued by the committee last year, the program is now structured so as to meet the true competitive interest of the Congress. There will be two airframe manufactures selected. Each will build two prototype aircraft.

Originally the Air Force testified that it needed a new engine for the AMST prototype. Upon completing the source selection, it was determined that existing engines would suffice for both the prototype and production airplanes. Therefore, according to the Air Force an immediate decision to proceed with a new engine need not be addressed for as long as 2 years after the start of the prototype program. This delay still provides sufficient time to develop a new engine for the production aircraft.

To preserve the new engine option, the Air Force will use existing engines on the prototypes which will directly simulate the thrust and by-pass ratios of proposed new engines. However, the largest technical unknowns of the program are associated with the performance of the STOL lifting concept, not the engine development. Since the prototype airframe can be tested with existing engines, I support the immediate initiation of airframe testing to address the true technical unknowns and defer the engine decision for a later time. Judging the immediate mood of this body I do not intend to offer an amendment to this end but I trust that should the other body, in its infinite wisdom, restore AMST funding when it later takes action on the Defense Appropriation bill, that this body will then concur in the action. It would well serve the defense of this Nation to do so.

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

Mr. ADDABO. Mr. Chairman, I rise in general support of H.R. 16593 and to announce that I plan to offer an amendment to the bill to terminate the involvement of U.S. troops in Indochina within 4 months pending the release of American prisoners and an accounting for those missing in action.

I would like to commend the chairman of the Appropriations Committee (Mr. MAHON) and the members of the committee and the Defense Appropriations Subcommittee for their tireless work on this bill. The staff is also to be commended for doing a yeoman's job in preparing the detailed report of the committee and in their aid to the committee and often working against a handicap of 30 Pentagon advisers to one staff.

While I do not agree with all the decisions made with respect to military spending under this legislation, I can take satisfaction in knowing that our committee had adopted my amendment to cut \$51 million from the antiballistic missile NCA program and that the committee has prepared a bill which contains some net reduction in proposed Department of Defense spending of more than \$4.2 billion from the budget estimates for this Department.

Mr. Chairman, I am most interested in seeing that the Congress express itself in definite terms concerning the continuing role of our troops in Vietnam. For that reason I plan to offer an amendment to H.R. 16593 which would set a date for the complete withdrawal of our forces from Indochina.

My amendment would terminate U.S. troop involvement in Indochina within 4 months, conditioned upon the release of all American prisoners and a full accounting of the missing in action. The amendment is similar to one adopted by the other body as part of the military procurement bill.

When we debate the amendment, I urge every Member of the House to keep in mind the frustration and futility of our past actions in Vietnam and the balance of Indochina. I ask every Member of the House to rethink the Vietnam problem and consult his conscience. I ask

every Member of the House to remember that it is the stated foreign policy of our country to end the Vietnam war as soon as possible. I ask every Member of the House to consider how we can explain to our constituents the continuation of this tragic war in the face of repeated promises by our Nation's leaders that the war would be ended long before this time.

I ask every Member of the House to consider the lateness of the hour in terms of lives lost and the opportunity for congressional action to end the war. We have voted on various so-called end-the-war amendments before. Some votes have been closer than others. Each year more and more Members vote to bring the conflict to an end. This may be the last chance for this Congress to speak out and take affirmative action. Promises have not ended the war. Party platform planks have not ended the war. Congress can do it by voting for my amendment to bring all troops home within 4 months if our prisoners are released and our missing in action fully accounted for.

I ask every Member of the House to consider the consequences if we fail to act. The loss of one more life—be it American or Vietnamese—cannot be justified. We have already served whatever purpose our presence in Vietnam was to accomplish. We have met whatever commitment was given. We have achieved whatever the policy of "Vietnamization" was to have achieved. We must now get our prisoners back and achieving that, there can be no logical, legal, selfish, moral or any other reason for staying in Indochina.

The testimony before our subcommittee as to the bombing and when the South Vietnamese would take over the air war was, anywhere from 1 to 5 years. More bombs have been dropped than in World War II and Korea combined.

Now we have smart bombs but it is as stupid and unending and ineffective in ending this war as before.

How can you hope to have a total volunteer army when they know they are to serve in an unending and unwanted war.

Progress in Vietnam now appears in reverse. Our position was to establish free elections. Now President Thieu takes away free elections in the provinces.

Mr. Chairman, my amendment would reestablish as national policy the termination of all U.S. military operations in Indochina at the earliest practicable date, and would allow the prompt withdrawal of our military forces at an orderly rate by a date certain, subject to the release of all American prisoners of war and a full accounting for Americans missing in action.

Passage of the amendment by the committee would provide the House of Representatives an opportunity to join with the Senate to provide congressional initiative to end the engagement and return our military forces and prisoners to their homes by early next year.

A date must be set by Congress to end the engagement and effect the withdrawal of U.S. forces from Indochina. Certainly, if those actions can be taken sooner we would all rejoice for even 1 month is too long a deadline. If no deadline is set by Congress, we have seen how

long withdrawal can be protracted. I would hope, therefore, that all Members will support the amendment I shall offer.

Mr. Chairman my amendment reads as follows:

On page 52, after line 8, insert a new section as follows:

"SEC. 745. None of the funds in this Act for United States forces with respect to military actions in Indochina may be used except for the withdrawal within four months after the date of the enactment of this Act of all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia: Provided, That there is a release within the four-month period of all Americans held as prisoners of war by the Government of North Vietnam and all forces allied with that Government: Provided further, That such withdrawals shall not be completed until there has been an accounting for United States servicemen missing in action by the Government of North Vietnam or any government allied therewith."

Mr. RHODES. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I think that every member of this subcommittee feels that he does have one of the most challenging assignments that could come to any Member of this House. It is a challenge primarily because of the great responsibility that it does entail to attempt to pass judgment on the number of dollars that we need to spend for the defense of this country.

In many of the programs for which we make appropriations, we can look to other sources of assistance at other levels of government to help to implement them financially, but as we sit on this subcommittee, we know that this is the sole source of funding for the defense of this country. We know, too, that if we do not provide the funds for the defense of this country, there is no one else that is going to do so.

We know too that we could be considered as presumptuous to attempt to pass as experts on defense requirements, but in these lengthy deliberations which take place each year we do attempt to balance the demands which admittedly sometimes seem overwhelming on the part of those who present the requests of funds to us, and we need to balance that against the risk of failing to meet the legitimate requirements. If in many instances we do agree with what the Department of Defense experts tell us are the requirements, we are frequently accused of being rubber stamps for the Pentagon. If we disagree, if we do not provide the funds, then we find ourselves besieged and beleaguered by those in and out of uniform from the Pentagon and from other people throughout the country who insist that we have gutted our national defense.

So it is a matter where men of judgment, men of concern for the defense of this country, men of concern for those who must provide this money, attempt to arrive at these decisions, and I submit that this bill, while I suspect that no one of the 11 Members agrees with everything in it, is a bill which meets the responsibility which has been given to this subcommittee.

This is a huge bill in terms of dollars. Our distinguished chairman told us that this is the largest defense bill

in our history. But inflation has taken its toll in paying for our defense, as it has in paying for everything that the Government buys and everything that the individual buys. So it is a valid statement that has been made that in terms of constant dollars this has the least real purchasing power for the defense of this country of any in the past 20 years.

Those who are critical of the number of dollars involved need to keep in mind, too, that between 55 and 56 cents out of every dollar in this bill will go to pay personnel costs, and that of course means a proportionately less amount that is available for the actual hardware of defense.

So this is true. These personnel costs are so proportionately high, even though the number of bodies, the number of people in uniform and in civilian employment by the Defense Department is substantially less. Our report, if you will take the time to read it, points out that the average cost of keeping a man in uniform has more than doubled in the past few years.

We have all supported substantial increases in the pay, particularly of those in the lower pay grades, but including all levels and grades and pay rates in the armed services these past 4 years.

Now in the days of lower pay—and I listened to the colloquy that took place between the gentleman from Washington and my fellow committee colleague, the gentleman from Arizona—but during these days we, as a Congress, have pretty much closed our eyes to the fact that people were being promoted—more of them, and at a much more rapid rate. We sort of justified this on the grounds—well, their pay was so low in this lower grade that it was not too bad a thing if we let them be promoted rapidly so that they could be entitled to more pay. But now, there is no excuse for this. People in all pay grades have substantially increased pay, and so it is now, that our report does in some detail indicate what has happened in this area of what is generally referred to as the grade creep—not only at the enlisted level where we find the average pay rate or the average pay grade among the enlisted men to be constantly going up and up, with more of the men and women in the higher enlisted pay scales—and less and less in the lower ones.

But I think what we need to be concerned about too is that this grade creep does not only apply in the enlisted grades—it has been going on primarily through what I consider to be the abuse of the temporary promotion program among the higher ranking officers of the service as well.

This year, and for the past 2 years in our committee report we have attempted to insist that the Department of Defense itself come up with some kind of a program to assure us that the number of high ranking officers would not continue to go up and up while the total number of officers and the total personnel, officers and enlisted men, have continued to go down and down for the last several years.

I find it shocking to find more high

ranking officers in the services today than we had at the height of World War II when we had about five times as many people in the uniformed services of this country.

I would call your attention to the additional views, which you will find near the end of this report, in which I express my support of what the committee report says. But I have indicated, too, that I could find no evidence that the Department of Defense in the past 2 years had paid one whit of attention to what our committee had said about this constant creep, particularly among the higher ranking officers of the services.

Oh, they attempt to justify it on the basis of the greater sophistication of the weapons and the necessity for more of these skills. But, I suggest, inasmuch as we substantially increased the pay, we have a right to expect a greater skill level in all officer ranks, and all enlisted men ranks, at all levels. We ought not be expected to deal with the problem of the greater group of these officers and these enlisted men at the higher level simply by giving them the privilege of being promoted or advanced that much more rapidly.

It was 19 years ago when this problem was apparent that I did succeed in having attached to the defense appropriation bill what was known as the Davis rider, which put some definite numerical limitations on the number of officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DAVIS of Wisconsin. This applied only to officers of the rank of major or lieutenant commander and above. I remember at that time that we had as the public relations director over at the Pentagon a man who is now a columnist for one of our Washington newspapers, and he reported that there were men over in Korea that were turning their backs to the walls and dying because the Davis rider had prevented them from getting their just promotion.

It did not apply to any enlisted man. It did not apply to any officer of the lower ranks at all. So now again there appears to be this determination, by fair means or foul, to prevent Congress from exercising the kind of control in this matter that needs to be exercised. It had been my intention to offer as an amendment tomorrow specific numerical limitations on these higher ranking officers, but during the course of our meeting here today it has become apparent that there are going to be a great many other amendments that will be offered, so I have decided that perhaps there might be one more chance, perhaps they might listen to this language that appears in our committee report this year, and if the legislative history we are making here today lets them know that we do mean business in this area. I for one want to serve notice that if by the time of the markup of this Defense appropriation bill next year, there has not been either by the proper function of responsibility by the Armed Services Committee of this body or of the other body or if the Defense Department itself has not

given us through definitive action assurance that this problem is being dealt with—it needs to be dealt with—then I shall no longer defer the bringing into the committee or onto the floor, if it is necessary, some definite limitation on the number of high ranking officers in the armed services. We cannot justify the number that we have at the present time in comparison to the lower ranking officers and in comparison to the total number of enlisted personnel.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I want to pay my tribute to the chairman and to the members of this committee who are among the ablest in the House. Theirs is a most difficult task. Year after year they bring in a bill that reflects a great amount of work as they seek to fashion a good defense bill.

I want too, to pay my tribute to the four professional staff members of the House Committee on Appropriations, four outstanding individuals who face the best the Pentagon has to offer, four against hundreds who work on this \$80 billion budget. I want their names to be emblazoned in the CONGRESSIONAL RECORD with pride because I think they do a remarkable job: Samuel R. Preston, Peter J. Murphy, Jr., John Garrity, and Derek J. Vander Schaaf, who have done a tremendous job in helping this committee formulate and draft this bill. There ought to be more such staff members. Their numbers should be greatly augmented because their task is so formidable.

I do not agree with many of the conclusions the members and the staff arrived at, but that is something we will take up when the bill is read for amendment.

Mr. Chairman, I want to state why I voted against the rule for consideration of this bill. When the bill was in the committee I offered an amendment to the motion that was being made by one of the Members to authorize the chairman to seek a rule. At that time I sought to limit the request for a rule only to one point of order, to the point of order that might be made in connection with the nonenactment of the authorizing bill. I thought this was the only waiver that would be justified in connection with the appropriation bill. I think the appropriation bills should stand on their own two feet and not contain legislation and therefore there is no need to obtain the rule that would permit the waiver of points of order. Inasmuch as the Rules Committee gave a rule waiving all points of order save one, I voted against the rule.

This bill has been described as the most expensive military appropriation bill in history. What a paradox that we have a bill of this magnitude when the administration has just negotiated the SALT agreement that was supposed to limit arms spending. I agree that personnel costs have gone up and have gone up substantially, as was so well pointed out by my colleague, the gentleman from Ohio (Mr. MINSHALL). Our Armed Forces are the best paid in the world but these are not the only costs. There are costs in this budget besides the personnel costs

which can be deleted. It is amazing that the committee should have permitted itself to become bogged down in the F-14 program after threatening for several years to cancel it because of the mismanagement and cost overruns and because of the fact the contractor had not adhered to his requirements under the contract.

But the F-14 program goes on, the funds continue to be included in a program that, according to some, provides for the manufacture of a plane that is not greatly better than our present F-4.

In addition, there is the C-5A program. There is \$100 million in this bill to continue procurement of the C-5A, and here, too, is an airplane that cannot possibly perform the job for which it was originally intended. In fact, on April 7, 1972, a report by the General Accounting Office indicated that of 15 typical C-5A's, there was an average of 251 major and minor deficiencies involving key components like wheels and the landing gear. Major structural weaknesses showed collapsing landing gears, and wings repeatedly failed fatigue tests.

I have wondered, Mr. Chairman, why it would not have been much simpler and much less expensive to shift over to a plane like the 747, a plane that costs \$24 million in contrast to the C-5A which has a purchase price in the neighborhood of \$61 million.

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

Mr. YATES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman understands. The gentleman put that question to me earlier, and I went to the gentleman with a rather substantial documentation as to why the 747 is inadequate for the purposes of the C-5A.

Mr. YATES. The gentleman was kind enough to furnish me with a document that indicated that the C-5A had a task to do that the military thought could not be performed by the 747—the so-called roll-on and rolloff capacity of the C-5A, and it is understandable why that is possible when landing gears collapse. But the C-5A's duties can, for the most part, be handled by the 747, which is a much less expensive plane and can perform, as I understand it, approximately 75 or 80 percent of the tasks that the C-5A can perform.

In addition, Mr. Chairman, the bill before us provides for the B-1 bomber, provides for the LHA program, provides for the ABM at Grand Forks; I question very seriously whether this one installation will protect against an all-out saturation attack, if such attack were ever made, as we hope it will not be.

At any rate, there are hundreds of millions of dollars in this bill that could be deleted.

In addition to that, if the House, in its wisdom, accepted the amendment offered by the gentleman from New York (Mr. ADDABBO) additional hundreds of millions of dollars could be saved.

Mr. Chairman, one last point: Tomorrow I will offer an amendment in connection with 713(c) of the bill in order to reestablish in the Congress the power that has been given by it to the President of the United States. I believe that

if the President calls up Reserve Forces, as he may do if he declares a national emergency, he ought to be required to return to the Congress for its consent at the expiration of 60 days.

Mr. MINSHALL. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I very much appreciate the distinguished gentleman from Ohio yielding me this time.

Mr. Chairman, tomorrow the House will vote on an amendment by the gentleman from Florida (Mr. SIKES)—the distinguished majority member of the defense appropriation's subcommittee—to continue the civilianization of nonmilitary duties. The amendment is necessitated by a committee action totally eliminating the item from the budget.

The amendment entails no additional cost to the committee bill, since it merely provides language allowing DOD to reprogram funds from other areas of the budget. Let me assess the impact of this amendment:

First. Forty-five thousand lower ranking enlisted men are currently engaged in these nonmilitary duties every day. The committee action will add thousands more to these nonessential details.

Second. The Air Force has already civilianized 99 percent of its KP function, the Navy 60 percent, and the Army 46 percent. Failure to go forward will result in severe discrimination among the services, and total elimination of civilianization will have a disastrous impact upon the morale of those junior enlisted men reassigned to these duties.

Third. Ten thousand civilians—largely from low income and minority group communities—have already been hired through this program, and will be thrown out of work unless the amendment is approved.

Fourth. Under the amendment, GI's will still perform KP in basic training and in the field, thereby gaining whatever benefit might be derived from the experience.

Fifth. The House Armed Services Committee, subcommittee on recruiting and retention has strongly endorsed the very item which the Appropriations Committee has chosen to delete:

The hiring of civilian personnel for such tasks as housekeeping, groundskeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

Mr. Chairman, I have tried to make a thorough review of the hearings before the Appropriations Committee, and consent has been given to include this material at the conclusion of my remarks.

In view of the compelling considerations supporting the program—and the unanimity of Army, Navy, Air Force, and Marine Corps witnesses—I expected the Appropriations Committee report to provide a substantial explanation for its dis-

agreements with this important reform. Unfortunately, Mr. Chairman, the report is full of statements which are supported neither in the hearings nor in the public record.

After describing the expenditures thus far, the report declares:

It appeared that performing KP duties was below the dignity of the individual enlisted man.

That statement is simply erroneous and reflected nowhere in the hearings. Defense Department officials and military witnesses continually emphasized that the purpose of the program was to return the soldier to his unit for training and performance. In fact, the services all declared their intention to continue KP in basic training, hardly an indication that anyone believed these chores were below the GI's dignity.

The report then stated:

It is noteworthy that the program is being fully implemented without a review to determine its effectiveness in reducing AWOL's, desertions, disturbances in the services, or its overall effect on the "esprit de corps" in the service which could encourage reenlistments.

What is noteworthy, Mr. Chairman, is that the committee somehow chose to ignore an Army study of these very factors, which was printed this spring in House Armed Services Committee document 92-42. It is highly significant that this study—based upon last year's experience at VOLAR test posts—rated the civilianization of nonmilitary duties as the second most cost effective item in increasing potential for reenlistment.

The report states that the average cost of civilian KP's is \$8,800. Yet testimony by Army witnesses—uncontroverted in the committee report—placed the estimated cost at \$6,300.

Mr. Chairman, I share the committee's concern that no offsetting reductions were recommended in fiscal year 1973 military force levels—but what justification does this provide for eliminating the jobs of 10,000 civilians who have previously been hired? What reason can be found here for reinstating KP for the thousands of GI's who have been relieved of the chore in past years?

If the committee had seriously been concerned with the military/civilian tradeoff in fiscal year 1973, they could have made the funding contingent upon the development of a civilian substitution plan. The services would then have had to make the hard choice between military and strength and civilianization. This is the approach taken by the Sikes amendment. Unfortunately, the committee chose to ignore this logical and readily available step for controlling the civilianization program. In view of the alternatives to the total elimination of the program, the report's professed concern with force levels seems to be no more than a rationalization for a requirement that these duties be performed by GI's even after they complete basic training.

I am also baffled, Mr. Chairman, by the committee's contention that the Armed Forces violated the continuing resolution of July 1, 1972, by continuing the expansion of this program. Since the Air Force had already civilianized 99 percent, the

Navy 60 percent, and the Army 46 percent, the committee can hardly contend that this is a new program. While the report notes that the KP program was discussed specifically with Army officials during the testimony, a careful reading of the hearings will reveal nothing that meets the "strong criticism" test of the continuing resolution. Indeed, one of the most persistent "critics" during the hearings was the gentleman from Florida (Mr. SIKES), who will offer the motion to continue the civilianization program.

Mr. Chairman, I find it almost incredible that immediately following the report's denunciation of the civilianization of nonessential duties, is a section entitled "Civilianization: Converting Military Positions to Civilian Positions in the Department of Defense." This portion of the report, first, cites with approval DOD policy of using civilians where military incumbents are not required; second, comments upon a GAO report calling for improved implementation of this policy; and, third, states:

The Committee found a number of areas where in its opinion significant military and civilian job conversions would be appropriate.

The Committee wants and expects to see military personnel out from behind desks and back in aircraft, ships, and troop units.

I wholeheartedly applaud the committee for its active support for the civilianization proposal which volunteer force advocates have been pushing for years. But what good will it do to get our soldiers out from behind desks only to put them in the garbage pile, behind the lawnmower, and over the potato peel? The committee's deletion of the bulk of the civilianization program will the adverse affect of increasing the number of soldiers on nonmilitary details. It would have been far preferable to have a position-by-position analysis of the civilianization potential, which would provide the most cost-effective approach.

Finally, Mr. Chairman, I should simply like to note the absence from the committee report of any reference to the tremendous support for the civilianization effort shown by our major installation commanders. These views—which represent the best opinions of those closest to the men—should be studied by every Member. I shall include them in the RECORD.

In recent years, I have become deeply interested in the effort to create an all-volunteer force. To gain first-hand knowledge of the issues, I have traveled to a variety of military installations. During these visits, I have had the opportunity for extended talks with enlisted men and officers of all ranks; I have sought spontaneous discussion as well as prepared briefings. Also, to benefit from the depth of knowledge possessed by committee members who have so ably studied these matters over the years, I have tried to make a thorough reading of the comprehensive hearings and reports compiled by the Armed Services and Defense Appropriations Committees. This memorandum incorporates the material presented in those documents along with my own observations.

WHY ACT NOW TO ELIMINATE KP?

It is a rare GI who has not complained of assignment to kitchen police, grass cutting, or similar "household" details. For years we have required such activities on the part of military personnel—why then, do we wish to eliminate them now?

The most obvious reason is the effort to attract and retain a high quality volunteer force. Yet even if we were to continue inductions, I am convinced—based upon intensive discussions with servicemen and my reading of this year's hearings—that is desirable to reduce the use of servicemen in this area.

During the appropriations hearings, Congressman FLYNT said:

In my limited experience in uniform, I became convinced that most soldiers, certainly most good soldiers, did not complain so much about KP as they did when they thought the program of KP was being unfairly administered and being used as punishment.

I too found some GI's who complained of disproportionate assignment to details. But with all respect to Mr. FLYNT—and recognizing his outstanding military record—I found that the majority of junior enlisted men expressed dissatisfaction simply over the fact of performing KP, rather than the "equities" involved.

Why does today's soldier so vigorously reject what was accepted by his predecessors?

When the Nation is fully mobilized and a majority of young men are in the military services, the use of the GI for "household" functions may make sense to the individual as part of a shared experience—he may not enjoy it, but it is a routine shared by nearly all his contemporaries. But when only one young man in four is needed to fulfill our military manpower requirements—and less than one in 20 is drafted—the experience is unique rather than shared.

Thus, for the young man who involuntarily enters the service in response to national security considerations—and who willingly answers the call of his country—it seems a cruel joke that he must devote time to washing dishes and mowing lawns, while the overwhelming majority of his peers never enter the service and remain free to pursue their civilian careers. If the Army is compelled to cut back its civilianization program—thus increasing time spent on these functions and decreasing time in training—it will be awfully hard to explain to these young men what it is their country is asking of them.

MEETING NATIONAL SECURITY REQUIREMENTS

Of course, the mere fact that today's soldier feels that he is being asked to do something different from his civilian peers would not be sufficient reason to eliminate KP. We must also look at the relationship of this question to the overriding consideration of sustaining our national defense capability.

When I visited Fort Hood last year, I had the opportunity to talk to some of the dynamic young field grade officers who are running the MASTER program. I was most impressed with the new battlefield concepts they are developing, and the exciting new training programs they have designed. At Fort Gordon, I was

likewise impressed by the ingenuity with which the Signal School was approaching the problems of educating and motivating the men in uniform: They were instituting new techniques in the classroom, utilizing "hands on" instruction, and developing individually paced programs. Stress was also being placed on opportunities for greater athletic participation, small unit competition, and supplementary education.

Company commanders, however, repeatedly told me that their efforts were often frustrated by less than full strength in their units. The problem was particularly acute at Hood: during my visit, on any given day, 1,709 men, out of a total enlisted population of 31,049 were on detail.

Secretary Laird addressed this problem in testimony earlier this year:

We must continue to view some of our self-perpetuating practices with critical eyes. For example, Kitchen Police (KP) duty and janitorial duties contribute little to the individual's military skills; the time spent on these tasks could better be devoted to training and other primary duties.

The magnitude of the Army's problem was noted by General Westmoreland:

Not only should our training be meaningful and challenging, but the training should be accomplished with full strength units. Every single day, approximately 45,000 soldiers are drawn away from their primary duties to perform administrative chores. This confronts the soldier with tasks not directly related to his readiness mission, and frustrates the efforts of his leaders to build teamwork and a sense of professional excellence in their units.

In an appearance before the House Armed Services Subcommittee on Recruiting and Retention, Lt. Gen. George I. Forsythe—who headed the important Combat Developments Command before becoming General Westmoreland's special assistant—gave a detailed analysis of the benefits to be gained from eliminating KP:

I would like to return to Vince Lombardi and take up the charge of permissiveness sometimes associated with KP and purchasing grass-cutting machinery towed by a tractor driven by a \$1.85 an hour civilian. We have set out to do these things not as an Army initiative—to remove irritants—although it does, in fact, remove some irritants. Soldiers don't like KP even though they will do it in the field. They don't like to take their bayonets or old hand sickles and go out and cut grass. They don't like to do these sorts of things, but that isn't why we did it. We did it to free soldiers from these kinds of duty and put them back under their sergeants, where those sergeants can be the Vince Lombardis of their squad. Every day when they turn out for training they have eight men and it is the same eight men—two are not off cutting grass and two are not doing something else. They are free to soldier. This has turned the sergeants on where it has been done. Every morning at drill call, the same soldiers are out there to follow a sensible training schedule.

What we are really trying to do is to free the fewer soldiers we are going to have—and they are expensive, I need not tell the committee this. A soldier is an expensive guy. We intend to free those men to get them back under the sergeants and have the means to follow a hard, tough training program so that when it is over they will have

developed the sense of confidence and competence that I mentioned earlier so they don't need to be told they are good, they will know they are good.

In the context of military professionalism, it should be emphasized that KP will be retained at basic training, so that our troops will be able to perform these functions in an emergency. As the House Armed Services Subcommittee on Recruiting and Retention declared in its report:

The hiring of civilian personnel for such tasks as housekeeping, groundskeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

It is also important to note the attitude of the Marines. The leathernecks have repeatedly stressed their commitment to toughen up training, and have resisted any more toward "permissiveness." Yet the Marines have asked for fiscal year 1973 funding to substitute civilian messmen for marines, and they plan to civilianize all mess-attendant functions at all Marine Corps facilities within the United States during the next 5 years.

THE CONSEQUENCES OF ELIMINATING KP

Members have expressed a concern about problems of discipline when soldiers are relieved from extra duties. As I have tried to show, for the most part they will not have "free time," but will be returned to their units for training. Secretary Froehke testified that—

If by relieving him of KP and menial duties, we are just giving him unchallenging work or just allowing him to loaf, then we are creating problems for ourselves. However, we have definite plans that will not create problems for ourselves. We have programs which we refer to as dynamic leadership. We are decentralizing training to allow the company commander, within limits, to determine what kind of training—adventure training is necessary—to keep the soldier interested, to keep him in good physical shape and mentally sharp, and prepared to perform his mission.

A similar view was expressed by General Kerwin, Army's DCSPER:

One of the biggest cries we have today from the commander in the field is the lack of personnel during training time. This means at the level of the squad because a man may be going on KP or some other function. What we are attempting to do with respect to civilian help for KP is to release the soldier to the commander so he does have him available during training time to have more meaningful training.

I do not think this will make more free time available to the individual in terms that he will have nothing to do. Rather, the main thrust is to make the individual available to the commander for training during the actual training day.

Moreover, since mess attendance is quite low on weekends, substantially fewer men are required to perform this function during these periods. At Hood, for example, most men pulled detail only 1 weekend out of 6 or 7. Frankly,

while a number of senior NCO's and officers did express the attitude that KP should be kept "because we did it and it didn't hurt us," I do not recall anyone telling me that it kept GI's out of trouble. However, I distinctly recall quite a few enlisted men simply wandering around the base during duty hours. When I asked for an explanation, I was told that with such a large number of men on detail, away from their training units, it was next to impossible to keep track of every man on base. I am sure that the serious problems of crime and violence that existed at Hood at that time were related to this lack of mission-related personnel control. In any case, if a soldier is going to raise hell, there is plenty of time for him to do so after he gets off KP and during the 6 of 7 weekends when he is not on detail.

ATTITUDES TOWARD MILITARY SERVICE

Rather than provide a source of trouble, the elimination of housekeeping chores has been praised by most military commanders as a positive factor in enhancing the soldier's view of his role.

In an appearance before the Senate Armed Services Subcommittee on the Volunteer Force, the commanding general of Fort Benning stated that:

I am convinced that the actions we have taken have caused significant and positive changes in attitudes toward the Army. We don't have all the answers but are certainly on the right road. These changes we have made have not been accompanied by losses in military discipline and order, or in reduced mission capability. I would like to add at this point that in 31 years of Army service I have served at every command level from platoon leader through division commander. I can state without qualification that the current state of discipline and morale in the 197th Infantry Brigade, because of the opportunity provided by the modern volunteer army experiment, is as good as any and better than most of all the units in which I have ever served or commanded. The statistical indicators on a.w.o.l. and reenlistments for present duty assignment . . . which reflect the soldier's morale, discipline, and enthusiasm are typical of the indicators of all kinds of the Volar success in this unit.

These views have been enthusiastically repeated by nearly every major commander in the Army.

RECRUITING AND RETENTION

General Westmoreland was quoted in the Army Times as saying:

We will need money for civilian labor contracts so that our helicopter mechanics are not cutting grass and our radar technicians are not washing dishes.

This view goes beyond the need to have men in training or manning their equipment, to the question of obtaining the skilled manpower to perform the technical functions in today's Army. We hear so much these days that the problem facing the Armed Forces is not quantity, but quality. Standards have been raised, and a variety of proposals have been put forth to attract the bright young man who can operate modern mechanized military equipment.

If a young man is considering entering the Armed Forces, because of its opportunities for technical education, will he turn to other jobs which will not require him to spend his training time in house-

keeping chores? The Air Force recognized this problem several years ago and responded by almost completely eliminating KP. As Assistant Secretary Borda told the House Armed Services Recruiting and Retention Subcommittee:

We have made every attempt we possibly can to do away with menial make work assignments. Our efforts have been to analyze those jobs that are necessary to perform our mission, train our people to perform those jobs, and then get them in the job and get them working at it. Menial jobs, this we have attempted to eliminate as best we can.

The Air Force's lead in attracting men with higher educational and mental abilities shows the wisdom of this policy.

The Army is already faced by this problem in today's low draft environment. Occupational motivation must be improved in the Army, regardless of the move to a volunteer force. Failure to do so can only adversely affect the job-skill match, for as Secretary Froehke testified:

Job satisfaction also comes when soldiers are permitted to perform their primary duties without diversion to non-military chores or menial tasks. American youth has rated the Army the lowest in potential for job satisfaction and the least likely to provide interesting and challenging work—another deterrent to enlistment.

The first major survey of Volar test posts revealed that the elimination of details ranked No. 2 in effectiveness of 16 items funded. The commanding general of Fort Carson reported that:

The utilization of civilian mess attendants versus Military KP's has been enthusiastically and readily appreciated not having callously accepted by personnel concerned. Enlisted personnel interviewed expressed satisfaction to perform mess attendant functions. This is an incentive for personnel to continue on in military service.

The impact upon initial enlistments is just as great as the effect upon men who are already in the service. As the commanding general of Fort Benning told the Senate Armed Services Subcommittee on the Volunteer Force:

Without question the biggest recruiting success by far were the young soldiers of the 197th themselves. They liked what they were doing. They listed the way they were being treated as men under Volar. They liked the challenge of their duties sufficiently well to talk their buddies and contemporaries into enlisting in large numbers. It was the enthusiasm shown by these young soldiers that resulted in 100 percent subscription to the combat arms vacancies in the 197th by December of last year.

The 197th Infantry Brigade, with its all volunteer units, with its esprit de corps, and its performance, is today our clearest testimony to the success of the Volar program at Fort Benning.

Many recruiters have told me that their biggest problem is the dislike of Army life expressed by recently discharged servicemen to their contemporaries. It will be difficult for the recruiting force to overcome descriptions of drudgery, menial tasks, and "Mickey Mouse" if the Army is not given the tools to eliminate these unnecessary irritants.

Secretary Froehke has testified on the importance of a continued effort in this area:

We are not there yet and we cannot afford to be complacent. At this point, any significant change or discontinuation of favorably accepted MVA improvements could prove extremely counterproductive to the program, and that success which has been achieved could be seriously jeopardized. Continued success in reaching the goal demands that the momentum attained thus far can be maintained.

Former Secretary Chafee stressed the significance of sustaining these programs in terms of the vital issue of quality:

Approved fiscal year 1972 and requested fiscal year 1972 zero draft funds will assist us in attracting and retaining quality personnel in sufficient numbers to meet our needs but they should be considered as a first step. Continued funding of programs designed to attract and retain Marines and Marine Reservists of high quality is absolutely essential to achieve an all-volunteer force.

IMPACT OF ANY CHANGES

The Air Force has civilianized approximately 99 percent of its KP functions, the Navy has done so for 60 percent, and the Army has civilianized 46 percent through fiscal year 1972. If the program does not go forward, serious morale problems may well arise where soldiers are asked to continue KP, knowing that the majority of those in other units and other services do not face the requirement. And to simply eliminate this important reform would seriously jeopardize the credibility of the modernization program, which so far has proven most successful in obtaining high quality enlistments and reenlistments.

Fort Carson's John Bennett was quoted in the Army Times as saying:

I can't think of any major change to our program that would lower the spirit of the individual soldiers more than putting them back on KP at Fort Carson. By using civilian KPs, I am able to turn out the equivalent of an extra battalion for meaningful training each day.

Lt. Gen. John H. Hay, Jr., of Fort Bragg, declared that ending the civilianization program "would be a disaster since the soldier believes that civilian KP is an MVA promise that will be kept."

These views have been repeatedly offered by major installation commanders in both the United States and overseas. It is a reasonable conclusion that requiring large numbers of lower grade enlisted men to perform nonmilitary tasks will lead to a deterioration in morale and effective status, a risk that would outweigh possible advantages of retaining these duties.

INSTALLATION COMMANDERS COMMENTS ON THE ARMY KP PROGRAM

FORT HOOD, TEX.

Elimination of KP duties has been a great morale factor and has contributed greatly toward service attractiveness. The civilian KP contracts have released enlisted men for training and mission accomplishment. This is particularly noteworthy in that Fort Hood has many units requiring training as a crew or team. Weekends are not lost by last minute substitution of KP's due to unforeseen absenteeism and conflict in other requirements. Civilianization of KP's has provided for consistency in food service due to the permanent employees as compared to the daily changes resulting from

roster-type duty personnel. Civilian KP's generally work with pride as cohesive team members of the dining facilities to which assigned. This program has opened employment opportunities in the local communities.

FORT POLK, LA.

Civilian KP contracts provide employment for those who would either be unemployed or receiving welfare. The work force includes minority groups and students—high school and college—on both a full-time and part-time basis. Curtailment of this program would result in a credibility gap and negate much of the effect of the modern volunteer Army program.

FORT BENJAMIN HARRISON, IND.

Civilianizing KP duty has had a positive effect on the morale of the individual soldier. Courses of instruction have been shortened, consistent with the average time required for this detail. Close supervision required of roster-type duty personnel is not required of contract KP personnel and supervisors are released to perform more essential food preparation tasks. The civilian KP program provides a continuous professional work force. This work force is more proficient in the care, operation, and maintenance of food service equipment. A noticeable decrease in breakage of dinnerware has been evident since inception of the program.

FORT SHERIDAN, ILL.

Prior to civilian KP contracts at this small installation, duty personnel were removed from staff offices such as finance, personnel, administration, medical, transportation and supply. Due to reductions in personnel strengths, eligible personnel were detailed more frequently and work backlogs were created in their primary activities. Alternative to loss of contracts would be the levying of the U.S. Army Veterinary School for students during the course of instruction.

FORT LEAVENWORTH, KANS.

The small troop population requires a civilian KP contract to release enlisted men to priority staff and faculty assignments. Alternative to loss of contract would be closing the student officers field ration mess.

FORT SILL, OKLA.

Civilianization of KP's rated third in a group of 39 modern volunteer Army programs in a recent survey by the commander of this installation. This program is one of the strongest points in the MVA program. Almost half of the civilian work force comes from minority groups, some of whom were on welfare prior to the inception of the civilian KP contracts.

FORT SAM HOUSTON, TEX.

Missed training has an adverse effect on academic achievement at the U.S. Army Medical Training Center. Since initiation of civilian KP contracts instructors do not spend excessive periods on makeup instruction and instruction has been enhanced. Less supervision is required of civilian KP's and food service personnel are able to devote more time to improving the quality of the food. Civilian KP's are more effective and efficient because they are completely fa-

miliar with their duties. They have provided a better atmosphere in the dining facilities, improved the service and the cleanliness.

FORT LEONARD WOOD, MO.

Supervision of KP's by mess personnel has been minimized. Cooks can devote more time and attention to the preparation and serving of meals. The quality of the finished product is improved with more satisfied diners. Civilian KP's provide continuity from day to day with pride and professionalism. The sanitation of the dining hall is considerably improved.

FORT BLISS, TEX.

Performance and efficiency of military mess personnel have improved. Food service personnel are freed from supervision of military KP's and have more time to devote to food preparation. Food quality and sanitation of mess facilities have improved. Military personnel have been relieved from KP duties and returned to full time training status. The use of dining facilities by eligible personnel has increased.

FORT BENNING, GA.

Surveys conducted by this installation show that the civilianization of KP's is the most favorable of all modern volunteer Army programs. The major selling factor for recruiting personnel under the unit of choice in the 197th Infantry Brigade and 931st Engineer Group has been this program.

FORT BRAGG, N.C.

Military personnel have been made available for full time participation in training and classroom instruction due to the civilianization of KP's, reflecting extremely high morale.

FORT CAMPBELL, KY.

This program is the most important modern volunteer Army program on this post. The loss of this program will seriously degrade the air and unit training at this installation. Reinstitution of KP duty would be counterproductive to the goal of achieving a modern, highly professional all-volunteer 101st Airborne Division—Airmobile. The loss of the civilian KP contracts would preclude the accomplishment of a very challenging training program soon to be initiated. A basic principle of this training program is that units train at 100 percent strength. This is absolutely necessary to provide realistic and meaningful training for combat units and leaders. The loss of this program would quickly destroy unit training integrity as well as preclude many soldiers from participating in on-duty educational and vocational classes.

FORT GORDON, GA.

A definite improvement in the attitude and morale of personnel interviewed for possible reenlistment has been observed. The men look upon civilianization of KP's as a step toward allowing them to perform MOS oriented duties or attend school. Mess stewards prefer civilian KP's, because it provides them with a stable work force. Professionalism is required in the mess halls if we are to have an all-volunteer Army. The prime factor in improved morale is less student details during duty hours and more free

time for those otherwise eligible for KP. If the enlisted men were required to resume KP duty after having been relieved, the image of the modern volunteer Army would suffer.

FORT JACKSON, S.C.

The operation of dining facilities becomes more efficient as civilian KP's become proficient in a relatively short period of time and require little, if any, supervision. This allows mess personnel to devote more time to the preparation of food. A noted improvement in morale has been made by reducing individual interruption of training and allowing the soldier more free time.

FORT M'CLELLAN, ALA.

Results of local surveys indicate that the civilian KP program is one of the most favorable aspects of the modern volunteer Army program.

FORT RUCKER, ALA.

The use of civilian KP's resulted in more efficient utilization of personnel in combat units and school support. The release from KP duties is one of the most significant contributions to improved morale among a number of related items. Stability of personnel performing KP services under contract has improved the care and utility of equipment, adding quality and quantity to services performed.

FORT STEWART, GA.

Civilian KP services has resulted in more efficient utilization of military personnel in their MOS in that this station has a shortage of military personnel. Stability of civilian personnel performing KP services has resulted in a marked improvement in the sanitation of dining facilities. The morale of the enlisted man has improved since the use of civilian KP's.

FORT DIX, N.J.

Civilianization of KP had the highest positive influence in motivating soldiers to reenlist.

CARLISLE BARRACKS, PA.

Carlisle Barracks has an unusually high ratio of NCO's to lower ranking enlisted men which caused the enlisted men to be detailed for KP a disproportionate number of times. Civilianization of KP's has eliminated this problem as well as releasing critically short enlisted medics back to their duties at the post hospital.

FORT EUSTIS, VA.

Soldiers have been released from KP duty to attend scheduled training and classes. The readiness posture of many units has improved, especially in the area of equipment maintenance.

FORT DEVENS, MASS.

KP civilianization is a big plus in decisions affecting reenlistment. The civilian KP contract was awarded to a minority group contractor and gainful employment has been provided civilians in the local area who might have not had the opportunity to work.

THE SCHOOL BRIGADE, FORT MONMOUTH, N.J.

The quality of instruction has increased significantly.

FORT MEADE, MD.

Since KP has been civilianized, enlisted men have been returned to duty,

administrative punishment for "failure to repair" has decreased and courtesy and dress in mess facilities have improved.

FORT BELVOIR, VA.

Civilianization of KP's has resulted in a significantly favorable impact on troop morale and productivity within duty sections.

FORT KNOX, KY.

Enlisted men have been returned to their primary duties as a result of the KP civilianization program.

CAMP DRUM, N.Y.

Military mess personnel have more time to effect improvements in mess services due to civilian KP's not requiring close supervision.

FORT ORD, CALIF.

Prior to civilian KP contracts, makeup training was conducted to compensate for lost time due to performing KP duties. This duty seriously distracted from career attractiveness and impacted adversely on soldier morale.

FORT LEWIS, WASH.

The current recruiting objective for unit-of-choice recruiting would be jeopardized by not providing civilian KP's. Surveys revealed that the civilianization of KP's would improve attitudes toward the Army as a career and that KP was a major negative factor in the achievement of soldier job satisfaction. It is significant that among soldiers unwilling to reenlist, there was a belief that the Army might talk a lot about improving job satisfaction, but would actually accomplish very little. When a soldier pulls non-mission details, equipment stands idle, mission assignments fall behind and valuable training time is lost. If another operator is placed on the piece of equipment, the soldiers' pride in "his" equipment is lost. KP contracts would assist to alleviate the unemployment rate in the Tacoma, Wash., area. Failure on the part of the Army to provide civilian KP's will generate skepticism concerning the credibility of the Army and detract from Fort Lewis' ability to recruit, train, and retain young men.

PRESIDIO OF SAN FRANCISCO, CALIF.

Morale among enlisted personnel has improved immeasurably. Motivation and self-improvement are now a reality. More effective NCO/enlisted relationships are resulting in improved accomplishment of mission tasks.

FORT MAC ARTHUR, CALIF.

The civilian KP contracts have resulted in better service and less supervision, increased morale, reduced sick call, and has allowed the mess steward more time for planning and supervising the preparation of the meal.

FORT CARSON, COLO.

The elimination of military KP duty is very appealing to the modern volunteer soldier and has improved his effectiveness and morale.

I include the following:

IMPACT OF CIVILIANIZATION OF KP REDUCTION PURPOSE

To provide comments of Commanding General, Fort Carson, concerning the impact of possible reductions in the FY 1973 KP Civilianization Program.

FACTS

1. By CGCONARC message dated 230045Z August 1972, the comments of MG Bennett, C.G. Ft. Carson were transmitted to this Headquarters.

2. The following are extracts of the message:

(a) "This program has received more specific soldier attention than any other individual MVA project. It has come to be a dramatic and practical milestone in our efforts to create and maintain a Volunteer Army. At the lower enlisted level virtually every man is directly affected by this program. Using almost any yardstick, civilianization of KP's must be labeled a complete and distinct success. A curtailment or cut-back now would place a severe strain on the credibility of the Army in the mind of the young soldier."

(b) "The results of our periodic evaluations of MVA projects show that it has ranked as either number 1 or number 2 in importance by our junior enlisted men among the 83 projects being evaluated. The appeal of this project is widespread and not limited to only those who pull the duty."

(c) "The alternative to KP civilianization, under current operating conditions, is to take over 500 troopers away from their jobs every day to perform a duty which detracts from their perception of the worth of their primary job and reduces, on a daily basis, their unit's training capabilities."

(d) "It has certain coincidental benefits in the surrounding communities. The employment of many people who might otherwise be on the welfare rolls or unemployed is a fact that cannot be ignored. Our KP contractor has provided gainful employment for local area residents, many of whom are not qualified to perform more complex duties. Cancellation of this contract will have unfortunate consequences on these people by returning them to the civilian community to seek employment elsewhere."

(e) "In summary, a cut-back or elimination of the KP Civilianization program would adversely effect the entire MVA program because of the symbolic nature of KP civilianization. Also, a lessening of Army credibility and a decrease of soldier job satisfaction could be expected, along with an appreciable impact on the local employment situation."

SUMMARY OF APPROPRIATIONS COMMITTEE CONSIDERATION OF THE CIVILIZATION OF NONMILITARY DETAILS

Secretary of the Army Froehke (Vol. 1, page 349): Concurrently with increasing the attractiveness of Army life, we must provide job satisfaction. Job satisfaction comes when units are well manned and equipped, when equipment is properly maintained, and when the people and the units have the time and money to train. Job satisfaction also comes when soldiers are permitted to perform their primary duties without diversion to non-military chores or menial tasks. American youth has rated the Army the lowest in potential for job satisfaction and the least likely to provide interesting and challenging work—another deterrent to enlistment.

The observations of our young people are, for the most part, accurate. With the FY 1973 budget we have taken steps to reduce irritants and to enhance job satisfaction. This budget emphasizes improved living conditions and services, and reduced diversions to non-military tasks. Finally, this budget emphasizes the need to modernize our military personnel procurement system.

Secretary of the Army Froehke (Vol. 1, page 353): We emphasize five areas in FY 1973 that will reduce the main sources of frustration among our soldiers and will improve the chance that young Americans will join the Army team. These areas are:

Freeing soldiers to concentrate on their military duties through hiring civilians to perform administrative support tasks such

as kitchen police. On the average, four civilians added to the payroll return five soldiers to their units.

Creating privacy in and accelerating the repair and modernization of inadequate barracks.

Construction of new barracks and family housing units.

Leasing houses in locations where sufficient family quarters are not available.

Increasing and improving recruiting efforts.

Table 3 (not printed) displays the funding for our soldier oriented programs.

Former Army Chief of Staff Westmoreland (Vol. 1, page 364): Of the three interrelated and mutually dependent objectives, the first is overriding. Achievement of the highest standards of professionalism is paramount. This requires equally high standards of discipline—all else is secondary. As I have said before, we are not condoning permissiveness, compromising standards, or engaging in a "giveaway" program.

Revitalization of Army training is one of our highest priority projects in improving professionalism. Last June, I established a decentralizing training program whereby the training management responsibility was given over largely to those commanders most intimately and directly involved in the day-to-day training of their troops—commanders of battalions and separate companies.

Not only should our training be meaningful and challenging, but the training should be accomplished with full strength units. Every single day, approximately 45,000 soldiers are drawn away from their primary duties to perform administrative chores. This confronts the soldier with tasks not directly related to his readiness mission, and frustrates efforts of his leaders to build teamwork and a sense of professional excellence to their units. Certain FY 73 budget items are designed to reduce diversions from unit strength by:

Completing the worldwide to hire civilian mess attendants.

Replacing soldiers performing base support functions with civilians.

Secretary Froehle (Vol. 1, page 421):

"NONMILITARY" DUTIES

Mr. SIKES. Soldiers do not fight all the time and they do not train all the time. Traditionally, soldiers perform "nonmilitary" duties between combat assignments or training assignments. Such duties were considered necessary so that soldiers in the Army during peacetime could perform useful functions. It may not be sound policy to relieve soldiers from nonmilitary assignments. Excessive spare time often results in disciplinary problems. Now you are going to further lessen the requirements on the man in uniform. Is that really good? These things have helped to keep a man busy for a lot of years and that has always been considered important for a man in uniform when there is no combat duty to perform.

What is he going to do with the free time you are giving him? Isn't that going to lead to problems rather than to improve the attractiveness of the service?

Secretary Froehle. I think it is good if we pick up the slack. I agree with you wholeheartedly. [If by relieving him of KP and menial duties, we are just giving him unchallenging work or just allowing him to loaf, then we are creating problems for ourselves. However, we have definite plans that will create problems for ourselves. We have programs which we refer to as dynamic leadership. We are decentralizing training to allow the company commander, within limits, to determine what kind of training—adventure training is necessary—to keep the soldier interested, to keep him in good physical shape and mentally sharp, and prepared to perform his mission.]

Secretary Froehle (Vol. 1, page 422):

Secretary Froehle. I think I will accept it will cost more money. We are not doing that

for a dollars and cents reason. We are doing that in an effort to give the soldier more job satisfaction, and to return him to his squad leader for training. The soldiers we are trying to attract just are not turned on by doing menial work. As a result, we are doing these things even though it probably costs more money.

Mr. ADDABBO. I fully agree with you to a certain extent. We were at a base in Europe recently, and one of the complaints we received from a serviceman is that he was called off an operating computer because we were coming into the camp and he had to go around picking up pieces of paper.

Secretary Froehle. I have been told that same thing.

Secretary Froehle (Vol. 1, page 426):

Mr. SIKES. There is one further question in connection with the program to make life easier for the soldiers. There is another side. Are you making the Army soft? Is the Army becoming too well fed, well paid, to retain the toughness essential to successful combat?

Secretary Froehle. I would say that the objective, sir, is not to make the Army easier for the soldier. The objective is to make the Army more satisfying. I believe that is not one of the ingredients that go into a satisfying job.

I think interest and challenge are the ingredients that go into a satisfying job. The reason that I do not want our soldiers doing KP is not because I want to make it easier for them, but because I know, having served on KP that it is a boring job that did not further my mission one little bit. Yet I did it. But today the young people are not willing to do it. The reason we do it is not because it is easier. The reason we do it is because we want our soldiers to have satisfying, interesting, and challenging jobs. You also asked if we are paying too much money. I think there is a danger of that, and as I earlier indicated, I am not in favor of paying more money than a comparable job in civilian society. Today I do not think we are paying more. Today I think we are in the ball park, and I am satisfied with the present pay scale.

Mr. SIKES. I think that is a good answer.

Secretary Laird (Vol. 3, page 182):

We must continue to view some of our self-perpetuating practices with critical eyes. For example, Kitchen Police (KP) duty and janitorial duties contribute little to the individual's military skills; the time spent on these tasks could better be devoted to training and other primary duties. The Services have started contracting these services to civilian organizations to release military personnel for military duties. We intend to continue efforts in this area to obtain better utilization of personnel in their military skills and to improve morale.

Secretary Laird (Vol. 3, page 514):

Mr. RHODES. There are also a number of civilians hired by the Department of Defense under personal services contracts. Included in this category are "housekeeping" personnel. It is anticipated that more such personnel will be hired to support the all-volunteer Army program. How many civilians under personal services contracts are supported in the fiscal year 1973 budget and how many are being supported in fiscal year 1972?

(The information requested follows:)

Contracts for personal services (such as for consultants and contractor technical representatives) are limited to those identifiable to a specific need, and have special qualification provisions regarding education or experience. There are relatively few contracts of this sort.

In the Department of Defense contracts for housekeeping personnel are not personal services contracts. We engage contractors to perform services, such as kitchen police, and stevedoring, rather than to furnish individuals whose particular talents are required. In a sense, we are not directly concerned

with the number of people the contractors use; our concern is that the contractors accomplish the work. Therefore, we do not have available the number of civilians employed by contractors who provide commercial or industrial-type services.

Although the specific numbers are not available, the fiscal year 1973 budget does anticipate that more housekeeping personnel will be hired to support the all-volunteer Army. In the fiscal year 1973 O. & M. Army budget there is an increase of approximately \$70.6 million over the fiscal year 1972 level of \$28.4 million to "civilianize" kitchen police. There is also an increase of \$32.7 million above the fiscal year 1972 level of \$2.4 million to perform services previously accomplished by enlisted men on fatigue details. These housekeeping type contracts will help achieve our goal of an all-volunteer Army, but they do not reduce our military manpower requirements. They relieve the soldier of extra duty assignments that interfere with training or operational readiness or unreasonably lengthen his work week. It should be pointed out that the budget assumes that these services will be provided by contract because that is our best judgment at present. We intend to make the substitution from military detail to civilian in the most efficient and effective manner. There may be instances where the best method proves to be a direct hire basis rather than contract; if so, we will use direct hire. Some of the funds may be utilized for labor-saving devices.

General Sears, Assistant Director of Army Budget, O&M; General Kjellstrom, Director of Army Budget; General Montague, Dep. Special Assistant for the Modern Volunteer Army; (Vol. V, pages 221-225):

CIVILIANIZATION OF KITCHEN POLICE

Mr. FLYNT. You mentioned civilianizing KP activities. I gather that the question of KP is still with us.

General Sears. Yes, sir.

Mr. FLYNT. In my limited experience in uniform, I became convinced that most soldiers, certainly most good soldiers, did not complain so much about KP as they did when they thought the program of KP was being unfairly administered and being used as punishment. Would you comment on that observation?

General KJELLSTROM. Mr. Chairman, the civilianization of kitchen police is an extremely important program. Our surveys have proven KP to be one of the most onerous tasks that an enlisted man of today performs.

I grant you that those of us with experience in World War II and the Korean days looked upon KP as a routine type of duty, and our people were always watching the duty roster to assure that they did not come up too often and that everyone else shared this task.

This is not the situation today. The Department of Defense has established a policy, which the Army is implementing belatedly, of civilianizing KP throughout the Army, with the exception of basic training. We are not going to keep our basic trainees off KP. In other words, they will appreciate the fact that they do not have to pull KP after they leave basic training.

This Department of Defense directive is some 3 years old, and the Army initiated the program in fiscal year 1972, and is completing the program in 1973. We are the last of the services, excluding the Marine Corps, to implement this program worldwide.

Mr. FLYNT. If I may say so, I would respectfully suggest that you have the priority exactly backwards. I think in basic training the time ought to be devoted to training, even as compared with his later service. I think the reason KP is considered onerous is not that KP duty is considered onerous per se, but because many soldiers over the years have believed that it was unfairly ad-

ministered. I am sure everyone in this room has known instances where KP was used as punishment, which should never be done.

It is the same old story of putting mechanics in the kitchen and cooks in the motor pool.

If those things could be eliminated, I think some Army problems might be solved a little bit better.

COST OF CIVILIAN KP PROGRAM

Mr. FLYNT. In 1973, you expect to spend \$99 million on the civilianization of kitchen police. This is an increase of \$70.6 million over the estimate for this same project in 1972. Do you anticipate civilianizing all mess operations at all posts, camps, and stations throughout the world with these funds?

General SEARS. No, sir. We intend to civilianize KP operations in all posts, camps, and stations throughout the world with the exception of those conducting basic combat training.

Mr. FLYNT. How did you estimate a \$99 million requirement for this program?

General SEARS. Sir, last spring we went out to all the field commands of the Army and asked them for the numbers of people that were required on KP in any one average day. That number was estimated by all the major commands of the world to be approximately 10,400 people. We estimate that it will take 1.5 civilian personnel to replace 1 military KP because of the number of hours that a military KP works now in his daily tour. Thus, we will be required to have approximately 15,600 civilian KP's at an average cost, worldwide, of approximately \$6,300 each, or a total cost of \$99 million.

Mr. FLYNT. Do you think you will be able to employ enough civilians to perform KP duty?

General SEARS. Yes; we do, sir. In 1972, we requested \$28.4 million and now intend to spend \$33.9 million on civilianization of KP. We have been able to accomplish it in Europe and in Korea and in the test stations in the United States.

In the United States it is done primarily by contract. We contract out the function of KP, rather than hire individual civilians working directly for the Army.

General SEARS. We do think so.

Mr. FLYNT. If they are going to be more efficient, I think your comparison of 12 to 8 and 1.5 to 1 may be a little inaccurate.

General SEARS. General Montague is with us.

General MONTAGUE. I am Brigadier General Montague, Deputy Special Assistant for the Modern Volunteer Army.

We went into the KP project quite scientifically. We carried out a number of experiments, particularly at Fort Benning, Fort Carson, and Fort Ord. Here we found, through experience over the last 17 months, that we could generally get by with about three-quarters as many civilian KP's as soldiers on any particular shift. But, as General Sears pointed out, it was necessary to have two shifts, since the first workers come into the mess hall quite early in the morning preparatory to getting breakfast as early as 6:00 o'clock. The first shift works on through the noon meal, when you have the largest number of soldiers in the mess hall.

The second shift comes on just before that large noon meal and works on through the evening hours until the latest people coming in from training are fed and the mess hall is cleaned preparatory to starting operations again the next day.

Mr. FLYNT. You are going to have two shifts of civilian KP workers?

General MONTAGUE. That is the way it is run, and it is run efficiently as far as the personnel in the kitchen are concerned. They like it better.

Mr. FLYNT. Why don't you carry that one step further and put civilians in the kitchen as cooks and mess sergeants?

General MONTAGUE. This, of course, is perhaps desirable in the long run.

Mr. FLYNT. I did not say it was desirable, but following that line of reasoning, why don't you do it?

General MONTAGUE. At places like Fort Myer, we are doing it on a test basis today. This is particularly applicable to large, consolidated messes, headquarters-type operations. But there is a balance that you must strike, of course, and that is that we must have sufficient trained military cooks to support the Army in the field.

Mr. FLYNT. I was going to ask you, who is going to do the cooking when you go into the field?

General MONTAGUE. We have to have a balance to take care of large headquarters installations in the United States with civilians.

Mr. FLYNT. Who is going to do your KP when you go into the field?

General MONTAGUE. Obviously, sir, the soldiers. They do that today everywhere where we have civilian KP's in the mess hall. We can never civilianize KP in the field, of course.

Mr. FLYNT. If you contract this service, do you expect to do it on the basis of competitive bids?

General SEARS. Yes, sir, we have in the past.

General MONTAGUE. We have in the past done that in every case, sir.

REPLACEMENT OF ENLISTED MEN ON DETAILS

Mr. FLYNT. You are requesting \$35.1 million for a project to replace enlisted men on details. What type of details will the enlisted men be relieved of performing?

General SEARS. These details are the normal housekeeping chores that exist on a post. They consist of maintenance of grounds, grass-cutting, post garbage collection, guarding post facilities, and other ancillary non-military duties that do not require a soldier to perform them. As long as we have Army camps and installations, of course, we will have to have this administrative support.

It is our idea here to get the soldier back to soldiering and get him off the details of ash and trash and grass-cutting.

Mr. FLYNT. What is your basis of estimating that this project will cost \$35.1 million?

General SEARS. Sir, we again went to the field with a survey to determine how many people are put on detail each day. We took this data from a worldwide survey and determined that there are approximately 45,000 soldiers on detail each day in the Army. This includes the 10,400 on KP and about 35,000 soldiers on other details.

This \$35 million will enable us to hire approximately 6,000 civilian employees. We will really be replacing at this point in time probably about 16,000 of the 45,000 military who are on detail.

I believe the Chief of Staff in his opening statement to this committee also highlighted this 45,000 figure as the number of people on detail in the Army on any one day.

Mr. FLYNT. Why is there a \$32.7 million increase over fiscal year 1972?

General SEARS. The purpose of this increase is to replace the soldiers who are on detail now and get them back to training and back to their unit. This is the first time we have put in a major effort to relieve our soldiers from details.

Mr. FLYNT. Are you going to contract for these services or employ additional civilian personnel?

General SEARS. Again, as far as possible, we will contract for these services, and we have been able to do this in the past.

Gen. Armstrong, Marine Corps, Assistant Chief of Staff, (Vol. 5, pages 725-26):

CIVILIAN EMPLOYEES

NEW EMPLOYEES FOR KITCHEN POLICE

Mr. FLYNT. With regard to civilian employees, I note that you are requesting 1,184

new civilian employees. This will increase your civilian employee end strength from 15,617 to 16,801 at June 30, 1973. I see where 650 of these new positions are for the DOD uniform food services program. Is that the program for the civilianization of the kitchen police?

General ARMSTRONG. Yes, sir.

Mr. FLYNT. Do you plan to do this by contract or do you plan to do it by direct hire of civilian employees?

General ARMSTRONG. The present plan is to do it by competitive contract to the maximum extent possible. In other words, in areas where this can be done this is the preferable way. We are not sure as yet that this will be applicable in all of our areas, and we may have to go into local hire. We prefer not to.

Mr. FLYNT. You are programming 650 of these new positions for uniform food service. What function will these people perform?

General ARMSTRONG. Purely mess attendant functions. They will not be cooking. They will not be running our messes as such.

Mr. FLYNT. I understood you to say that these personnel would be contract personnel rather than direct hire.

General ARMSTRONG. We have one experience which we have had in Okinawa. Our messes in Okinawa operate so that a mess attendant is furnished by a contractor. He does not run the mess and do the cooking, et cetera—just provides the people to clean up the mess and do the police work.

Mr. MINSHALL. Where is that?

General ARMSTRONG. Okinawa.

Mr. FLYNT. Would you call those civilian employees if they are contractor employees? The point I am getting at is this—do you plan to hire 650 new civilian personnel in addition to the contract personnel who will perform the mess attendant functions?

General ARMSTRONG. No, sir; I am hedging there a little bit because the manpower side of our headquarters is not yet sure whether or not they can contract for these. This is the first step in a 5-year program, and definitely we will contract to the maximum extent. This is an estimate really. Whatever contracts are done will be within this amount of money, and this would equate to 650 employees if we hired them.

Mr. FLYNT. I would like you to review that. It occurs to me it would be very difficult to provide a mess attendant function with 650 people. I have an idea that these 650, instead of being mess attendants, may be supervisory personnel overall. I am not sure about that, but I would like you to supply the information for the record or respond now.

General ARMSTRONG. I understand, sir. These will be civil service hired. They will be hired people and they will be the scullery washers and that sort of thing if we can hire them.

Mr. FLYNT. If you cannot hire them they will be done by contract?

General ARMSTRONG. Yes, sir. We are really hoping to get off on the right foot in 1973 and we don't know too much about the program.

Mr. FLYNT. You say this is a 5-year program?

General ARMSTRONG. That is right.

Mr. FLYNT. Am I to believe from that that your total hire over 5 years will be 3,250 additional civilian employees, assuming that your request for this year is for a one-fifth increment?

General ARMSTRONG. Yes, sir. I believe the total is just under 3,000 total for the 5-year program.

Mr. FLYNT. How many thousand?

General ARMSTRONG. Just under 3,000. I believe it is 2,900-plus.

Mr. FLYNT. Which would be the total number of civilians associated with this program over the 5-year development?

General ARMSTRONG. Yes, sir.

Mr. FLYNT. Will this increase result in the civilianization of all Marine Corps mess fa-

ilities, wherever located? I understand that your cooks will still be primarily uniformed personnel.

General ARMSTRONG. Yes, sir.

Mr. FLYNT. Will this 3,000 increase over the 5-year period result in the civilianization of all mess attendant functions at all Marine Corps mess facilities?

General ARMSTRONG. I do not believe it covers the entire gamut of the Marine Corps duties. There are certain locations where this would not be a feasible program, such as at some of our deployed locations.

I would say within the continental United States it will be.

Col. Carey, AF Directorate of Personnel Plans; Col. Posner, Directorate of Manpower and Organization (Vol. V, pages 906-07):

CUSTODIAL SERVICES COST

Mr. FLYNT. Why does the Air Force have to increase its budget request by \$10.2 million to obtain additional custodial services in order to relieve the airmen from menial and unproductive tasks?

Colonel CAREY. This is a case where one of our main thrusts of Project Volunteer is to encourage the highly trained technical people to stay in the Air Force. We do not think this purpose is served by having them perform menial custodial work such as KP and cleaning up their area.

Mr. FLYNT. Would you give us a breakdown of the projections of the components that make up the \$10.2 million?

(The information follows:)

The \$10.2 million in fiscal year 1973 funds will provide for approximately 20.8 million square feet of contract custodial services broken down into 11.7 million square feet for common use areas of airmen dormitories, and 9.1 million for squadron level and below administrative areas. Use of contract custodial services is designed to remove irritants to service life and it provides increased productivity for these technically trained personnel.

CIVILIANIZATION OF KP

Mr. FLYNT. What programs are you initiating in order to keep the airmen fully occupied since they presumably will no longer be required to perform so-called menial and unproductive tasks?

Colonel CAREY. Sir, we believe we can keep them fully occupied in their job specialty for which they have been procured and trained.

Mr. FLYNT. How are you going to keep them occupied and for how many hours a day and how many days a week?

Colonel POSNER. We have a 40-hour work week in the continental United States.

Mr. FLYNT. Is the Air Force initiating a full scale civilianization program to relieve airmen from performing KP duties?

Colonel CAREY. Sir, in the area of KP the Air Force has essentially eliminated KP in all except the basic training center at Lackland AFB.

Mr. FLYNT. Have you already done that? Colonel CAREY. Yes, sir. KP has been essentially eliminated in the Air Force except at the basic training center at Lackland AFB.

Mr. FLYNT. How much of this is being done by direct hire and how much by contract hire? I assume both.

Colonel POSNER. Yes, sir. We have 5,200 civilian KP's at 256 installations, and there are contract KP's at 46 installations.

Mr. FLYNT. Which has proved most effective, your direct hire or your contract hire?

Colonel POSNER. I do not think I can respond directly to that, sir. It is a composite of situations at each installation, and the question of economy.

Mr. FLYNT. I do not mean between now and this afternoon, but can you get some additional information on that and supply it for the record because we are concerned whether you are finding it more effective with direct hire or by contract?

(The information follows:)

Generally speaking our evaluation of effectiveness is made against compliance with established minimum standards of inservice or contract performance. On this basis we find that we get equal effectiveness from both direct hire and contract performance of KP.

To the extent standards of performance are not met, under the contract or inservice mode, normal management action is taken to obtain compliance.

General Kerwin, Army Deputy Chief of Staff for Personnel (Vol. VI, pages 76-77):

The Army has taken steps to release men to soldiering to the maximum extent possible by including funds within the budget for:

Civilianization of KP.

Reducing the maintenance backlog for troop barracks. This relieves the soldier to some extent from self-help projects.

Hiring civilians to perform maintenance of roads and grounds, refuse collection and janitorial work in post administrative and recreational facilities.

Exciting, meaningful training has been advanced by:

Revised basic and advanced individual training. It incorporates individualized, self-paced, hands-on instruction and performance-based assessment of specific skills of key points in the instructional process.

Decentralizing the management and conduct of training by relying on the judgement of the soldiers' leaders in attuning individual programs to the widely varying local circumstances.

Establishing a Combat Arms Training Board. It is tasked to develop new approaches to training and to provide meaningful assistance to small unit leaders. By evaluating alternative training techniques, conducting seminars in active and reserve component units worldwide, and publishing current information on new training developments, the board will give added support to the philosophy of reposing full responsibility in each small unit leader for the development of exciting, meaningful, and imaginative unit training.

Adventure training. The Army supports adventure training because of its value in building resourceful and self-reliant men. Rock climbing, boating, survival and endurance feats, and exploring are examples of the sorts of activities which contribute to developing self-reliance, morale and physical courage, and mutual confidence among the men in a unit.

A current educational project which is growing rapidly and will replace, where possible, the high school GED program by June 30, 1972, is the preparatory education program (PREP) sponsored by DA and funded by the Veterans' Administration. Dependent schools in USAREUR and Big Bend Community College offer instruction. The funds generated by implementation of PREP will be used for broader MOS programs and vocational-technical training.

General Kerwin (Vol. VI, page 91):

Definition of Soldier Oriented Programs. These soldier oriented programs are defined as "those activities supported by Army funds that are most evident to the soldier population, and which have a distinct beneficial impact on the majority." These programs reflect the Army's attempts to create an environment most conducive to improved soldier attitudes and to achieve an all-volunteer force. The entire Project Volunteer/Modern Volunteer Army Program is included within the soldier oriented programs.

Categories in Objective Terms. The soldier oriented programs are categorized in terms of objectives such as to enhance professionalism, to improve service life and to modernize the accession system.

To Strengthen Professionalism. To enhance professionalism, the Army has budgeted \$33 million for FY 72 and \$139 million for FY 73. Certain items are designed to improve training by reducing diversions from unit strength

by completing the worldwide program to hire civilian mess attendants (FY 72 \$28 million and FY 73 \$99 million) and to replace soldiers performing base support functions with civilians (FY 72 \$2 million and FY 73 \$35 million). Closely allied to improved military training is the budget item for educational development of the noncommissioned officer (FY 72 \$1 million and FY 73 \$5 million).

General Kerwin (Vol. VI, pages 108-109):

FREE TIME RELIEVING SOLDIERS FROM EXTRA DUTIES

Mr. FLYNT. The Army stresses that it is making every attempt to free the soldiers from extra duties such as KP, mowing lawns, washing windows, et cetera, in order that the soldier can receive more adequate training. However, realistic training, especially combat training, is very expensive in terms of ammo and gas-consumed equipment maintenance, et cetera. Are there extra funds in the O. & M. and procurement budgets to pay for this training?

General KJELLSTROM. We have had adequate funds included in the O. & M. budget and the procurement accounts for support of the Army forces and to provide the necessary improvements in our training program.

Mr. FLYNT. An often heard complaint about military life is that it is too boring—not enough to do. Won't the removal of special duties give the soldier more free time and in turn increase his boredom and lower his morale?

General KERWIN. Sir, one of the biggest cries we have today from the commander in the field is the lack of personnel during training time. This means at the level of the squad because a man may be going on KP or some other function. What we are attempting to do with respect to civilian help for KP is to release the soldier to the commander so he does have him available during training time to have more meaningful training.

I do not think this will make more free time available to the individual in terms that he will have nothing to do. Rather, the main thrust is to make the individual available to the commander for training during the actual training day.

Mr. FLYNT. Is this going to mean that more passes and free time are going to be given to personnel in training without substantially increasing their effectiveness.

General KERWIN. I would not say this is going to make more free time available for passes. Obviously the man who is on KP that night would not be available for a pass. The main thrust of having the KP supplanted by civilians is to make the individual available to the commander during the training day so he has a larger percentage of his people at training.

If we can do that, then I think we can increase the job satisfaction and have more men available to the commander so we can improve the rapport between the leader and soldier.

(Discussion off the record.)

General KERWIN. The Army will provide details for the record on the KP problem.

(The information follows:)

On February 28, 1968, Department of Defense provided for the civilianization of the military services' food program and specified that civilians employed as KP's would be paid from appropriated funds as of June 30, 1970. The Army requested and was granted postponement of this date due to funding constraints with the understanding that Department of Army would request necessary funding in the fiscal year 1972 budget to implement total overseas conversion by July 1, 1971, with sufficient priority to reasonably assure approval of such funds.

When the Army launched the modern Volunteer Army program in October 1970, General Westmoreland laid out a powerful "plan of attack" to strengthen professionalism, improve Army life, and enhance

the image of the Army. He stated positively that "we will not achieve our goal without the application of resources, and I mean money." Besides identifying resource requirements for better pay, additional housing, modern barracks, and maintenance of houses and barracks, he stated that "we will need money for civilian labor contracts so that our helicopter mechanics are not cutting grass and our radar technicians are not washing dishes." The Army developed the details of the modern Volunteer Army program based on General Westmoreland's guidance and on a "fly before you buy" concept. One of the major points of his guidance which received extensive test because of the long-term costs involved was replacing soldiers on KP with civilians in order to return soldiers to soldiering.

To provide for the financing of KP civilianization in overseas areas—Korea, Panama, Okinawa, Germany, Italy, and Belgium—\$10.9 million and 6,730 spaces were placed in the fiscal year 1972 OMA budget. CONARC commanders have spent approximately \$4 million annually on civilian KP's during recent years. An additional \$10.9 million has been provided in fiscal year 1972 through Project VOLAR to CONARC installations for this purpose. Alaska and Hawaii will have spent about \$2.6 million. It is estimated that the Army will spend a total of \$28.4 million on KP civilianization in fiscal year 1972 as a result of these efforts.

A total conversion of all KP functions within the Army to civilians, except for those personnel in BCT units, is contemplated in fiscal year 1973 in all commands at an estimated cost of \$99 million. It is estimated that some 9,200 soldiers will be returned to their primary military duty.

KP has traditionally been considered a major irritant to the soldier due to the menial tasks involved and the requirement to work long hours. It is hoped that the civilianization of the KP program will allow the Army to provide for its soldiers a more normal workweek schedule in consonance with the civilian environment and return the soldier to his unit for meaningful training. The Army in achieving an all-volunteer force must provide better working conditions including a reduction of the present 60 to 75 hour workweek which exists in most troop units.

Major commanders have periodically reported to General Westmoreland their personal evaluations on the modern Volunteer Army programs. They adamantly favor employing civilians instead of soldiers for KP. Gen. Ralph Haines, CGCONARC, considers "the institution of civilian KP to be the principal measure for increasing the professionalism, teamwork, pride, and fighting capability of our TOE units." Gen. Michael Davison, CINCUSAREUR, "totally support(s) the KP civilianization program and, in the area of service attractiveness place(s) it along with barracks improvement at the highest level of fiscal priority." He further states that "civilianization of KP's within USAREUR has returned 3,500 soldiers to their primary duty in the organization. This equates to more than four mechanized infantry battalions." Lt. Gen. John H. Hay, Jr., CG XVIII Airborne Corps, says that the 1,000 soldiers released each day is more than just a number. "These are trained soldiers working to achieve standards of professionalism of the Nation's primary reaction force." Maj. Gen. John C. Bennett, CG, 4th Infantry Division, Fort Carson, also indicates that he is "able to turn out the equivalent of an extra battalion for meaningful training each day." Other commanders are equally strong in their support of KP civilianization.

A multitude of reports and surveys have provided convincing data about the value of civilian KP. The independent research agencies contracted by the Army to evaluate

the MVA program conclude that substituting civilian KPs for soldier KPs is generally the most important MVA innovation in terms of soldier satisfaction. These conclusions are fully substantiated by the Army installations' evaluation. Not only is the opportunity to perform his rightful job important to a person already in the Army; it is also of concern to young people outside the Army. Independent research organization findings show that half of enlistment candidates surveyed believe the Army offers interesting challenging work, and that the Army ranks lowest of all services in "best chance to use one's skills or abilities."

The field commanders' comments and the conclusions from evaluations of the modern volunteer Army program make clear the improvements in training, efficiency, and soldier morale that accrue from replacing soldiers on KP with civilians. By carrying out this program in fiscal year 1973, the Army will be able to catch up to the Air Force and the Navy, which have already largely adopted the civilian KP concept. It is the Army position that any retreat from the stated objective, now known Armywide, would seriously degrade the modern volunteer Army effort.

General Wheeler, Marine Corps Assistant Chief of Staff, Manpower and Personnel (Vol. VI, page 824):

Furthermore, in fiscal 1973 we are asking for funds to substitute some 650 civilian messmen for Marines, which will vastly improve our readiness as far as freeing Marines from mess duties is concerned.

In conclusion, sir, I would say that yes, from the management standpoint, we would welcome some flexibility along these lines. It would make our job easier.

Secondly, we are pursuing the need for civilianization but at the same time, within our relatively small force, I am afraid the process will necessarily be rather slow.

Mr. DAVIS. I suppose reticence at the installation is probably somewhat natural. I suspect that the local commander might feel that he has more effective control over the man in uniform than he does over the civilian who might be working for him.

General WHEELER. Yes, sir; and also he can send him off to war.

If the gentleman from Ohio will yield me additional time, I will be delighted to yield to the gentleman from New Hampshire.

Mr. MINSHALL. I yield the gentleman 1 additional minute.

Mr. WYMAN. Will the gentleman yield?

Mr. STEIGER of Wisconsin. Of course I will yield.

Mr. WYMAN. The gentleman says that he cannot understand the justification for the committee's action. I would simply like to observe a justification for that action is money. This budget is said to be high. It has actually been pointed out that the budget for the military is the lowest in actual constant dollars since 1951. As far as the gentleman's reference to cutting grass and doing dishes and other things is concerned, I can think of nothing that is more applicable to the average duties on a day-to-day basis in peacetime of these men than doing some of the unpleasant chores that we think ought to be done by them.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments, but I must say that if the argument is money, then clearly you ought to think of contracting these chores out, because in that way you will end up paying less

money for contracting out the work rather than having military personnel do it.

Mr. WYMAN. If the gentleman will yield further?

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

Mr. WYMAN. I submit the gentleman's statement is almost totally inaccurate and presupposes something referred to earlier, that is, that the military are completely consumed, except for their leave time, in military occupations in a peacetime establishment, which is not so.

Mr. SIKES. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be happy to yield to the distinguished gentleman from Florida.

Mr. SIKES. I have listened to this discussion with a great deal of interest, for I shall offer the amendment referred to, but I would like for the members of the committee to take into consideration that reductions in Army strength are presupposed on the basis that they will be able to use contract personnel to do KP duty. If the military has to use armed services personnel to do this work, it is going to cost very substantially more money, about twice as much money, to do it as it would under contract.

Mr. STEIGER of Wisconsin. I agree with the gentleman, and I am grateful for his leadership in this effort.

AIM-7F SPARROW AIR-TO-AIR MISSILE

Mr. MAHON. Mr. Chairman, I yield such time as he may require to the distinguished Whip of the House, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Chairman, I thank the gentleman for yielding. I would like to direct a question to the gentleman from Texas:

I note that the Sparrow III missiles' latest version, the AIM-7F, is not put into production but that the prior model, the AIM-7E is continued for Navy and Air Force use for another year. Since the newer version will counter an expanded threat with greater cost effectiveness and, furthermore, provide significantly improved performance in range, reliability, guidance and countermeasures, I am concerned that we are not taking advantage of the development funds already expended by moving into production of the better, more cost effective AIM-7F instead of the older AIM-7E. Would you care to comment?

Mr. MAHON. The gentleman is talking about the AIM-7F Sparrow missile. The AIM refers to air intercept missile. The Navy requested \$77 million to buy an initial production quantity of the AIM-7F missile, and the Air Force requested \$19.5 million to add to the Navy buy of the AIM-7F.

The committee recommended that the \$77 million not be appropriated for the Navy, and we provided \$9,750,000 to the Air Force to buy AIM-7E missiles instead of the new AIM-7F version.

Now, if the Navy does reclaim this reduction to the Senate, and I understand that this is proposed, then the House conferees, I can assure my friend from Massachusetts, will certainly reconsider the recommended reductions in this missile buy in the light of the most

recent tests of the so-called AIM-7F missile.

We do not have the very latest official word with respect to the tests. I do understand unofficially that some of the more recent tests have been more favorable than previous tests. This whole matter will receive the very best attention of the Committee on Appropriations.

I am glad to note that the gentleman from Massachusetts has been inquiring into this matter and seeking to do whatever may be appropriate under the circumstances. The committee is glad to hear from him.

Mr. WYMAN. Would the chairman yield for an observation?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The most recent tests which have been completed, apparently have been more successful than earlier tests. The suggestion has been made by the gentleman from Massachusetts, and he is well known for his knowledge, that had these most recent tests been completed at the time of our hearings perhaps the same committee recommendation would not have been made. If some restoration is made by the Senate, at the time of the conference, it will receive very careful consideration by the House conferees.

Mr. MAHON. I thank the gentleman.

Mr. BADILLO. Mr. Chairman, the legislation under consideration this afternoon does nothing more than perpetuate the seriously contorted national goals and priorities which we have endured for the past several years and continues programs and policies which are questionable at best and undermine some of the most basic foundations of our country at worst. While we must clearly have an adequate military capability and force to properly protect and defend the United States, there is simply no justification for the excessive spending and unnecessary weapons programs which this legislation funds. I find it inconceivable that, at a time when the war in Southeast Asia is supposed to be deescalated, when U.S. troops are supposed to be withdrawn, when some meaningful conversations have been held with Communist China and when an agreement on strategic arms limitations has been reached with the Soviet Union, that we should be acting on the largest peacetime defense money bill in the history of our Nation. The excuse that the size of the bill—including the \$4.2 billion reduction—is due to higher prices and inflationary pressures is specious as it includes funds for weapons systems whose necessity is highly questionable, both fiscally and militarily. Even more repugnant is the fact that this measure will provide the wherewithal to enable the United States to continue its illegal, immoral, grossly expensive, and bloody military misadventure in Southeast Asia.

The bill contains numerous inconsistencies and countless examples of the basically unrealistic priorities assigned by the Appropriations Committee. For example, the committee refused to allow either the Army or the Air Force to expand their Project Transition programs and decreed that they should be held to

the fiscal year 1972 levels. Thus, countless young men who are seeking some usable skills or trades to enable them to properly return to civilian life will be denied this training and guidance. I have received a large number of letters and have spoken with many veterans who are desperately searching for employment but have been hampered by lack of appropriate training and basic educations. While the Project Transition training is no guarantee that a serviceman will be able to locate employment when he returns to civilian life, it at least furnishes him with a headstart and some useful tools and training.

Although this essential educational and skill training will not be expanded, the committee has recommended that the ill-fated F-14 aircraft program be funded at the full amount requested, even though \$2.5 billion has already been invested in its development and procurement of some production aircraft and the crashes of two F-14 test aircraft have raised some serious questions as to the plane's capabilities. The present acquisition costs for 313 aircraft are estimated to be approximately \$16.7 million each. However, it is essential that we include the cost of helping to bail Grumman aircraft out of its financial difficulties, the expenses related to including advanced technology engines in a portion of the force and the large operating costs associated with the F-14 program. The realistic per plane figure then becomes \$20 million and the 10-year F-14 systems expense is raised to a \$60 million level.

These are just two isolated examples of the many ill-considered programs funded under this measure. Of equal importance is the fact that the vast sums appropriated by this legislation will not only plunge us ever deeper into debt but will also prohibit the long-overdue implementation of desperately required domestic programs. Certainly the greater portion of these defense moneys could be more wisely and effectively used in meeting our urban crises in providing increased and improved health-care programs, educational projects, housing and the myriad of other essential domestic needs. This is not neoisolationism but simply commonsense. Since 1946 the military has devoured more than \$1 trillion of our resources and is currently operating at the rate of approximately \$200 million daily. It has been aptly noted that our national priorities are weighted on the side of inhumanity and death. Clearly we must drastically curtail military spending to at least manageable and more reasonable proportions if we are to experience restoration of health and vitality to the Nation.

The Congress must take the initiative and we cannot be intimidated by Mr. Laird and his military cronies. We must take affirmative action to bring military spending into line and, especially, to bring a halt to this agonizing war in Southeast Asia. We will again be afforded the opportunity to exercise our constitutionally guaranteed prerogative and cease funding the military machine in Vietnam and elsewhere in that troubled area of the world. I urge our colleagues not to let this opportunity again slip from our hands. We must halt this irrespon-

sible spending and take positive action to redirect the course of this Nation before we are allowed to plunge further into one military fiasco after another. Our Nation cannot tolerate any further division or any additional delays in resolving those many domestic problems which are tearing at the very fabric of the republic. Our only moral choice is to reject this legislation and work for a more just and rational structuring of our national objectives and priorities.

Mr. DOW. Mr. Chairman, speaking at a local college last week, I was challenged by students who insisted we needed a large military budget in order to provide jobs in the private sector.

Frankly, I was appalled that these students have been taken in by the myth that our chemists would rather be using their microscopes to invent new systems of death than uncovering the secrets of cancer. I am equally positive that factory workers would far prefer building desks for our Nation's classrooms than warheads for our rockets.

Rather than multiplying our powers of "over-kill," let us direct our great human and natural resources toward the truly noble adventures of mankind. Let us relieve the suffering from disease; banish forever the filth in our water and in our skies; obliterate the pain of hunger and destroy the fear created by ignorance.

Maybe then we will have the talent and resources available to pursue the more mundane problems such as an urban transportation system that works—or a postal system that delivers mail on time.

Yet we sit here today and talk about superweapons—such as the B-1 bomber—\$444 million; the Trident submarine—\$311 million—and the ABM system—\$935.6 million. And the list of extraneous and wasteful systems of death and destruction goes on.

I am voting against this bill.

I am voting not because someday I hope to be part of a majority of the Members of this House who refuse to be caught up in the momentum of the defense bureaucracy, who refuse to pander to the military shibboleths which frighten us into buying more weapons than we need.

Of course our Nation must maintain a strong and steady military posture. Nevertheless, the amount and kind of war material contained in this bill is entirely beyond the realm of reason.

Our President says we are winding down the war and that we are moving toward peace with the Russian adversary. Why does he ask us to pass now the highest military appropriation since the height of World War II—and it is even \$1.72 billion above the 1972 appropriation.

Mr. WALDIE. Mr. Chairman, because of a commitment in California that I am unable to cancel, I am unable to be present for the vote on the Military Appropriations bill. Had I been present, I would vote against the bill.

I oppose the measure for two basic reasons: One, my only opportunity to meaningfully express my opposition to the endless and tragic policy of our Nation in Indochina is to vote against the

moneys that permit the President to implement that wrongful policy. Two: I am not content that sufficient economies in our defense program have been represented in this massive expenditure and I have no opportunity to obtain selective reduction in excessive expenditures because of the fact that proper programs and expenses are lumped together in this one massive bill with improper programs. As one example, but only one, I cite the ABM program which I believe to provide only very marginal security at enormous expense.

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

Mr. MAHON. 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 following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1973, for military functions administered by the Department of Defense, and for other purposes, namely:

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to express appreciation for the fine cooperation which the committee has had from the Members of the House during the discussion this afternoon of the defense bill. I wish to applaud the members of our staff who have worked on the preparation of the report and who have worked with the Committee on Appropriations through many months of hearings.

I wish to state that all 11 members of the subcommittee, the 10 members in addition to myself, have worked diligently and attended the hearings regularly and participated extensively in seeking to bring to the House the very best defense appropriation bill that could be worked out after long months of hearings and discussion.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, 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. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GLADDING INTERNATIONAL SPORT FISHING MUSEUM

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

Mr. HANLEY. Mr. Speaker, I suppose there are as many "fish" stories as there are fishermen. But I have a fish story today which needs no embellishment to make it significant.

Fishing, whether it be to a youngster on a quiet summer pond or to an experienced deep sea fisherman, has a romantic

and spellbinding appeal that is hard to put into words. Well, this Saturday, September 16, 1972, officials of the Gladding Corp. in South Otselic, N.Y., are going to do more than put fishing's appeal into words. They are going to open the first international sport fishing museum—a true three-dimensional tribute to the sport of fishing.

The Gladding International Sport Fishing Museum, Inc. at South Otselic, N.Y., will be publicly dedicated at 3 p.m. Saturday, September 16.

The Nation's first sport fishing museum was chartered as a nonprofit corporation to preserve, restore, and conserve the relics and historical objects of recreational and sport fishing and to promote the need for heightened conservation efforts.

The 156-year-old Gladding Corp., oldest manufacturer of sporting goods continuously in business since its 1816 Chenango County founding, is sponsoring the museum. Mr. J. Gerald Gladding, president, explained that:

The museum will have no commercial connection with the corporation. However, Gladding employees share our pride and excitement in being able to sponsor it.

The museum building is a 142-year-old eight-sided mansion which has long been a South Otselic landmark. The building was restored and renovated by Gladding Corp. especially for the exhibits which were donated and collected over several years under the direction of Mrs. James W. Coleman of South Otselic, former vice president of Gladding.

The exhibits follow the entire circumference of the Octagon House. On the walls are original water colors of New York State fish on loan from the State Environmental Conservation Department; early steel engravings of famous fishing scenes and, in the Salt Water Room, hanging mounted fish and world-famous deep sea rods.

The tackle and equipment exhibits feature early creels, taylor and landing nets dating back to 1889; 1840 salmon rods; an 1884 Hardy's Gold Medal Fly Rod with pieces of ebony inlaid between can sections and a silver engraved handle.

Three items with particular historical significance are: an 1819 9-foot bamboo rod with inlaid handle taken from the cabin of Robert Fulton's steamboat *Clermont*; an unusual fly rod used by Col. Theodore Lyman—1833-97—first Massachusetts Commissioner of Fisheries; and a marble top table which belonged to Henry Clay around 1806.

Other cases show famous Thomas and Leonard fly rods and trail rods, all of can wood, cork and wood handles.

In the Salt Water Room, Lou Marron's huge rod on which he caught the world's record—1,182 pounds—broadbill swordfish is featured along with United States, British, and Russian equipment.

Hundreds of lures are displayed. One is a polished stone and handcrafted trolling rig used by Greenland Eskimos and predating similar modern lures by hundreds of years.

The library features rare editions of famous fishing books. Included are an edition of the 1496 A.D. "Fysshie and

Fysshynge" written by a nun, Dame Julian Berners and three editions of Izaak Walton's "The Compleat Angler."

Sister Juliana describes how to tie 13 flies in her book, believed to be the first ever published on sport fishing. Several of those flies are still in use today, although made with different materials.

South Otselic was a natural choice for the museum. Governor Rockefeller officially named it "Fishing Line Capital of the World" in 1966 on Gladding's 150th birthday.

Mr. Speaker, I salute the Gladding Corp. on this public-minded endeavor. The company was founded 156 years ago as a ropemaker, by John Gladding of South Otselic. Eventually a fishing line business was added, and today the Gladding Corp. has expanded to an international leisure products giant with sales of \$50 million annually.

LET US NOT DELAY IMPLEMENTATION OF 1975 AUTO EXHAUST STANDARDS

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

Mr. REES. Mr. Speaker, just this week the National Research Council issued a lengthy report linking the rise in lung cancer in the United States with air pollution. If air pollution were reduced in and around U.S. cities by 50 percent, the NRC concluded, the lung cancer rates might be reduced as much as 20 percent in the United States.

I note that a spokesman for our largest auto company indicates that once again a request will be made to the Environmental Protection Agency for a 1-year delay in the 1975 auto exhaust emission standards. And the same spokesman says the company will make a strong pitch for modification of the Clean Air Amendments of 1970 which mandate these standards. These statements are accompanied by the usual self-serving pleas of how much work and money has been put into research and how technically difficult it is to meet these standards.

Here in the Congress we have become accustomed to this song of woe over the past 3 years. In my own State of California, where we have been trying to persuade, cajole, and regulate the auto companies into abating their poisonous fumes since the early 1960's, we have been hearing it for a decade.

There is a difference this time, however.

As the Members of this body will recall, the Clean Air Act Amendments of 1970, enacted so overwhelmingly by both Houses of the Congress, gave the auto companies 5 years to reduce their emissions of carbon monoxide and unburned hydrocarbons 90 percent and 6 years to reduce their emissions of oxides of nitrogen 90 percent. These percentages were calculated as the reduction required to obtain the improvement in air quality required for the health and welfare of the citizens of this country.

However, recognizing the magnitude of the task, the legislation permitted the

Administrator of the Environmental Protection Agency to postpone full implementation of these standards for 1 year and to impose interim standards for that year.

However, in order to grant this 1-year suspension, the Administrator of the EPA was required to make four findings:

First, such suspension is essential to the public health and welfare;

Second, all good faith efforts have been made to meet the standards;

Third, the applicant for the suspension has established that effective control technology, operating methods or other technology is not available; and

Fourth, that a study by the National Academy of Sciences has not indicated that technology, processes, or other alternatives are available to meet the standards.

Let me emphasize that the Administrator had to make all four of these determinations before granting the suspension.

Predictably, the auto companies applied for the 1-year suspension of the 1975 hydrocarbon and carbon monoxide standards at almost the earliest date permitted under the law. The EPA held exhaustive hearings and took more than 2,000 pages of written and statistical testimony. Much of this testimony centered around a device called a catalytic converter, which the Administrator indicated at the close of the hearings, would be the key element in emission control systems to meet the 1975 standards.

After analysis of this testimony, the Administrator rendered a decision denying the application of the auto companies for the 1-year suspension. He said in his ruling that the auto companies had not proved that the technology does not exist or has not existed long enough for them to put it into use in 1975.

I quote from his written decision:

Based on an analysis of the entire record, I conclude that the emission reduction required to meet the 1975 standards can probably be achieved in a number of current engines suitable for use in most popular varieties of automobiles. My best analysis of the available data indicates that maximum reductions can be achieved by modifications and improvements to the engine itself and by use of noble metal catalysts in the exhaust system.

Addressing the question of good faith, though not ruling on it, the Administrator said:

Although nearly all automobile manufacturers have claimed that commitments to catalyst suppliers were required during the early months of 1972, only Ford has made financial arrangements with catalyst suppliers to enable them to commence plant construction.

On the question of timing, the Administrator had this to say:

The record in the proceeding before me indicates that adequate lead time presently remains for automobile manufacturers to assure the availability of an adequate supply of catalytic converters for normal 1975 model year introduction dates. An adequate supply can be guaranteed if manufacturers make financial commitments to catalyst suppliers during the period May-July of this year.

At the press conference at which he announced his decision, the question of reapplication for the 1-year suspension

was raised. The Administrator had this to say:

They can contract with the catalyst manufacturers to make available by 1975, or the 1975-model automobiles, the catalytic systems. They can continue to test the components of the best system that they have and continue to test other potential components, and if at the end of this kind of good-faith effort they can come in and say, based on much more careful proof in a new application, we now believe that the technology is not available; as I read the statute, I have to take a look at that new application.

Mr. Speaker, only one auto company has made the kind of commitment to a catalyst supplier which the Administrator clearly believes to be an essential element of a "good faith" effort to meet the 1975 standard. But that is not the largest auto company, the one which says it is coming back to the Congress seeking to weaken the automotive provisions of the Clean Air Act Amendments of 1970 and is going to reapply to EPA for the 1-year suspension of the 1975 standards.

This is outrageous. Let us do away with euphemisms. General Motors is our largest auto company. Indeed, it is the largest industrial organization in the world. It may also be the most arrogant. From the days when it put detectives on Ralph Nader's trail and tried to entice him with hired women, it has been clear that this corporate giant would stop at nothing to avoid fulfilling its safety and environmental obligations to the American people.

We in southern California know it well—and to our sorrow. We have seen General Motors—and the auto industry in general, it must be said—progress from a position of claiming there was no air pollution problem in southern California, to claiming that there was an air pollution problem, but it was not their fault, to their present position of claiming, against all the evidence of the eyes and nose that the pollution problem is getting better. Throughout this changing litany, there has been one constant theme: Nothing more needs to be done other than what is already being done.

I say to General Motors and to the auto industry: Something needs to be done, something beyond what is already being done. To come before this Congress to weaken the Clean Air Act amendments while children cannot play out of doors because of automotive air pollution is foolish. This Congress should not listen.

To come before the EPA asking again for suspension of the 1975 standards while they have not made the commitment which the Administrator of EPA has clearly indicated is essential to demonstrating good faith is unsurpassed arrogance. The EPA should not listen.

THE NEED TO PROTECT PRISONERS' RIGHTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 30 minutes.

Mr. BADILLO. Mr. Speaker, today marks the passing of the first year after the tragic and bloody disturbance at the

Attica Prison in New York. Twelve months ago this morning 43 men—prisoners and guards, black and white—were cruelly gunned down. These men were not only the needless victims of unrestrained and savage police power but of an archaic, repressive, and unproductive penal system as well.

This morning we read accounts of the report issued by the distinguished panel, headed by New York University Law School Dean Robert McKay, which was appointed to investigate the Attica revolt. I am not at all surprised by the findings of the McKay Commission as they simply confirm what I and several other members of the Observers Committee have said over the past year about the basic factors underlying the uprising and the tragic events of those terrible 5 days. Among other determinations the commission found that conditions inside the Attica Prison which lead to the prisoners' revolt were dehumanizing, debasing, and volatile almost to the point of inevitable conflict.

As the McKay Commission so correctly observed, prisoners must have all the rights of other citizens except those which are specifically taken away by court order. Clearly the rights of the prisoners at Attica were ignored—prior to, during, and after the disturbances. Unfortunately, the denial of rights to prisoners is not confined to Attica or to other New York State facilities but exists in the majority of other State correctional institutions and Federal prisons.

The disturbance at Attica was not a race riot or an effort by prisoners to stage an escape. Rather, it represented a desperate attempt by some 1,209 men to achieve a decent standard of survival, to secure those basic rights of human dignity and just treatment. The 28 demands made by the Attica inmates—demands which were accepted but have yet to be implemented by New York State officials—sought to obtain a modicum of civil and humane treatment such as adequate food and water for all inmates, true religious freedom, the ability to correspond freely with family and friends, and other areas which affect the daily lives of the prisoners. The inmates felt, and properly so, that their rights were being violated. Only in a few instances would any of their demands necessitate the enactment of new laws or programs, some of which had already been proposed but had been stalled for one reason or another. Basically, what the Attica incident was all about was the crimes those prisoners felt were being committed and had been committed against them, in violation of their rights.

The 43 deaths and more than 80 serious woundings at Attica could and should have been avoided had affirmative action been taken by legislators and corrections officials on the myriad of proposals and recommendations which have been issued by countless commissions and panels—the Kerner Commission, the U.N. Congress on the Prevention of Crime and the Treatment of Criminal Offenders, the President's Commission on Law Enforcement and the Administration of Justice, among others. The incidents of that bloody Monday need never have occurred

had elected and appointed officials accepted the sad fact that our prisons are punitive, not rehabilitative, and come to the full realization that the rights of prisoners must be observed and protected.

Serious and constructive attention must be given to prisoner grievances and responsible authorities—including Federal and State legislative bodies—must be fully responsive to prisoner efforts to seek redress in positive ways. If we do otherwise we will witness more, and perhaps bloodier, Atticas.

We can no longer afford to ignore the demands of and the variety of problems confronted by the approximately 400,000 persons now housed in the more than 4,000 jails throughout the country. We have an obligation to acknowledge the applicability of basic human and civil rights to prisoners and we must develop some type of bill of rights for the inhabitants of our jails and prisons. We must also establish a mechanism to assure the fair and equal application of those rights. As Milton Rector, executive director of the National Council on Crime and Delinquency, has so aptly observed:

The entire community is better served by treating prisoners humanely than by ultimately releasing persons who are more embittered and callous than when they were committed.

The central core of any bill of rights for prison inmates is the right to the full protection of our laws and legal processes. Even though a man may be found guilty and sent to prison, he does not become a nonperson for whom the law and the legal process no longer apply. He still maintains certain basic rights which cannot be stripped from him and the prison inmate must be afforded the full protection of and access to our laws and legal system. Respect for the law can never be achieved if the law stops at the prison walls.

In protecting the rights of prisoners we must undertake meaningful efforts to insure that they are not degraded or treated like animals and are not abused in any way. Even though they are confined to a penal institution, a person must not be the victim of physical or verbal abuse; he has a right to be properly clothed and fed, afforded adequate and necessary medical care; and imprisoned in facilities which meet certain basic, minimum standards of human decency.

Mr. Speaker, in an effort to correct some of the gross inequities and unspeakable conditions which now exist in our penal institutions and to implement one of the basic recommendations of the McKay Commission, I am today introducing legislation which will provide certain basic principles for the treatment of prisoners in Federal correctional institutions. Although this measure—the Prisoner Rights Act—will apply to only those 22,000 persons confined to the 51 Federal correctional facilities, I am hopeful that it will serve as a model for the State legislatures. The Prisoner Rights Act is based on a draft proposal—a model act for the protection of rights of prisoners—of the National Council on Crime and Delinquency. It is ironic that New York State Corrections Commissioner Russell G. Oswald, who must bear a great share of the responsibility for the tragic events

at Attica, serves on the NCCD's executive committee.

This legislation recognizes the rights of prisoners as persons and citizens and is aimed at halting a number of abuses against them. It affirms the fact that prisoners retain all of the rights and privileges of the ordinary citizen, except for those expressly withdrawn by law, and stipulates that this principle must underlie all rules, regulations, procedures and practices which relate to Federal prisoners. In addition to declaring that prisoners' rights include such things as the right to adequate meals, medical care, an acceptable level of sanitation, proper housing and protection against physical or psychological mistreatment, it also stipulates that Federal penal and corrections officials will be held responsible for maintaining these minimum standards and taking steps to prevent the inhumane treatment of inmates.

If a prisoner believes these or other rights are being denied to him, he is entitled to report a grievance directly to the Attorney General. A full investigation will then be conducted by independent investigators appointed by the Attorney General and a written report of the findings are to be made to the Bureau of Prisons and to the inmate. Another important feature of this bill is the provision that if anyone who makes proper application to visit an inmate is prevented from doing so—such as the prisoner's attorney, a relative, a friend or even a Member of Congress—a civil action can be instituted against the authority barring the visit.

The issues covered by this legislation have been the subject of numerous law suits and I believe this bill will help to clarify the courts' intent in many instances. Furthermore, my bill encourages the courts to reject a "hands off" policy and permit them to supervise prison administration in order to protect prisoners against abuse and to defend their basic rights.

Mr. Speaker, the bill I am introducing today is certainly no panacea. However, we must learn the tragic lessons of Attica and begin to take positive steps to remove the basic causes of unrest in our prisons, at all levels. My experiences at Attica last year, and in a similar capacity during the disturbances at the Queens House of Detention in 1970, have convinced me that the vast majority of prisoners fully realize their positions and obligations to society and that they will abide by the rules governing them if they are treated with respect, some degree of understanding and compassion and are permitted to freely exercise those basic rights which must be guaranteed to them. The time of appointing further commissions and calling for additional studies is long past and we must now take affirmative action on this most pressing issue. While we in the Congress are only able to legislate as far as Federal facilities are concerned, I call upon our fellow legislators in the State capitols throughout the country to join with us in this important undertaking and to enact these urgently needed, long overdue reforms and affirmation of prisoners' rights.

The bill and related articles follow:

[From the Washington Post, Sept. 15, 1972]

ATTICA REPORT: WHOSE CREDIBILITY IS IN QUESTION?

(By Stephen D. Isaacs)

NEW YORK, September 12.—In an era when the government is so ready to castigate the press for supposed irresponsibility, for lacking credibility, for its effete intellectualism and for who knows what else, along comes the official New York State report on the Attica prison uprising, which leaves you wondering whose credibility, whose responsibility is in question.

That imposing document, called The Official Report of the New York State Special Commission on Attica, is being made public today—the anniversary of the bloody day one year ago when State Policemen liberated the hostages and the prison from the inmates.

Three days after the police attack on Attica, I heard that one of the guards who had been held hostage by the rebelling inmates had been hit with a "dumdum"—an expanding bullet considered so maiming that the 1906 Geneva Convention banned them from use in international warfare.

The guard, Michael Smith, had allegedly been hit in the abdomen. The bullet had expanded on entry, ripping out large portions of his lower intestine. The bullet had splintered "well," according to my source. So many fragments were in young Smith's body that only about half of them could be removed by surgeons, and the other half (about 30) were left in his body.

As reporters do in such cases, I proceeded to try to "check out" the report. It checked out.

I then called the office of Robert Fischer, the deputy attorney general of New York State, to get the "state's" side of the story. Gov. Nelson Rockefeller had assigned Fischer, the job of investigating any possible law violations in the whole Attica incident.

Fischer's press spokesman, Emerson Moran, said he doubted that what I told him was true, and demanded the source of my information. "I can't and won't tell you, but it is, in fact, true," I said. "The man is lying there in St. Jerome's Hospital with 30 shell fragments still in him."

Moran said he would check out the report and get back to me. Several hours later, he called and said:

"To our knowledge, it's about as erroneous as it can be. We are aware of the facts of the type of ammunition provided, the type of weapons used. To our knowledge, all used standard weaponry."

Moran read a statement from Fischer, saying, in effect, that all facts would be investigated in due time.

Moran also asked me not to report the story. The Washington Post, he said, would be "acting irresponsibly" to publish such unconfirmed, inflammatory material. He said he could not urge me strongly enough to quash the article—it just was not true.

The decision was put to The Post's national affairs editor, who decided to go ahead. The state's denials were included, as we say, "high up" in the story.

The New York Times, the following day, in a story on Attica carried a mention of the dumdum report "well down" in its story. In it, the state absolutely denied that its troops fired any such bullets on Sept. 13.

End of incident. Dumdum report whitewashed.

Now comes The Official Report by the commission headed by New York University Law School Dean Robert B. McKay.

On pages 353-356, the McKay commission calmly reports that every trooper on those walls a year ago who was equipped with a .270 caliber rifle that day was firing expanding bullets—dumdums.

The type of ammunition used by the troopers, said the commission, was tipped "with

the unprotected soft lead nose . . . and tends to expand greatly upon impact." The commission even quotes the advertising brochure for such bullets called Silvertips:

" . . . Its special alloy jacket prevents premature expansion while the bullet penetrates through thick hide and tissue in deep and vital areas. Silvertip mushrooms perfectly and releases tremendous energy that stops them cold."

Moran, queried by this reporter yesterday, said he sat through the commission's hearing, and still isn't sure whether the bullets used were dumdums.

Smith, the injured guard, is. Reached at his home near Attica, where he has been for the last year, he said:

"They might say it was an expanding type bullet, but they don't want to call it a dumdum, and what the hell's the difference?"

Smith has undergone two operations so far, and hopes his last will be in December, when surgeons try to repair his lower intestines so the colostomy can be removed. Some bullet fragments will be left in permanently.

Moran still sticks to his impression that The Post ought not to have printed that story last September.

"On the basis of the information I had at the time," he says, "it did appear to be irresponsible . . . to reach back into that time and attempt to make judgments on a question like that now is difficult, especially when you consider the nature of the information which was available to those who sought it at the time, and I think you know the problems that existed there, at least on your part, on the outside."

From all of this, it perhaps is no small wonder that the press is somewhat skeptical when government questions the media's credibility.

The McKay commission, in other segments of its report, tells how state troopers encouraged other troopers to lie about what they had done, to cover up. One of my original sources on the Smith shooting confided then that state officials had ordered him to keep his mouth shut about the dumdum.

Critics far and wide have chastised the press for its initial reports out of Attica a year ago, for reporting erroneously that inmates had slashed guards' throats, that one guard had been castrated.

True, many of the press reports of that incident, including one paragraph in this newspaper, failed to attribute such statements to state officials. The missing attribution is hardly excusable.

But perhaps the press can go too far in self-flagellation. It was Russell G. Oswald, the state's corrections commissioner who—standing over a pool of blood where the main catwalks intersect inside Attica, at 4:30 p.m. last Sept. 13—slowly moving his head from side to side as if in mourning, and pointing to the prison yard below, told me that, yes, a hostage had been castrated "right down there," and that, yes, three of his own guards' throats had been slashed "from ear to ear" right where we were standing.

"Are you sure?" I asked.

"Absolutely," he said. "Absolutely."

The next day, when the truth came out about how the guards had died—at the hands of the state's own men—Oswald told the press according to the McKay commission:

"There may have been unauthorized reports of slashed throats. But you know I never told you that."

[From the Washington Post, Sept. 13, 1972]

ATTICA POLICE ACTION ASSAILED

(By Stephen Isaacs)

NEW YORK, September 12.—New York State's official investigation of the revolt at Attica prison has concluded that the state almost callously disregarded human life in its handling of the uprising.

The investigating commission, appointed at the request of Gov. Nelson Rockefeller two weeks after he had approved using state

troopers' firepower to reclaim the prison—one year ago Wednesday—also criticized Rockefeller's role in the events.

The report's most chilling section is on the police action in reclaiming the prison from the rebellious inmates.

In 15 minutes of wild shooting, 39 persons were killed by the troopers, 10 of them state employees who had been held hostage by the inmates.

The report describes mass chaos in the attack, including no communication between squad leaders and commanders, no way to tell men to stop firing, and no clear directions on when to fire.

In the prison yard, says the commission's report, "troopers shot into tents, trenches, and barricades without looking first. In addition, even where the firing may have been justified . . . the use of shotguns loaded with buckshot in the heavily populated spaces of D Yard led to the killing and wounding of hostages and of inmates who were not engaged in any hostile activity."

The nine-member investigating commission which was headed by Dean Robert B. McKay of New York University Law School, said that "the major significance of this report may lie in the fact that it documents in considerable detail every aspect of the life and structure of a major prison, based upon more precise information than has ever before been assembled about any single institution. . . ."

The commission interviewed about 1,600 inmates, 400 prison guards, 270 state troopers, 200 National Guardsmen and hundreds of others involved.

It found that the inmates' grievances were legitimate, in the main, and that the inmates had tried to work within the system to correct them to no avail. It found pervasive institutional and personal racism within the prison.

"That the explosion occurred first at Attica," said the report, "was probably chance. But the elements for replication are all around us. Attica is every prison; and every prison is Attica."

Before its detailed description and analysis of what happened at Attica between Sept. 9 and 13, 1971, when a total of 43 persons lost their lives, the commission expressed despair with the entire American system of dealing with lawbreakers, saying:

"Prison is the end of the criminal justice line—for inmates, for supervisory personnel, and for members of the public who have conveniently forgotten the institutions to which they abandon their most difficult fellow citizens."

The commission found that:

Conditions inside Attica leading up to the inmates' takeover were dehumanizing, debasing and volatile almost to the point of inevitable warfare.

No plot or organized rebellion existed—the takeover was spontaneous, disorganized, badly managed by the inmates.

The negotiating procedure between the state and the inmates evolved haphazardly and was misunderstood by almost all the parties involved.

The retaking of the occupied prison yards was, as the commission vividly describes it, almost Kafka-esque in its disorganization and in its disregard for human life.

The assault involved about 300 troopers armed with shotguns and high-powered snipers' rifles, using ammunition that apparently helped increase loss of life, the report said.

OTHER FINDINGS

The report said:

" . . . There was no procedure established for instructing the individual troopers of the assault forces on the action and behavior expected of them during the assault.

"In a closed session before the commission, one trooper described the confusion during the first alert . . . when he was suddenly

told, 'We are going now.' He testified that the troopers had no idea who their leaders were or what their objectives were to be. 'We were just going to storm the prison,' he said."

On the assault day, the report said, "some of the commanders did not even know who was in their details."

" . . . The police commanders expected their men to fire only at inmates engaged in overt, hostile acts against hostages and troopers. But there was no discussion or explanation of what constituted an overt, hostile act. That decision, too, was left to the individual trooper. . . ."

ONE CLEAR ORDER

The report said that troopers did get one clear order: to avoid hand-to-hand combat. "The necessary implication of that order was that physical restraint short of firepower was not available," the commission said.

The commission tested the shotgun ammunition used by the troopers and found that "at distances of 40 and 50 yards . . . the actual pattern (of the spray of the pellets) spread at those distances is larger than 4 feet in diameter. . . ." The high-powered rifle bullets fired by troopers on the roofs, said the commission, were expanding bullets that have been prohibited by international treaty from use in war.

In addition, the commission said, the state had failed to call in medical help in advance of the attack.

"The story of the medical treatment of the wounded inmates . . . is a study in total lack of planning and concern," says the report. "And if no additional lives were lost in spite of these circumstances, it is largely due to the efforts of unsung heroes—volunteer doctors and young National Guardsmen on weekend duty—who brought one of the few rays of humanity into that inhuman day."

FOUR HOURS AFTERWARD

The commission said the first surgery on a wounded inmate began four hours after the shooting stopped, and the first inmate evacuated to a hospital emergency room was taken there 7½ hours after he was shot. "Many operations for gunshot wounds were not performed until the next day," said the report.

And the next day, the commission said, troopers and guards beat and harassed inmates unmercifully.

The commission described buckpassing by various state officials about responsibility for the reprisals, and their virtual ignoring of it as it was going on.

This lack of control was evident during the attack, the report said, in that a number of correctional officers participated in the shooting, even though Governor Rockefeller and other state officials had specifically insisted that they be prohibited from doing so, lest they be too emotionally involved to control themselves.

The commission's criticism of Rockefeller lies in his refusal to come to the prison, despite implorings from an observers' committee to do so, and from his own Commissioner of Corrections, Russell G. Oswald.

REASON UNDERSTOOD

"The commission can readily understand why the governor was unwilling to go to Attica prior to Commissioner Oswald's request on Sunday evening," says the report.

"The governor's presence could have undermined Oswald's authority in dealing with the observers and inmates."

" . . . In such circumstances, where state neglect was a major contributing factor to the uprising, the commission feels that the governor should not have committed the state's armed forces against the rebels without first appearing on the scene and satisfying himself that there was no other alternative and that all precautions against excessive force had been taken."

Perhaps the key portion of the report, in

regard to the governor's and Oswald's decision to go in shooting, is:

"The decision was based upon the belief that basic principles—not just lives—were at stake in the uprising, from the outset the governor perceived the Attica uprising as more than a prison riot. The uprising constituted an insurrection against the very authority of the state, and to tolerate it was to concede a loss of sovereignty over the rebels...

STATE REASSERTION

"The decision to retake the prison was not a quixotic effort to rescue hostages in the midst of 1,200 inmates; it was a decisive reassertion of the state of its sovereignty and power. While all state officials were concerned about the safety of the hostages, they had finally reached the conclusion that, after four days of negotiations, the need to reassert the authority of the state over the rebels outweighed the risks of an assault.

"Many inmates still believed, when (the attack commenced), that the balance of power was controlled by hostages, not guns. They failed to realize that once the state decided that the rebellion was no longer tolerable, the lives of the hostages were expendable."

The commission said that when it last visited Attica—last month—improvements had begun. Some black and Spanish-speaking guards had been recruited, more liberal visiting rules instituted, restrictions on correspondence and literature eased, new uniforms had been distributed, nutrition had been improved—and two showers a week per inmate instead of one were now allowed.

RECOMMENDATIONS

But, it says, unless far more drastic steps are taken, Attica and other prisons like it are likely to explode again. It recommends seven principles of penology that ought to be followed if there is to be any hope of preventing further Atticas:

1. Prisoners must have all the rights of other citizens except those specifically taken away by court order.
2. Confinement should be the least that is administratively necessary.
3. Confinement should be directed at elevating and enhancing the dignity, worth and self-confidence of the inmates, not at debasing and dehumanizing them.
4. Community groups and outside professionals should be allowed and encouraged to participate regularly in the life of each correctional facility.
5. Correctional officers must be trained and must be persons motivated to help inmates.
6. Training programs should be conducted in accordance with the preceding principles.
7. Parole procedures must be measured by clear standards and prisoners told how to get it and, if they cannot be paroled, why not.

Gov. Rockefeller and Correction Commissioner Oswald both declined to comment directly on the report.

Rockefeller issued a three-paragraph statement thanking the commission for its work. He said an understanding of what happened at Attica was "essential to carrying out our programs for improving our system of criminal justice."

A spokesman said it was unlikely the governor would have further comment.

H.R. 16632

A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions

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

SEC. 2. Title 18 of the United States Code is amended by adding at the end of chapter 301 the following new sections:

"§ 4012. Inhumane treatment of prisoners.

"(a) The Congress declares that—

"(1) The central principle underlying all rules, regulations, procedures, and practices relating to persons imprisoned in accordance with Federal law is that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken by law.

"(2) Such rights include the rights to nutritious food in adequate quantities; medical care; an acceptable level of sanitation, ventilation, light, and a generally healthful environment; housing containing not less than fifty square feet of floor space in any confined sleeping area; reasonable opportunities for physical exercise and recreational activities; and protection against any physical or psychological abuse or unnecessary indignity.

"(3) Persons in control of Federal penal and correctional institutions shall be held responsible for maintaining minimum standards and shall use every resource available to them to prevent inhumane treatment of prisoners by any person.

"(b) The inhumane treatment of any person held under authority of any enactment of Congress is prohibited and whoever, being an officer or employee of the United States, shall knowingly and willfully engage in such treatment, or knowingly and willfully permit it, shall be immediately discharged from his office or employment.

"(c) For the purposes of this section, the term 'inhumane treatment' means—

"(1) striking, whipping, or otherwise imposing physical pain upon a prisoner as a measure of punishment;

"(2) any use of physical force by an employee except that which may be necessary for self defense, to prevent or stop assault by one prisoner upon another person, and for prevention of riot or escape;

"(3) sexual or other assaults;

"(4) any punitive or restrictive measures taken in retaliation for the assertion of rights;

"(5) any measure intended to degrade such person, including insults and verbal abuse; and

"(6) any invidiously discriminatory treatment based upon race, religion, nationality, or political beliefs.

"§ 4013. Minimum rules for the treatment of persons held under authority of any enactment of Congress.

"(a) No person held under authority of any enactment of Congress may be placed in solitary confinement (segregation in a special cell or room) unless—

"(1) such person receives daily during such confinement at least 2,500 calories of food in the normal diet of persons otherwise confined in that penal institution as prisoners;

"(2) the cell in which such person is so confined shall be at least as large as other cells in the institution, shall be adequately lighted during daylight hours, shall be provided with all the necessities of civilized existence, such as a toilet, bedding, and water for drinking and washing, and shall be maintained at normal room temperatures for comfortable living, except that any of these necessities may be removed temporarily for the sole purpose of preventing suicide or self-destructive acts, or damage to the cell and its equipment;

"(3) such person is allowed normal prison clothing except for that person's own protection, and in all cases is allowed body clothing and bedding adequate to protect that person's health;

"(4) such confinement is solely intended to protect such person under emergency conditions or to protect others, does not continue beyond the duration of such emergency,

and does not interfere with such person's rights to communicate with his attorney or to avail himself of the grievance procedure established under subsection (b) of this section;

"(5) the highest ranking officer on duty at the time at the institution of such confinement approves, if such confinement continues more than one hour;

"(6) such confinement is terminated in any case within forty-eight hours, except as authorized by a medical doctor who has examined such person regularly during such confinement; and

"(7) such confinement is recorded in a log book maintained near the cell where it takes place along with all admissions and releases from such cell, visits to it, and other events except those of the most routine nature.

"(b) The Attorney General shall establish a grievance procedure to which all persons held under authority of any enactment of Congress shall have access. Each such person shall be entitled to report any grievance, whether or not a violation of the rules made under this section or section 4012 of this title, and to make such report by mail to the Attorney General. The grievance procedure established under this section shall provide for an investigation (aside from any investigation made by the penal institution involved or by the Director of Prisons or his delegate) of all alleged grievances by independent investigators appointed by the Attorney General, and for a written report of the findings of any such investigation to be submitted to the Bureau of Prisons and to such person.

"(c) The Director of the Bureau of Prisons shall establish rules permitting attorneys of record, relatives, and friends to visit and talk in private with any person held under authority of any enactment of Congress, at reasonable times and under reasonable limitations. Any penal institution or facility may be visited at any time by any Member of Congress or Delegate or Resident Commissioner to Congress. Any person having been prevented, upon making application to the appropriate authority, from making any visit permitted under this subsection shall have a civil action against such authority in which such authority shall be enjoined from further interference with such visit."

SEC. 3. The table of sections of chapter 301 of title 18 of the United States Code is amended by adding at the end thereof:

"4012. Inhumane treatment of prisoners.

"4013. Minimum rules for the treatment of persons held under authority of any enactment of Congress."

Mrs. ABZUG. Mr. Speaker, it has been exactly a year since the terrible events at Attica Prison roused the Nation to the unspeakable situation in our jails. The front page of this morning's New York Times includes three stories which tell us a great deal about the system of criminal justice in the United States of America.

The first of these items, of course, is the story on the McKay Commission's report on the Attica tragedy. Here are two examples of what that report had to say:

In prison, inmates found the same deprivation that they found on the street: Meals were unappetizing and not up to nutritional standards. Clothing was old, ill-fitting, and inadequate.

Above all, for both inmates and officers, "correction" meant an atmosphere charged with racism.

The other two articles to which I refer are those on General Lavelle's statement

that Gen. Creighton Abrams approved his raids in violation of Presidential orders and on the indictment of four New York area bakeries on price-fixing charges. General Lavelle has already received, instead of a court-martial, retirement with 70-percent disability pay, most of which is tax exempt; General Abrams has been nominated to be Chief of Staff of the Army. I await with much interest the outcome of these two cases, and I frankly doubt very much whether either the lawless generals or, if they are found guilty, the executives of the baking companies, will ever be sentenced to jail.

This is where any consideration of America's prison system must begin: by and large, this country's prisons are not for all criminals, but only for criminals who are poor, or criminals who are black, Chicano, or Puerto Rican. The conditions which spawned Attica and other uprisings like it are relatively unchanged from what they were 1 year ago. We have taken no meaningful steps to reform a "correctional" system which is based upon degrading and capricious treatment of those incarcerated.

The existing prison system represents cruel and unusual punishment, denial of due process of law, rampant racism, and the failure of our system of criminal justice to achieve its stated ends. In few prisons is even the pretense of "rehabilitative treatment" made. One-half of all inmates return, and 80 percent of serious crime in our Nation is committed by individuals who have spent time in prison. What kind of rehabilitation is that?

It is a common public attitude that convicts, no matter what their offenses, deserve whatever ill treatment they suffer in prison. It is a bit difficult to reconcile this attitude with the finding of the President's Crime Commission that 91 percent of all adult Americans "admitted that they had committed acts for which they might have received jail or prison sentences."

Does the alcoholic, imprisoned for being sick, deserve incarceration in filthy, overcrowded, rodent-infested conditions, with inadequate food and medical care, and without even a chance to attend religious services?

Should an individual awaiting trial for a crime he is presumed not to have committed be held in prison for over a year, in constant terror of beatings, knifings, and homosexual rape, and subject to the arbitrary discretion of guards to have him consigned to "the hole," a tiny, airless cubicle with only a bucket or a hole in the floor for a toilet?

Over 2 million people pass through our penal institutions each year. Many of these inmates have had only a minimal opportunity to exercise their rights prior to their sentencing and confinement. Furthermore, as I noted earlier, prosecution and punishment are grossly one-sided. As Ramsey Clark noted in his book, "Crime in America":

One corporate price fixing conspiracy criminally converted more money each year it continued than all of the hundreds of thousands of burglaries, larcenies, or thefts in the entire nation during those same years.

Reported bank embezzlements cost 10 times as much as reported bank rob-

beries. Nevertheless, "white collar" crimes rarely result in prison sentences. As Eugene O'Neill wrote in "The Emperor Jones":

If you steals a dollar, you goes to jail; if you steals a million, they makes you emperor.

Prisoners are continually subjected to degradations and violence which destroy any self-pride they have and foster an extreme bitterness against "the system." It is difficult to deny that the real price they pay as convicts far outweighs, in most instances, any abstract "debt" they own to society.

It is our responsibility to make a beginning in prison reform if we are ever to solve the problem of crime in the United States. I congratulate my colleague, Mr. BADILLO, who was one of the negotiators at Attica, for taking this special order and for proposing the legislation he is introducing today. If enacted, this bill would lead to the alleviation of some of the serious faults that have long plagued our prisons. It recognizes prisoners' rights as American citizens to adequate provision of the necessities of life and provides protection from physical and psychological abuse. It establishes a rigid code governing the specifications and use of solitary confinement, and it authorizes grievance procedures by which those who are unjustly treated may obtain redress without being forced to resort to violent and destructive measures.

I think that the enactment of this bill, or legislation like it, is long overdue and would constitute a fitting memorial to all of those—inmates and guards—who died a year ago at Attica, and I hope that we can enact it at this session of Congress.

Mr. KOCH. Mr. Speaker, the facts concerning Attica have been discussed on a number of occasions on this floor and I will not use this time to restate them. The action by the State of New York in indiscriminately and unwarrantably shooting down hostages and prisoners when there were other possible means of ending the prison riot cannot be excused. The report of the McKay Commission is must reading for all. I am honored to be asked by that Commission to distribute a copy of "Attica: The Official Report of the New York State Commission" to each Member of the House and that will be done this week.

I would like to use this time to make special mention of a friend and an extraordinary individual, Arthur Liman, who was counsel to the Commission. I could not add to the profile of him which appeared in the New York Times today, which I would like to insert in the RECORD at this time. As a practicing lawyer for 22 years, I have met many attorneys. I have never met one who surpassed him in courage, integrity, and brilliance. I am proud to be his friend. The profile follows:

COUNSEL TO ATTICA STUDY GROUP:

ARTHUR LAWRENCE LIMAN

(By Laurie Johnston)

For Arthur L. Liman, general counsel to the New York State Special Commission on Attica which released its report yesterday, the personal sense of a job well done is shadowed by a mood of doubt.

"This was to be the time our work was done, a time of relief if not of honors—no one can take honors out of Attica," he said.

"Instead, here I am, reacting with the most emotion of my life and confronting myself with a troubling thought: Public service may not be a place for a man of conscience."

Mr. Liman has called it "an incredible betrayal" that the special state prosecutor preparing criminal cases stemming from the uprising has subpoenaed the records of 3,000 confidential interviews conducted by the commission.

"I have not slept well since the state proposed to use this commission as a Trojan horse, to get at 3,000 people to whom I'm responsible for giving the commission's word," he said yesterday in his law office 32 stories above Park Avenue.

CONFIDENCE IS WON

"I looked into the eyes of a lot of prisoners," he added, in his rather soft, light voice. "They are saying to the Establishment, 'How can you understand us? How can we trust you?' There is little for them to identify with in my background. But we won them over."

Now 39 years old, Mr. Liman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, which he joined immediately after graduating magna cum laude from Yale Law School in 1957.

He is credited with being the individual most responsible for the research and the written report of the commission, which was headed by Robert B. McKay, dean of the New York University Law School.

A tall, trim man in a sober gray suit, Mr. Liman has a serious, generous-faced face that breaks up in a broad, warm but slightly diffident smile.

"I have a love affair with the law. The law is my life," he said. "The state, even beyond the commission, was my client and one can only operate on a basis of trust with a client."

Mr. Liman has reportedly said he would destroy the records of the confidential interviews, or even go to jail, before he would turn them over to anyone outside the commission. He declined to speculate on future legal developments, saying only, "I don't think it will come to the point where the state will require this commission to dishonor its reputation."

"He just might go all the way with it," said Amos Henix, a black member of the commission who is a former convict and now director of Reality House, a drug rehabilitation center in Harlem.

"He's a beautiful person—that's right up front when you know him," Mr. Henix said. "It hurt me that Governor Rockefeller, in his response to our questions, was disrespectful to Mr. Liman and his position as counsel."

Born Nov. 5, 1932, and brought up in Lawrence, L.I., Arthur Lawrence Liman was graduated magna cum laude from Harvard College, where he was elected to Phi Beta Kappa.

He and his wife, the former Ellen Fogelson, live with their two sons and a daughter, aged 7 to 11, at 135 Central Park West in a turn-of-the-century apartment house.

"I'm addicted to the architecture, the moldings—and the noise from the pipes that goes with it," he said.

Mrs. Liman, a Barnard College graduate and interior designer, is the author of "The Money-Saver's Guide to Decorating" (Macmillan) and is working under contract on two more books.

The long hours required for the commission's work, Mr. Liman said, have cut into his time for family bicycling, fishing and tennis, as well as opera and theater.

Describing the commission's staff as "remarkable young men and women," Mr. Liman said he hoped the report would not be "one of those that changes nothing."

"Besides the direct victims of crime, every person who feels himself a prisoner in his own apartment has a self-interest in changing the system," he said. "And not just the prison system—which is the end of the line

and just a sample of these caught up in the cycle."

GENERAL LEAVE

Mr. BADILLO. 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 today.

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

There was no objection.

JUSTICE OR INJUSTICE IN TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF), is recognized for 60 minutes.

Mr. WOLFF. Mr. Speaker, for 10 weeks five men have languished in a Texas jail. These five men, all Irish-Americans, have not been formally charged with any crime, nor accused of any wrongdoing, yet they remain in bondage without recourse to bail. Taken from their families, kept from their livelihoods, denied their freedom, they suffer in a manner not unlike that of their countrymen in Northern Ireland jailed by the British.

I know something about those conditions in Northern Ireland. The conditions that prevail at Long Kesh, the British internment camp where hundreds of Irishmen are held without charge and without bail. I know about Long Kesh because I was there and saw firsthand what those conditions are. When I came back I reported to the Congress on my findings. I expressed my great concern for the continuing tragedy of that torn and divided land. I was saddened by what I saw, deeply moved by the people I spoke to, ultimately wiser for having gone, but uncertain as to what the future course of events will hold for the North and her people.

When I came home to America, Mr. Speaker, I discovered that one of my own constituents, along with four other men, was being held in the Tarrant County Jail in Fort Worth, Tex., under conditions similar to those in force in Northern Ireland: Which is to say, that not having been charged with any crime, they are held without bail, with no indication as to when, or if, freedom will come.

I sought then from the Justice Department an explanation as to why these men were being held? None was forthcoming. I knew, of course, they had been jailed under the Organized Crime Control Act of 1970 for declining to answer allegations concerning gun running to Northern Ireland, but I also know allegations do not constitute a crime. I asked the Justice Department to charge these men with something or let them go. They declined to do either.

At this point, I requested that Mr. A. William Olson, head of the Justice Department's Internal Security Division, meet with Members of Congress, to brief us on a background basis the reasons behind the 10-week internment of these five Irish-Americans. Mr. Olson reluctantly agreed and a meeting was set up in my office for last Thursday afternoon.

Twelve minutes before that meeting was to take place, Mr. Olson's secretary called to say that he would not be able to attend. Eighteen Members of the House and Senate, representing both political parties, had firmly indicated their intentions to be present. Mr. Olson obviously did not feel that standing up Members of Congress constituted any serious breach of courtesy between the legislative and executive branches of the Government. Due to the last-minute nature of the cancellation, my office was unable to notify every Member that the meeting was off. Consequently, many of them came fully expecting to meet with Mr. Olson, to hear from him the Justice Department's explanation for the continued confinement of these five men. Those who came went away quite angry that a high official of the Justice Department could be so insensitive to Members of Congress, to our rights and responsibilities.

I immediately sent a telegram to Attorney General Richard Kleindienst, asking, in the light of Mr. Olson's action, to meet with us at his earliest possible convenience. To this moment the Attorney General of the United States has felt no apparent need to respond to my request.

This morning, 6 days after the fact, Mr. Olson called my office to say that he was quite willing to meet with me alone. I told Mr. Olson that I would only meet with him in the company of those other Members who, like me, want nothing more than to find out why five men can be held for 10 weeks without having been charged with violating one criminal act? I asked Mr. Olson why he canceled last Thursday's meeting? He answered by saying something "important came up and besides," he said, he understood only six Members were to be present. I told Mr. Olson I did not think it mattered if there were six or 60 who planned to be present, he should have been at that meeting, having agreed to it in the first place, if only one of us was to have been present.

I wish I could say in the wake of all that has happened, that Mr. Olson got the message, but I am not sure he has yet.

The intramural difficulties between the legislative and the executive departments that this matter represents are serious indeed, for they suggest on the part of the executive a most cavalier attitude toward those in the Congress. We have a right to represent our constituents, to protect them against the unwarranted intrusions of the State, but this cannot be done so long as we face a hostile executive branch. Not one Member involved in trying to ascertain whether the constitutional rights of these five men are being violated, would attempt in any way to impede the cause of justice, where that cause is clearly at stake.

But deprived as we now are of knowing the full facts, we can only judge that injustice, not justice, is being served; to say the constitutional rights of these men are being violated, that they are being denied due process, that the Justice Department is abusing the intent of the Congress as that intent relates to the

Organized Crime Control Act of 1970. I supported that act and voted for it because I believed its intent would be followed. We gave them a tool to use against organized crime, but they obviously intend to use it as a club for other devices. The Justice Department now runs the additional risk of being accused of political witch hunting as long as they confine citizens without charge or explanation.

I am opposed to violence in any form. I equally oppose that violence which destroys the spirit of man in the name of the letter of the law. I do not know what information the Justice Department may or may not have regarding these five men, I only know that those responsible for their confinement have yet to bring forth one shred of public evidence against them. Are we asking for too much when we seek only to know what is the nature of the crime they are alleged to have committed? Have we gone so far in this country that we can lock men up, never bothering to file charges against them? Do we honor the law by violating the freedom of man?

Mr. Speaker, the plight of five men may seem to some like a small matter, indeed, but that view must not be allowed to gain acceptance, not if we really care about the structure of our freedom. When we permit the rights of one man to be trampled upon, our own rights as free men are placed in great jeopardy.

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

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

Mr. DOW. Does the distinguished gentleman from New York in this case and others detect an inclination on the part of the Justice Department to focus its efforts considerably on political matters and that sort of activity and at the same time notice any diminution in the efforts to suppress crime?

Mr. WOLFF. Well, I think the facts speak for themselves. I think if you look at the crime records of this country over recent years you will see that crime has increased greatly despite the efforts of the Justice Department to halt its rise.

Mr. DOW. It does seem to me that the efforts of the Justice Department in the political sphere that might influence the thinking of citizens and even might cause them to withhold dissent detracts from the full attention that they ought to focus on the terrible and appalling crime situation in this country.

Would the gentleman allow me to make a statement at this point?

Mr. WOLFF. I yield to the gentleman.

Mr. DOW. Mr. Speaker, while walking to work today, I noticed how the summer is fading as the leaves commence their change to the magnificent autumn hues. I suppose most of us here will remember summer as a time when we gathered with our children or grandchildren around a backyard barbecue, at the beach or at a ballgame.

Yet I know five men who will have no pleasant memories of their families when they reflect upon the past summer—because they are squandering their days in jail in Fort Worth, Tex. All these men

will know is the bitter taste of confinement and the heartache of loneliness.

Nearly 3 months ago five New Yorkers, Kenneth Tierney, Matthias Reilly, Paschal Morahan, Daniel Crawford, and Thomas Laffey were sent to prison on contempt of court charges when they refused to testify before a Federal grand jury investigation of alleged arms running to Northern Ireland. They were sent 1,500 miles by the Justice Department to participate in this probe. There is no legal preventative for holding them in jail for the term of the grand jury—a possible 18 months—unless the Supreme Court should decide for them on a pending appeal.

None of the men held at Fort Worth have criminal records. They are all good family men and responsible members of their respective communities. I have met some of their families. They are law-abiding working people.

The crime of the Fort Worth Five, like that of the martyr, Thomas More, is that they wish to remain silent. Surely, no justice-loving nation can take away a man's freedom for that.

Years ago, when the British sought to take a man from the Colonies to be brought before a court in England, Thomas Jefferson had this to say.

Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the Act.

Upon learning the plight of the Fort Worth Five, I, and many of my colleagues from the New York delegation, worked with great vigor to gain the release for these men. We sent telegrams, wrote letters, held meetings and virtually begged the Justice Department, at its highest levels, to reconsider the case.

The Justice Department has repeatedly turned a deaf ear to our pleas. Even Attorney General Kleindienst has refused to answer our telegrams.

I do not think I am being overly harsh to say that the Justice Department is using the freedom of five men as a tool of political harassment. This is a technique we usually associate only with the most cruel and totalitarian governments.

I am offering a resolution that calls for Judiciary Committee hearings into the actions of the Justice Department in matters such as this, to examine grand jury practices of the type so forcefully exemplified by the fate of the Fort Worth Five. I do not want to offer false optimism, but I hope hearings will shed light on the unfortunate decisions of this Federal Department.

The course of action is clear. We as a Congress must move immediately to condemn a system that sentences men to indefinite prison terms—although none has been indicted, tried or offered bail. By constitutional right felons must be indicted, tried and offered bail. Evidently this right is not extended to witnesses who elect to stay silent.

Here is an outrage to morality, decency and justice.

Here is a fundamental question of civil rights.

I hope it is obvious that I am not judging the guilt or innocence of these

men. I sincerely hope the charges of arms smuggling are thoroughly investigated, and, if such exists, the responsible persons should be tried in a court of law. Yet, I know of no evidence linking these men with crime. Unless, of course, we consider silence a crime.

Yes, the grand jury system must be reformed. Yes, the Justice Department must guide itself by law and not politics. Yes, laws which have been misinterpreted to place the innocent in jail must be revised.

But I am most concerned about five men who will not see their children next summer either, unless we can effect some change in the law or in the policies of the Justice Department.

Mr. WOLFF. I thank the gentleman for his comments.

Mr. ADDABBO. Will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. ADDABBO. Mr. Speaker, I wish to commend my colleague from New York, Congressman WOLFF, for his endeavors on behalf of the five men being held in the Tarrant County jail, Tex.

It has been my privilege to have met with their wives and I can fully appreciate and understand the pathos and anxiety these families are suffering because of the unjust manner in which this case is being handled. One can readily understand the humiliation and frustration these families are undergoing.

Without going into the merits of the case it is difficult to understand in this day and age that men could be held so long uncharged without bail by our Government.

Further, it is difficult for me to believe that there are those within our Government who would refuse to meet with Members of Congress, to apprise us of the full details of the case.

I believe that the full impact of this case can best be described by a letter I received today from the men incarcerated in the Tarrant County jail. The contents of the letter follows:

TARRANT COUNTY JAIL,
Fort Worth, Tex.

Congressman JOSEPH P. ADDABBO.

DEAR CONGRESSMAN: We are grateful for all you have done for our case, while we are detained without charge, trial or bail, as the Department of Justice has just admitted to Senator Kennedy.

Studying Thomas Jefferson we are struck about how he too felt about people who were to experience our predicament by being torn from wives, children and friends.

Claude C. Bowers, in his book, "The Young Jefferson" pages 89 & 90 published by Houghton and Wiffin Co. tells, that Jefferson strongly opposed the English idea of moving people from their home area to be tried in another area (or questioned). This was a strong point he raised before the revolution.

When the English demanded that a man in Boston be tried in England before a Midsex Jury, before whom witnesses were to be forced, Jefferson exploded in anger; although as he said the expenses were to be paid, who would feed the wives and children left behind?

Jefferson points out that the victims stripped of trial by his peers in his area, without counsel (we were denied ours here) without exculpatory proof and brought before Judges pre-determined to condemn (as

Judge Brewster showed) "All the cowards would suffer. A man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny would merit that everlasting infamy now fixed on the authors of the act."

There is no doubt that as other gallant Senators and Congressmen are doing, Thomas Jefferson too would do, on our behalf.

Yet what Thomas Jefferson condemned, is being bestowed by his successor, Richard Nixon on behalf of England, in our case we are torn from our wives, children, neighbors, peers and livelihoods to Texas and the strange ways of the Department of Justice, which finally admits it has no charges against us.

Mr. Olson cancels his appointment with Senators and Congressmen minutes before he was due to discuss our strange case with them.

The people of U.S. are being deprived of their freedom by the new Archie Bunkers in Washington.

Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson.

Sincerely,

PASCHAL MORAHAN,
THOMAS LAFFEY,
MATTHIAS REILLY,
KENNETH TIERNEY,
DANIEL CRAWFORD.

Mr. WOLFF. Mr. Speaker, I certainly thank the gentleman for his kind words and for his concern with this problem.

I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, the Fort Worth Five are a group of Irish-American residents of New York City and its environs who were hailed before a grand jury in Fort Worth, Tex., a few months ago and slapped in jail without bail when they sought to assert their constitutional rights under the fifth amendment. It has apparently been alleged that these individuals were involved with, or known something about, the procurement of weapons for the Irish Republican Army. None of these five individuals has any prior criminal record. All are extremely well regarded in their home communities, and three are the fathers of families and own their own homes; they have ties in their home communities which make it most unlikely that they would ever jump bail in a case such as this one. The five men involved—Thomas Laffey, Matthias Reilly, Kenneth Tierney, Daniel Crawford, and Paschal Morahan—have presently been in jail for over 2 months, though each denies any knowledge of any gun-running operation of any kind. I recently received a copy of a very fine letter which Mr. Reilly's parish priest wrote to the President about his parishioner, and I am including it at the conclusion of my remarks so that all of my colleagues can read it.

The first question here is why this investigation is being carried on in Fort Worth, Tex., when the witnesses are from New York and the alleged gun traffic was to Northern Ireland. This venue, which is 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."

This latter rationale is certainly not a proper basis for locating a grand jury investigation, and it leads me to wonder whether the investigation is in fact just another administration use of the grand jury for political harassment. In order to rectify abuses such as this, I have introduced H.R. 16056, 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." I include the text of that bill in the RECORD at this point:

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."

One further evidence that the venue of this investigation is improper is the fact that one Edward Agramonte, a New York gun dealer whose name has been mentioned in connection with the Fort Worth proceedings, was recently indicted in New York on a charge of selling guns to the Irish Republican Army. I think that the fact that this indictment was brought in New York conclusively proves that the Justice Department has not a scrap of evidence or justification for dragging these five men 1,400 miles from their homes, families, and jobs.

In addition to the obviously mislaid venue of this case, there are a number of other issues. The fifth amendment to the Constitution protects every citizen against being compelled to give testimony which will incriminate him. Congress has created an exception to this privilege in the form of grants of immunity from prosecution, under the theory that if the witness is no longer subject to prosecution for what he says, he has no need of the self-incrimination right. I have serious doubts about the whole business of

immunity of this sort, but the courts have upheld its constitutionality and it is therefore a fact of life for the present. The courts have also held that a grant of immunity by the Federal Government also creates immunity from a State prosecution based upon the same testimony, on the theory that immunity is pretty useless with regard to the Federal authorities if they can simply hand one's testimony over to the State authorities for prosecution.

In this case, however, there arises a very different problem. The Fort Worth Five have been offered immunity under Federal law and, under the court decision noted above, this would also immunize them from State prosecution. However, it would not immunize them from prosecution by the authorities of a foreign government, and the U.S. Government could not grant such immunity even if it desired to. My point here is not that our courts must of necessity decide this issue in the Five's favor, though I think that their point is a good one, but that at the very least, they should not be required to choose between endangering themselves by testifying and languishing in jail during the time that this very complex and novel question is being decided by the courts.

A further question in this case which has also arisen recently in the Ellsberg case and the case of the Vietnam veterans is that of Government wiretapping and bugging of these men and their attorneys. A recent decision of the U.S. Supreme Court, *Alderman against United States*, required the Government to disclose to defendants and other opposing parties whether they had been the subject of wiretapping and, if so, the logs of the wiretaps. The Justice Department, after considerable hedging, has finally admitted that they did overhear a telephone conversation which included either one of these men or his attorney. However, they claim that it was unrelated to this case and that they therefore need not disclose the subject individual or the contents of the conversation overheard. Under the *Alderman* decision, it would appear that these men are entitled to this information and that it might well indicate illegal behavior on the part of the Justice Department.

We have, then, a number of issues in this case which have never been considered by the courts. Until they are fully considered by all of the courts involved, these men will not know exactly what their rights are. Keeping in mind the fact that they are not even accused of a crime, they should be released on their own recognizance or admitted to reasonable bail until the appeals of their cases have been decided. However, the district judge, the U.S. Court of Appeals for the Fifth Circuit, and Associate Justice Powell have all refused to grant bail; the district judge claims, though he has nothing but his own imagination to support it, that the men may either abscond or be killed by unnamed and unknown enemies if they are allowed to go free. The appeal is now pending before Mr. Justice Douglas.

I think that the Justice Department knows full well that these men have com-

mitted no crime and have no knowledge of the commission of any crime, and that they are being persecuted for their political beliefs. We have seen that kind of thing before in this country, but I had hoped that we were beyond it now. I should have realized that Richard Nixon would not hesitate to employ today the kind of tactics that first brought him prominence 25 years ago.

The Fort Worth Five should be freed until their case is decided, the Justice Department should be made to explain to Congress and the people this abuse of the grand jury, and legislation such as H.R. 16056, providing for change of venue in grand jury proceedings where the interests of justice so require, should be enacted at the earliest possible time.

I include two letters from these brave men at the conclusion of my remarks:

ST. CATHERINE'S RECTORY,
Blauvelt, N.Y., August 31, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

Sir: I am writing to you about a parishioner of mine, Matthias Reilly, presently a prisoner in Tarrant County Jail, Fort Worth, Texas. I am sure that you are familiar with the generalities of this case.

I wish to voice three thoughts.

First of all, I am sure that Mr. Reilly and the others of the "Fort Worth Five" were treated strictly according to law. What is disturbing to me and to other members of this basically politically conservative community is that Mr. Reilly may stay in jail until late 1973 without a trial. We have all heard charges in the media by people we considered "radicals" that the United States was turning into a police state, that people were being oppressed, etc., and usually said to ourselves "Well, they probably deserved it—served the weirdos right." But Mr. Reilly is not a weirdo, or a hippy, or a "fringe person." He is a hard working, middle-class husband and father, a responsible and respected neighbor, and an active member of his church; and when we buried his infant son a few months ago the whole community shared his grief. Mr. Reilly may very well be guilty of breaking the law—I don't know. If he broke our laws, he should be prosecuted for it. But when a man of Matt's reputation in the community is put in jail without trial or the prospect of it, when bail is denied, I, and I think others, begin to wonder if some of the "radicals" are really radical at all—maybe injustices are being done in this country, maybe everything isn't as fair as we have thought they were. Matt Reilly is not a dangerous criminal—he is a man with a family, and with roots in this country—he should be tried, or granted bail.

Secondly, Mr. Reilly was not allowed to have an attorney with him at the Grand Jury hearing. Once again, I suppose this is legal, or it would not have been done. But in a country where the commonest criminal is guaranteed counsel before questioning for the most heinous crimes, it doesn't seem quite right. The presiding Justice, Judge Brewster, is quoted as having said, "Only people in serious trouble would bring a battery of expensive lawyers from New York." He is quoted as having said, "You won't make an Angela Davis courtroom out of this," and, "You people are a bunch of obstructionists," and "I cannot give these men bail because either the terrorists group will kill them, or they will flee the country."

Mr. President, if the judge says that he did not say these things, all well and good—perhaps Mr. Reilly is a liar. But if he did make remarks like that—if he did say that the last person he denied bail to was a gang leader 11 years ago—then something is ter-

ribly wrong somewhere. This is not justice but prejudice.

Finally, according to my parishioner, as of August 27th, they had seen a priest once, on July 19th. At that time, a guard was stationed within easy hearing distance. I know that you are familiar with the practice of Confession and the relationship between Catholics and priests, and realize that this is not proper. Since the priest's name was also Reilly, and presumably Irish, perhaps the officials felt there was a plot afoot. If, in fact, these men are not allowed the Sacraments of the Church—which I know Matt Reilly received weekly here in Blauvelt—I am sure you will agree these men being treated with undue harshness.

I am ashamed to say that this is only the second time I have ever written a real letter to my government; like most others, I've always been reasonably pleased with the way things are going. But my own personal knowledge of Mr. Reilly and his family, my own instincts as an American about justice, impel me to say that something is terribly wrong here.

Perhaps I have all the facts wrong, or have missed some important ones; in that case, I will be delighted and relieved to write back a sincere apology. But right now, I know that a man is in jail a thousand miles from his home, without a criminal charge against him, and I don't think this should be.

I would appreciate it if someone could answer my letter, for I am very disturbed.

Very respectfully yours,

Rev. JOHN J. KEAVENEY.

TARRANT COUNTY JAIL,
Fort Worth, Tex.

CONGRESSWOMAN BELLA ABZUG: Dear Congresswoman, we the (Fort Worth Five), imprisoned political Irishmen, wish to thank you for having expressed concern on our fate here in the Confederate South. No doubt you are aware of the unscrupulous railroad job imposed upon us by the current U.S. administration on behalf of the government of Great Britain.

The allegations made against us are the most negative suppositions. We assure you that not one of us five have ever been to Texas before now, or have we had any contact in any way shape or form with anyone in this state, the police-state tactics used against us must cause grave concern to every U.S. citizen, should this trend be allowed to continue we shall have entered the 1934-35 era of Hitler's Germany.

The so-called Grand Jury meant to protect the individual's rights was in our case used as an instrument of intimidation.

The Grand Jury is merely the captive audience of four U.S. attorneys who play the role of Grand Inquisitors who between them have 80 to 100 years legal experience against the victim who is denied having his attorney by his side in that secret investigation. The judge showed his animosity and bias toward us from the very beginning.

All of us have flawless characters, but we are denied bail at any price. Separated from our wives, children, families and livelihoods, we are dependent upon the good-will of concerned people who have contributed to defense funds to insure their survival.

The nightmare which we have experienced clearly illustrates that the most un-American methods can be used to frame people by simply rail-roading them into an area where their ethnic background E.C.T. is considered unpopular and where no local pressure can be exercised against the government's actions. This was clearly illustrated when a small group of nurses picketed on our behalf. They were threatened by not only U.S. Marshals, but by Judge Brewster himself.

Having had the courage to persist, these fine women were dismissed from their jobs by the Harris Hospital administration which

gave way to political pressure. They were even threatened with deportation. The local Civil Rights groups came to their rescue, and they now have jobs in Peter Smith Hospital here.

We know that you are a great humanitarian and the champion of human rights for all people. We thank you for your interest in our case. You can be sure that the Irish community will always remember your response, and it will be borne in mind for future reference.

Sincerely yours,

DANNY CRAWFORD,
THOMAS LAFFEY,
KENNETH TIERNEY,
MATTHIAS REILLY,
PASCHAL MORAHAN,

TARRANT COUNTY JAIL,
Fort Worth, Tex., September 10, 1972.
Congresswoman BELLA ABZUG.

DEAR MS ABZUG: Again we thank you for your persistent efforts on behalf of "The Fort Worth Five" here in Texas. Studying the great Thomas Jefferson we are struck about how he too felt about people who were to experience our predicament, by being torn from their wives, children, neighborhoods, and livelihoods.

Claude G. Bowens, in his book, "The Young Jefferson" pages 89-90 (published by Houghton, Mifflin Co.) tell us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area. This was a point he raised before the revolution.

When the English demanded that a man in the city of Boston be tried in England, before a Middlesex jury, before whom witnesses were to * * * although, as he said, their expenses were to be paid, who would feed the wives and children left behind? Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel, (we were denied ours in the grand jury room) without friends, without money (ours giving their services free) and without exculpatory proof, and brought before judges pre-determined to condemn (as Judge Brewster showed) "Ah! the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that infamy now fixed on the authors of the act."

There is no doubt that as you and other gallant Congressmen and Senators are doing, Thomas Jefferson too, would do, on our behalf.

Yet what Thomas Jefferson condemned, is being restored by his successor Richard Nixon, and on behalf of England, in our case. We were torn from our wives, children, neighborhoods, peers and livelihoods to Texas, and the strange ways the Dept. of Justice admit they have no charges against us. Mr. Olson cancelled his appointment with Senators and Congressmen, 12 minutes before he was to discuss our case with them.

The people of the U.S. are being deprived of their freedoms by the New Archie Bunkers in Washington.

Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson.

There is a song, "If I Had a Hammer I'd Ring Out a Warning"—"all over this land."

Very sincerely,

THOMAS LAFFEY,
MATTHIAS REILLY,
DANNY CRAWFORD,
PASCHAL MORAHAN,
KENNETH TIERNEY.

Mr. WOLFF, I thank the gentlewoman from New York for her contribution. I know that she has been someone who has always stood in the forefront of civil liberties activity, and certainly this is a further indication of her dedication.

Mr. Speaker, I have stood in this well many times and deplored the discrimination that takes place in the Soviet Union against the Jewish people, and I have deplored the type of activity that has taken place in South Africa.

I am not an Irish American. I felt duty-bound, and I feel that the Members of this body are dutybound to stand against discrimination wherever found. This is why I originally went to Ireland; why I originally went to Britain, to ask permission to visit the detention camp at Song Kesh.

This was not readily granted to me. I was told that I could visit this detention camp in Britain if a family gave me its visiting rights. Therefore, instead of doing it in that fashion, through contacts which I made I was able to get a family to get me into the prison camp under the cover of another name and without my identity as a U.S. Congressman, so that I could see for myself the conditions under which some of these people are being detained by Great Britain.

Mr. Speaker, I would like to read into the RECORD a letter that was sent to me, and to other Members who have been interested in this case:

TARRANT COUNTY JAIL,
Fort Worth, Tex., September 10, 1972.

DEAR MR. WOLFF: Although we wrote you a few days ago, we feel we should write again to let you know of our findings, from the words of Thomas Jefferson.

From studying this great man, we struck upon how he too felt about people who were to experience our predicament, by being torn from wives, children and livelihoods.

Thomas Laffey has three children, no other visible means of support, and a mortgage to pay, and he is paying that only through the charity that is being given to his family.

Claude G. Bowens, in his book, "The Young Jefferson," pages 89-90, (published by Houghton, Mifflin Co.), tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area.

Is it that the Justice Department moved this trial to Texas because of the fact that there are so few Catholics in Texas? And that is my interpolation, and not the statement of Tom Laffey.

This was a point he raised before the resolution.

When the English demanded that a man in the city of Boston be tried in England, before a Middlesex jury, before whom witnesses were to be forced, Jefferson exploded in wrath, although, as he said, their expenses were to be paid, who would feed the wives and children left behind?

Who feeds the wives and families of these people who are being held in Fort Worth, Tex., now?

Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel (in the grand jury room we were denied ours) without friends, without money (ours giving their services free) and without exculpatory proof, and brought before judges predetermined to condemn (as Judge Brewster showed) "Ah! the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act."

There is no doubt that as you and other

gallant Congressmen and Senators are doing, Thomas Jefferson too, would do, on our behalf.

Yet, what Thomas Jefferson condemned is being restored by his successor Richard Nixon, and on behalf of England, in our case. We were torn from our wives, children, neighbors, peers, and livelihoods to Texas, and the strange ways of Dept. of Justice finally admit they have no charges against us. Mr. Olson cancels his appointment with Senators and Congressmen, 12 minutes before he was to discuss our case with them.

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Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson. There is a song, "If I Had a Hammer I'd Ring out a Warning"—"All over this Land."

Sincerely,

THOMAS LAFFEY,
PASCHAL MORAHAN,
KENNETH TIERNEY,
MATTHIAS REILLY,
DANIEL CRAWFORD.

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

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

Mr. BIAGGI. Mr. Speaker, I commend the gentleman from New York for taking this special order, and for bringing to the attention of this body this matter which is fully documented as to its validity. The gentleman from New York is one who has attempted to address the attention of America to these matters. The gentleman's concern clearly lights up the fact that we have seen over a period of years so much interest engendered on questions of various natures, presented by various groups in this country, groups that run the gamut of age, groups that run the gamut of economic status on questions that oftentimes have been less worthy than this.

And yet we have today in America a demonstration of an assault on something fundamental, that should arouse the curiosity and the ire of all Americans. Yet, we have five men in Fort Worth and they have been there for several months, with no prospect of release and they are treated in a worse fashion than hardened criminals—men who are fighting for a cause that is very much parallel to that of the early American Revolution.

What they have done really is to seek to assist their brethren in a foreign land. We have had cause after cause, and crusade after crusade, and drive after drive participated in by people across the board—and no one has been curious and no one has attacked. But simply because the emissaries or the voices of Great Britain feel the pinch, we find America responding as a lackey would. It is a position that America does not deserve and should not be put in and Americans should not tolerate.

The British have their own conscience to look at. They are talking in terms of Ireland—now Northern Ireland. The yoke of colonialism has been lifted from many countries throughout the world—British colonialism that is. Even the great Nation of India was finally freed after demonstrations and after famine and after the outcry of all of those people and others who shared in that desire for

freedom. They were freed by the United Kingdom.

We have 14 colonies in the northern part of Ireland that seek similar action. You know, to speak about it from here is one thing—but go there and see it.

Mr. WOLFF. I know, I have been there.

Mr. BIAGGI. I know you have and you are to be commended for it.

I have been there time and time again. I have been there at points of confrontation. But imagining it is inconceivable. To know that the United Kingdom, the home of democracy so-called, still remains an oppressor and despite suggestion after suggestion that could serve as a perfect solution to the problem—a plebiscite for one—there is nothing strange about that—that simply calls for human beings in a country to make their own determination and they will stand or fall on the basis of that determination. But, no—that will not happen. They say, "We will give you the plebiscite, but in a certain area."

It resembles so much a type of reapportionment that we have in some portions of our country. You just cut it out the way you like it—with the outcome pretty much—

Mr. WOLFF. Predetermined.

Mr. BIAGGI. Predetermined—the gentleman is right.

Then you travel—and you visit the place. What are these people asking for? They are asking for justice in the truest sense—not a position better than their brothers—not something to compensate for the years of deprivation which would only burden those who are there now. They are willing to start fresh from now, for an opportunity to live, for an opportunity to work.

It has been clearly documented and the Record contains it in statement after statement that I have inserted on about 40 or 50 different occasions—the illustrations of injustices being heaped on a people. When you talk to those advocates who remain in power, you know you are talking to an extremist who would be run out of this country—despite the element of extremism that we have in this country.

Mr. WOLFF. I was told by Lord Woolsey who is second in command to Mr. Whitehall that the reason there is 47 percent unemployment in Bally Murphy is that the people do not want to work. It is inconceivable to me and I am sure to you that half of the people in that Catholic enclave just do not want to work.

Mr. BIAGGI. That is not a fact. What he stated, of course, as you and I agree is not a fact. I thought it was better than that. You say 47 percent. I was there in Bally Murphy—they live in hovels. But let us turn to the other side of the coin. I think in the shipyard, Halley Wolf, they have 9,000 employees and less than 200 are of the Catholic faith. That is a figure that tells its own story. The people who work in and who are employed in Bally Murphy are the ladies—when they can get employment, in the most menial type of jobs. They are not complaining—they are grateful for the employment. This is discrimination of the worst type because it appears subtly. There is no

question about its existence, and how it has occurred over the years and has existed over the years.

Now, that is one thing. Ireland is one thing. I would suggest very strongly that members of the United Kingdom recognize once and for all the nature of the Irishman. If the British think they are going to still the spirit of freedom that has existed in the Irish bosom for centuries either by oppression or by force or by other means, the British are greatly mistaken. It is this bad judgment that will continue the fight. It is this bad judgment that will prevent a solution.

They are not dealing with the fundamental concept of an individual. The Irishman fights for freedom. He is happy to die. The British do not realize that. They do not understand that. Any human being wants to live of course, but the Irishman is happy to die in this fight. There is a state of mind there that brings this about. They will keep dying but they will take other people with them.

The morality of the cause will continue. We as Americans should not be engaged in any skulduggery or any collusion with any other country, as we are in this instance in relation to the Fort Worth Five. Frankly I am disappointed that we are talking in terms of the five people who were never in Texas, who have not been charged, and who have been housed in a building which provides less accommodation than they would have given hardened criminals. It is just the most intolerably repugnant situation I have been confronted with in my time.

Somehow or other we have not been able to awaken the masses to the call for justice in this instance. I do not understand Americans. They respond to so many less worthy causes. Where are all the young civil rights? Where are all the civil rights throughout this country? I ask that question and I look about and I get no answer and I hear nothing. It is selective. It is not fashionable to fight for Irishmen. Perhaps it is figured the Irishmen can fight for themselves. Yes, they can, but they cannot fight alone. They have been doing that fight for centuries. Finally the Irishman himself has recognized that and he has held out his arms to his fellow man and said, "Please help me." That is where we are today.

All of us should be trying to help, regardless of origin. Someone has said to me: "You are not of Irish extraction." So what? We do not simply respond to that. There is an old Jewish rabbi, and this is related in the Torah about Rabbi Hillel, who said:

What am I if I do not speak up for my people?

Do Members know why he said that? He said that because too many are reluctant to stand up and expose themselves to the possibility of criticism or of retaliation when something or somebody that concerns them is assaulted.

On the other side of that coin the rabbi went further and said:

And if I speak only for my people or myself, then what am I?

That is why we speak. The gentleman from New York (Mr. Wolff) is of the

Jewish faith and the gentleman from New York (Mr. BIAGGI) is of Italian origin and we speak up as well as many others. What are we if we do not speak up for our fellow man irrespective of race or religion or ethnic background? That is what we have been doing and what others have been doing.

I suggest very strongly that the administration, who I am confident are sympathetic, exercise a little persuasion on the United Kingdom. There should be pointed out to the United Kingdom the error of their ways because Ulster is not going away. The 13 counties will be there. Those Irishmen are fighting for their lives and their freedom. They will fight for eternity. They have done it for hundreds of years. Who is to anticipate that something will change the makeup of man or his mind or his heritage or his tradition?

We do it for everyone else. We get involved in other nations throughout the world where more material things are involved or where military strategy is involved, but not any more where morality is involved. Why not do it for those people in Northern Ireland? We have done it elsewhere. And in doing it for them we will be taking care of the Fort Worth Five.

Mr. Speaker, I join with my other colleagues here today in the hope that through our efforts we can focus some attention on and invoke a sense of national shame and outrage at the unjust internment of five Americans in Fort Worth, Tex.

Just today, I received a letter from the group, which I would like to read at this point. It gets to the guts of the problem in the most succinct way:

TARRANT COUNTY GAOL,
Fort Worth, Tex., September 11, 1972.
Congressman MARIO BIAGGI.

DEAR MARIO: Again, we thank you for your persistent efforts on behalf of the 'Fort Worth Five' here in Texas.

Studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our predicament, by being torn from our wives, children, and friends.

Claude G. Bowers, in his book, "The Young Jefferson," Pages 89 & 90, (published by Houghton, Mifflin Co.) tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried or questioned in another area. This was an important point he raised before the Revolution. When the English demanded that a man from Boston be tried in England, before a Middlesex jury, before whom witnesses were forced, Jefferson was wrathful. Although, as he said, their expenses were to be paid, who would feed the wives and children left behind?

He goes on, that the victim, stripped of trial by his peers in his own area, without counsel, (we were denied ours in Grand Jury room) without friends, without money (our lawyers are free), and without exaltatory proof, and brought before judges predetermined to condemn, (as Judge Brewster showed). "Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act." There is no doubt that as you and other gallant Congressmen, Senators, are doing, Thomas Jefferson, too, would be on our behalf.

Yet, what Thomas Jefferson condemned is

being restored by his successor Richard Nixon and on behalf of England, in our case. We are torn from our wives, children, peers and livelihood to Texas, and the strange ways of the Department of Justice finally admit they have no charges against us. Mr. Olsen cancels his appointment with Congressmen and Senators, 12 minutes before he was to discuss our case with them.

The people of the U.S. are being deprived of their freedom by the New Archie Bunkers in Washington. Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson. There is a song says "If I had a hammer, I'd ring out a warning, all over this land."

Very sincerely,

KENNETH TIERNEY,
MATTHEW REILLY,
DANIEL CRAWFORD,
THOMAS LAFFEY,
PASCHAL MORAHAN.

Ah, the words of Thomas Jefferson, author of the Declaration of Independence and guardian of personal liberties in the early days of the Republic. Have the ideals of Jefferson and Washington and Hamilton tarnished so with the passage of time? How can we as Americans with a heritage of freedom and liberty allow the internment without trial of five citizens to go on month after month? How can we ignore the fact that an agency of the Federal Government—the Justice Department—slapped together a grand jury thousands of miles away from the homes of these five men in an apparent attempt to avoid public scrutiny of their actions? How can we, in a selfish sense, be so sure of our own freedoms if the Justice Department can violate the rights of these men with impunity?

I remember the words of the German who said:

They came for the Jews, but I was not a Jew so I did not protest. And they came for the Catholics, but I was not a Catholic, so I did not protest. And they came for the clergy and the writers, but I was neither, so I did not protest. And then they came for me, but there was no one left to protest.

The Fort Worth five are examples of what will happen unless unbridled Government power to lock up citizens is not checked. There was no trial, no charges; and no bail has been set. Their refusal to testify before a grand jury on moral and ethical grounds is the "crime" they are accused of. No one should be forced to participate in a Justice Department fishing expedition and witchhunt. If they are guilty, let it be proven in a court of law. But until then, they should be free and considered innocent.

It is sad to think that an accused murderer or rapist or dope pusher would have more rights and protections than are being afforded these men. In New York City, they cannot return the criminals to the streets fast enough. Some even beat the policemen out of the courthouse; free on bail.

What we have here is another case of the executive branch rewriting the Constitution to suit its own political ends. Pressure from Great Britain has driven the Attorney General to trump up these charges and develop this non-case. Unless we here in Congress begin to exercise our moral and constitutional obligation to defend the law of the land, we may find our own institution taken away—and then who will protest?

Mr. Speaker, I ask my colleagues now to examine their conscience and consider the moral and legal questions raised by this bizarre case. I hope they will all conclude as I have that this rape of the constitutional rights of the five men in the Fort Worth jail must be brought to an end.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York for his comments.

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

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman from New York for yielding to me because I join him on the floor at this time to, I suppose, extend the concepts that have been so eloquently expressed by the previous speaker, the gentleman from New York (Mr. BIAGGI).

I, too, am outraged that five men would be taken across the country to answer to a special grand jury and denied bail. I do not know what has happened to the writ of habeas corpus. I do not know why we should have legislation that would prevent a person from coming to a hearing certainly closer than it turned out in this case, for answers sought to questions to be asked by the grand jury.

But may I reflect on the gentleman from New York's (Mr. BIAGGI) remarks, because along with the Irish—and that is a struggle that is amazingly ignored in this country—we have one for which we are more responsible, and that is the Vietnamese. I raise that question because not only are Vietnamese being killed, but they are being killed by American bombs, American bullets, and mercenaries hired by our country. It seems to me that that inhumanity that spreads and poisons that part of the world is really coming back home to this country. We cannot escape it.

The apathy that we reflect toward the struggle in Europe is the result of the failure of the Government of the United States, and this Congress in particular, to act in a resolute manner toward ending the war of which we are the largest participants.

I think that this question that has been raised by the gentleman from New York (Mr. WOLFF) is an important consideration. These five men have come to the attention of an alert Congressman and a few other Members on both sides of the aisle, incidentally, who were willing to meet with representatives of the Justice Department. There are many Americans behind bars about to be brought to trial who are prosecuted in a very similar, unfair, unjust way.

I want to ask the gentleman from New York (Mr. WOLFF) is there not a legislative remedy that we who are concerned can effectively bring to bear to close the loophole in the Organized Crime Control Act, which has apparently permitted this very grave miscarriage of justice?

Mr. WOLFF. I think the distinguished gentleman from Michigan, who again has helped lead the fight for civil liberties for all people, for his contributions here. I say to him that, yes, I think there is a legislative remedy. I do believe that we have to accept, perhaps, the suggestion

of the gentleman from New York (Mr. Dow) and call for hearings by the Judiciary Committee to amend this act so that it is not as onerous as it is today, and to amend the errors that have been made in the act and not to protect us from our sins.

Mr. CONYERS. I want to indicate that I, as a member of the Judiciary Committee, will support such hearings and will also join with those who will offer legislation to make this correction.

Might I point out to the gentleman from New York that his concern for civil rights for all Americans did not begin with this precise matter he has brought to the attention of the Congress. As freshman Members of the 89th Congress he worked with some 13 Members of Congress in this regard. I see another Member, the gentleman from New York (Mr. Dow) is now present, who joined with me in a rather historic trip to Selma, Ala., at the request of the late Dr. Martin Luther King.

It seems that out of these continuing concerns we are here again for five Irish-Americans.

The cause and the point of travel in 1965 and the reason for this special order in 1972 brings us all together again on the same question of justice for all Americans. This is an important matter. I only wish that all those who should receive the support of Members of Congress because of other transgressions of the law could have that help. But, because the gentleman brought this matter before us, I feel that I can do no less than join him here and offer the support of myself and those who are continually concerned with civil rights, to see that this matter has some final, fair conclusion.

Again, I compliment the gentleman for bringing this matter to the attention of this body.

Mr. WOLFF. I thank the gentleman for being in a leadership position, as he always has been, not only on the question of civil rights but also as to the workings of this House.

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

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

Mr. DOW. To respond to the suggestion of the distinguished champion of civil rights from Michigan (Mr. CONYERS) as to whether there are legislative remedies, I should like to offer for the record the text of a resolution I am about to introduce here in the House, which calls for the Judiciary Committee to conduct a full and complete investigation and study of the conduct and practice of the U.S. Department of Justice and the Federal Judiciary with respect to grand jury investigations.

Mr. Speaker, I ask unanimous consent that the text of this resolution be printed in the RECORD at this point.

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

There was no objection.

The matter referred to follows:

Resolved, That the Judiciary Committee, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the conduct and practices of the United States De-

partment of Justice and the Federal Judiciary with respect to grand jury investigations. Such investigation and study shall be completed and reported to the House as soon as practicable, and shall include findings on the following matters:

(1) Whether there is reason for the Government to believe in all cases where witnesses are called before grand juries that each such witness has significant information on the subject of the investigation being made.

(2) Whether the questions asked of each such witness have a close nexus with the criminal activity under investigation.

(3) Whether the criteria employed by the Justice Department in selecting a site for each grand jury investigation are appropriate, especially in cases where such site is distant from the principal residences of a substantial number of prospective witnesses.

(4) The extent to which witnesses subpoenaed are not asked any questions before the grand jury.

(5) The instances in which a grand jury was convened in order to investigate lawful demonstrations or other lawful political events, and the instances in which a grand jury was convened simultaneously with lawful events in which the witnesses were to participate.

(6) Whether the questioning of grand jury witnesses has been used, or is capable of being used, to gather personal information about such witnesses for the purpose of domestic intelligence.

(7) Whether the use of grand juries has been made by the Government, or can be made by the Government, to harass or intimidate persons who advocate controversial policies or disagree with the Administration.

(8) Whether there is sufficient assurance under present law that the compelled testimony of grand jury witnesses cannot subsequently be used to incriminate them.

(9) Whether grand jury witnesses should have the privilege of legal counsel during grand jury questioning.

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

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

Mr. PEYSER. I should like to join with my other colleagues in thanking the gentleman for setting up this special order and for giving us the opportunity to talk very briefly on the problem of the five Irish-Americans who are now being held in Fort Worth.

I believe my colleague from New York (Mr. BIAGGI) well expressed my feelings so far as the situation in North Ireland is concerned. I would rather not direct my remarks to that area but, briefly, to the specifics I believe the gentleman called the special order for.

Two weeks ago I visited Fort Worth and spent approximately a little over 2 hours with the five prisoners who were being held down there: Ken Tierney, Tom Laffey, Matt Reilly, Paschal Morahan, and Dan Crawford.

I had the opportunity of talking with them individually, and I talked with them as a group.

My visit, incidentally, was arranged through the Justice Department, in cooperation with them. The men were brought to the Federal courthouse at Fort Worth where we had this meeting. I went down to this meeting to talk with these men, to get a firsthand impression from them. I had not known these men before, had never seen them before, and wanted to get as close a relationship

as I could, to make some judgments of my own.

Mr. WOLFF. Did you see them at that time?

Mr. PEYSER. No, I did not, because they were there when I arrived in the courthouse. They were sitting in a room. They were sitting in an ordinary room like across the table.

Mr. WOLFF. You know they were brought in in handcuffs and manacled?

Mr. PEYSER. I did not see them arrive at the courthouse in that way. They had no equipment of that nature on when I saw them. I had a separate office that they came into, and they simply walked in and I met with them there.

After talking with these men and having done some research on this particular case I am personally convinced that these men have had absolutely nothing to do with any affair dealing with guns or have had any relationship with anyone in Texas or have been in communication with anyone in Texas or have ever been there.

As one of the men, Ken Tierney, indicated, the only time he wrote to anyone in Texas was to then President Johnson, to which he got a response. That is the only time he ever had any communication with anyone there.

I feel, in my opinion, that these men are being unjustly held. I believe they are caught in a sort of legal trap here between the Government and their own situation, trying to find a way in which they can get out of this trap. Frankly, they would like to get back home to their families.

I have talked to their families and talked with their friends, and based on the type of exposure I have had and conversations I have had, there is no question in my mind of the innocence of these men.

When I say "innocence," I mean they have been charged with nothing, so it is not a question of innocence. The sense I am using it in is, if they are being held there because of a presumed gun-running situation as between Texas and Ireland, I say these men have had nothing to do with it, in my opinion.

Mr. WOLFF. Has the gentleman at all interceded with the Department of Justice, which is one of the things I wanted to speak to them about, on the idea of transferring these people from Texas to some place near their home in a Federal facility? They are being held in a county jail under Federal charges or whatever it is, or Federal authority, and yet they are being held in a county jail. They have five men in three cells. They have exercise space of 6 by 16 feet for those five people. Criminals and convicted murderers in the United States have greater facilities afforded to them.

Mr. PEYSER. I agree with what the gentleman is saying. I wanted you to know, because of your interest and that of the other gentlemen here, that my aim in this is to get these men out and get them out either under bail, which as the situation presently stands is not a very possible situation, but perhaps a compromise might be reached. It is my feeling after talking with these men and their attorneys that there is grounds for

a compromise situation that will return them to their homes. At this time I am trying to work within the administration and the Department of Justice to reach some sort of decision on this. Nothing would please me more than to have something positive to report, but I do not have it. Nor am I convinced that the issue is simply a dead issue and that they are there to be forgotten. I certainly am not going to forget them any more than you are. I think we can win the battle.

This type of meeting will perhaps help to highlight the situation existing for these men and for their families. I think these men have to come back home. I think these men are willing to testify in certain areas in court as to their own absolute lack of involvement in anything to do with the situation.

I think they want to be home. They are average men, bus drivers, a superintendent of an apartment building, and there is one carpenter and there is a real estate salesman and there is a registered nurse.

For goodness' sake, these are ordinary, normal people who have never committed a crime in their lives. I believe they are going to have to be returned home. I believe we can make the Government here see what is happening and can create the forces necessary to bring them home.

Mr. WOLFF. Tom Laffey, my constituent, is an ex-GI. I do not know whether any of the others are, but he served in the Armed Forces of this Nation.

I thank the gentleman for his contribution and for his comments.

Mr. Speaker, we are the Representatives of the people. The Justice Department is answerable to the people of this Nation, and the Justice Department is answerable to the Representatives of the people of this Nation.

Mr. BURKE of Massachusetts. Mr. Speaker, I am pleased to join with my distinguished colleagues from New York, two good friends and concerned men who whatever else they are, cannot be accused of being Irish Americans. Congressman JOHN G. DOW and Congressman LESTER L. WOLFF who have requested a special order this afternoon to bring to the attention of this House and hopefully the people of this country a situation which has so many disturbing implications, it is difficult to know where to begin.

Some weeks ago, five men of Irish American extraction were imprisoned in the Tarrant County jail in Fort Worth, Tex., after having been subpoenaed through the curious device of blank subpoenas in mid-June and told to be in Fort Worth, Tex., for a grand jury investigation within 5 days. It was alleged the five men knew something about a "gunrunning effort." After being questioned without the benefit of attorney, found guilty, and refused bail the men have literally been cut off from the outside world and become the subjects of such intense speculation that the situation has all the earmarks of international intrigue at its worst.

Now, it is not for a Member of Congress to get involved with passing judg-

ment on the merits of a particular case pending before our courts. That is why we have courtrooms and judges. However, when five American citizens are hurried to a State far away from home for their first visit to testify before a grand jury there, far from their friends and relatives—and incidentally the Irish American community—denied bail, denied the presence of an attorney, whisked away to prison—then it seems to me that their friends and relatives have every right to contact their Congressman and ask them just what is going on.

And now, I come to the part which bothers me most about this whole situation. Apart from a disclaimer by the attorney general of Texas that he has any knowledge of the particulars of this case, even though it is taking place in his State, the Justice Department of the United States has refused to even so much as acknowledge any of my inquiries to date about this matter.

Yesterday, giving just 12 minutes' notice a functionary of the Justice Department canceled out a meeting with concerned Congressmen without any explanation. To date all attempts to gain an explanation for the mysterious behavior of the designated Justice Department officials, as well as the more important issue of just what is going on in Fort Worth have met with no success. I think that whatever the merits of the case before the grand jury in question, that the Constitution of this country is designed to guarantee basic freedoms. I think it is important for elected officials to focus all the attention they can muster on Government departments who violate or appear to violate these freedoms.

This is certainly the case in a situation such as this which is so heavily wrought with all kinds of political overtones and is naturally a matter of the most immediate concern to millions of Irish Americans who have already suffered enough agony over the fate of their ancestral homeland, during this tragedy that is Ulster. At a very minimum the Justice Department owes us a complete explanation. It would indeed be worse than irony if this country has to resort to the denial of basic civil liberties in order to discourage American involvement in the Ulster situation which has at its root the fundamental issue of the denial of civil liberties to the Catholic minority.

Mr. HELSTOSKI. Mr. Speaker, civil libertarians everywhere are disturbed over the case of the five Irish-Americans being held in prison in Fort Worth, Tex.

These men, subpoenaed in New York, were asked to appear before a Federal grand jury in Fort Worth investigating possible gunrunning to Northern Ireland. The change of venue from New York to Texas was made on the specious grounds that calls were made from a New York group to Dallas and Fort Worth.

It is obvious that the grand jury was impaneled—and the presiding judge selected—in Fort Worth because it is an area totally unfamiliar to the cause of the Irish Americans.

Promised immunity, the five men rejected it, refused to answer questions and were held in contempt by U.S. District Judge Leo Brewster.

Mr. Speaker, these men have yet to be tried for any crime and they are being asked to place themselves in double jeopardy by abridging their constitutional safeguards against self-incrimination. If they agree to testify under the promised immunity, it is still possible that they can be tried again with self-incriminating evidence because of the flukes in the law, as well as prosecution by the British Government. Truly, no wise man would place himself in this situation.

The illegal incarceration of these men is reminiscent of the discredited internment policy being used by the British in Northern Ireland.

Not having been tried or convicted of any crime, these five men are being denied bail, which is most unusual and a violation of civil liberties.

When civil liberties are abridged in such a high-handed fashion by a State which seems to be saying that we are a Nation of men rather than of laws, freedom-loving Americans everywhere should be alarmed because John Locke stated in 1960 that wherever law ends, tyranny begins.

Certainly, the worst tyranny occurs whenever government officials themselves violate the laws they are committed to uphold. This is especially so when the laws are concerned with civil liberties and judicial procedures.

Mr. Speaker, this whole matter should be investigated by the Congress because there are serious questions raised in my mind concerning the denial of bail and the denial of a writ of habeas corpus ad subjiciendum, as well as other possible violations of the law.

If these men are guilty of a crime, let the Government so state its case. The Government cannot arbitrarily tear away a man from his wife and children, and the means with which to provide a livelihood without showing just cause for such capricious action.

Mr. PODELL. Mr. Speaker, I add my protest to that of my colleagues over the intolerable, inhuman, and probably illegal incarceration of five residents of New York in a prison in the State of Texas.

On June 19, almost 3 months ago, they were subpoenaed to testify before a grand jury allegedly investigating the smuggling of small arms to insurgents in Ireland. When they refused to answer questions until the constitutional questions of immunity which they raised were resolved by the courts, the Fort Worth Five were cited with contempt and have been in prison since that time.

Though granted immunity by a grand jury in the United States, even American citizens can be extradited to England and tried for the same alleged crimes there. Extradition treaties between the two nations permit that.

And so, we have the Department of Justice using the immunity to testify given a witness as a big club, as an instrument of torture. The Justice Department took these five men, transported them some 1,800 miles from their homes in New York, put them in prison without ever charging them with a crime and could keep them there for as long as 18 months. Meanwhile, these men, all with young families and no means to support

them while they are languishing in prison in Texas, are suffering the tortures of the damned simply because they exercised their constitutional rights.

Mr. Speaker, I say it is tantamount to suspending habeas corpus. That is a crime far worse in itself than anything these men might be charged with. And worse, the entire investigation seems more a diplomatic accommodation to England, hard pressed to settle its colonial problems with Ireland, than it is an attempt to settle any outrage against law and order in America.

It smacks of terror, a knock on the door in the dead of night. It was never the intent of Congress that any law be unreasonably applied.

I believe, in this case, the Department of Justice is misapplying the law. It is unreasonable for the Department of Justice to take a man half way across the country to testify before a grand jury.

It is unreasonable to ask a man to testify under a grant of immunity when the immunity granted him is not complete.

It is unreasonable for the Department of Justice to hold that man in prison, to deny him bail, to deny him access to friends and family, to deny him means for providing for his family while his appeal is being decided.

Justice is not justice when it is not reasonable, and fair and swift. Because that is true, I ask the Justice Department, and the courts to get on with it, to do the right thing and free these men and their families from the burden of imprisonment. I ask that they be charged or released.

It is time to do the decent thing.

Mr. ROSENTHAL. Mr. Speaker, five Irish Americans are being held in the Tarrant County Jail in Fort Worth, Tex., on orders of the Department of Justice. These men are not charged with any crime and have been refused bail.

Along with a number of my colleagues from both Houses, I planned to meet with A. William Olson of the Justice Department to discuss this case. Mr. Wilson unilaterally and totally without explanation canceled that meeting only 12 minutes before it was to begin. The Department simply refuses to discuss the matter with the Congress.

The five men are being held more than 1,400 miles from their homes in a locale with only the most remote connection to the case involved. The prisoners were subpoenaed to testify in a Federal grand jury investigation of supposedly illegal arms shipments to Northern Ireland. All five are New Yorkers who had never been to Texas before they were subpoenaed.

Their incarceration smacks of being an adjunct to the British interment policy in Northern Ireland. The Nixon administration is apparently willing to stop at nothing to please the British Government. Even if this means handing over the Fort Worth Five for extradition by the British.

Today I received a letter from the prisoners and am inserting it in the Record at this point:

TARRANT COUNTY JAIL,
Fort Worth, Tex., September 10, 1970.
Congressman BENJAMIN S. ROSENTHAL,
Washington, D.C.

DEAR SIR: Again we thank you for your President (sic) efforts on behalf of "the Fort Worth Five" here in Texas, studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our Predicament by being torn from wives children & friends.

* Claude G. Bowers in his book "The Young Jefferson" Page 89 + 90 (Published by Houghton Mifflin Co) tells that Jefferson strongly opposed the English idea of moving People from their home area, to be tried or questioned in Another area, This was a Point (sic) he raised before the Revolution.

When the English demanded that a man in Boston be tried in England, before a middlesex Jury before whom witnesses were to be forced, Jefferson exploded in wrath, although, as he said there expenses (sic) were to be Paid (sic), who would feed the wives & children left behind? Jefferson Points out that the Victim, stripped of trial by his Peers in his own area, without counsel (we were denied ours) without exculpatory Proof & brought before Judges Pre-determined to condemn (as Judge Brewster showed) "Ah the cowards who would suffer a man to be torn from the bowels of his society in order to be offended (sic) a sacrifice to Parliamentary (sic) tyranny, would merit that everlasting infamy now fixed on the authors of the act.

There is no doubt that as you & other gallant Senators & Congressmen are doing Thomas Jefferson too, would do on our behalf.

Yet what Thomas Jefferson condemned (sic) is being restored by his successor Richard Nixon, on behalf of England, in our case, we are torn from our wives, children, neighbors, Peers & livelihoods, to Texas, and the strange ways of they Dept. (sic) of Justice finally admit they have no charges against us.

Mr Olson cancels his appointment with Senators & Congressmen 12 minutes before he was to discuss our case with them

The People of the U.S. are being deprived of their freedom, by the new Archie Bunkers in Washington

Mr Nixon refutes the Principals of Presidents, Jefferson, Lincoln, Eisenhower, Kennedy, Johnson,

There a song says "If I had a hammer, "Id ring out a warning" All over this land

Very sincerely

MATTHIAS REILLY,
THOMAS LAFFEY,
DANIEL CRAWFORD,
KENNETH TIERNEY,
PASCHAL MORAHAN.

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues in protesting the disdain shown to Members of Congress by high-ranking administration officials, in connection with our inquiries concerning the unusual imprisonment procedures imposed on five New York area Irish Americans now jailed in Texas.

I personally asked the Attorney General, Mr. Kleindienst, to furnish me all the background details on this situation over a month ago, and have received no reply.

My inquiry to the President along the same lines has been acknowledged, but no further information has been received as yet.

Last Thursday, like a number of other Members, I took time out to attend a meeting with Mr. A. William Olson, Chief of the Justice Department's Internal Security Division, which had been arranged by our colleague from New York

(Mr. WOLFF), only to find the meeting had been canceled with virtually no notice as I was proceeding on my way to the meeting.

The high-handed manner in which this entire situation has been handled not only demeans Congress, but raises the frightening specter of totalitarianism that is revolting to our sense of justice.

The information available to me indicates that these New York area residents have been thrown into jail in Fort Worth, Tex., without bail, on suspicion of having been involved in furnishing arms to certain factions in Northern Ireland.

Surely, in the 10 weeks these men have been in jail, the Government has had time to make a case. If available evidence will not support an indictment, they should be freed immediately. If evidence is sufficient to hold them, they have a right to a reasonable amount of bail.

If the rights of these men cannot be protected, it will not be long before the rights of all may be in jeopardy.

We must do everything possible to redirect this course the Government now seems to be taking.

Mr. KOCH. Mr. Speaker, my concern for the Fort Worth Five is that they receive their constitutional rights and all due process. I am not in any way commenting on the merits of the matter in that I simply do not have the facts to do so. But I believe that the constitutional defenses which they have raised must ultimately be resolved by the Supreme Court and pending that resolution, I believe they are entitled to bail.

Mr. BINGHAM. Mr. Speaker, I want to commend my colleague from New York (Mr. WOLFF) for organizing this special order on the imprisonment of five Irish-Americans in Fort Worth, Tex., and I want to again express my concern over this situation, along with my other colleagues who are participating in this discussion.

Just today, Mr. Speaker, I happen to have received a handwritten letter from these imprisoned men—the second I have received in recent weeks. This letter is most interesting in that it comments on some recent efforts by Members of Congress, myself included, to learn more about this case, and it contains some historical perspective in the form of a description of Thomas Jefferson's views of the kind of outrageous procedures to which these five men have been subjected. I wish to include the text of the letter at this point in my statement:

DANIEL CRAWFORD,
Tarrant County Jail,

Fort Worth, Tex., September 10, 1972.
Congressman BINGHAM.

DEAR CONGRESSMAN: Again we thank you for your persistent efforts on behalf of the "Fort Worth Five", here in Texas. Studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our predicament, by being torn from our wives, children and friends.

Claude G. Bowers, in his book, "The Young Jefferson," pages 89 & 90, published by Houghton, Mifflin Co., tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area. This was a point he raised before the Revolution when the English demanded that a man (in the City of

Boston) be tried in England, before a Middlesex Jury, before whom witnesses were to be forced. Jefferson exploded in a wrath. Although, as he said, their expenses were to be paid, who would feed the wives and children left behind? Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel (we were denied ours), without friends, without money (our counsel giving their services free) and without exculpatory proof and brought before judges pre-determined to condemn (as Judge Brewster showed): "Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the Act."

There is no doubt that as you and other gallant Senators and Congressmen are doing, Thomas Jefferson, too, would do on our behalf.

Yet, what Thomas Jefferson condemned is being restored by his successor Richard Nixon, and on behalf of England, in our case. We are torn from our wives, children, neighbors, peers, and livelihoods, to Texas, and the strange ways of the Department of Justice finally admit they have no charges against us. Mr. Olsen cancelled his appointment with Senators and Congressmen, 12 minutes before he was to discuss our case with them.

The people of the U.S. are being deprived of their freedom by the new Archie Bunkers in Washington. President Nixon refutes the principals of President Jefferson, Lincoln, Eisenhower, Kennedy and Johnston (sic).

There is a song says "If I had a hammer, I'd ring out a warning"—"All over the land."

Yours sincerely,

DANNY CRAWFORD,
MATTHIAS REILLY,
KENNETH TIERNEY,
PASCHAL MORAHAN,
THOMAS LAFFEY.

Mr. Speaker, I have said from the beginning that the treatment being given these men constitutes harassment by the administration which ought to be promptly ended by releasing them from prison and enabling them to return to their families. I strongly suspect that our government has been put up to this by Britain, which is only another example of what I have frequently called the "pussyfooting" with which our Government deals with the British on the matter of the future of Northern Ireland.

Mr. Speaker, I voted against the act of Congress under which these men have been forced to travel to a city they have never even visited and have been imprisoned without bail and without charges for an indefinite period. That law permits the Government to offer immunity from prosecution to witnesses before Federal grand juries, and to jail them for the life of the grand jury if they refuse, despite the offer of immunity, to testify. That is part of the 1970 Organized Crime Control Act. It was presented to the Congress as a tool for cracking down on organized crime. Instead, it is being used as a tool with which to stifle political views that may be unpopular or embarrassing to our own or friendly governments, and to harass political groups.

There is evidence that the use of this law for political harassment is not confined to the example of the case of the "Fort Worth Five." I noted in the September 2, 1972, issue of the New York Times an article by Alexander C. Hoff-

man, vice president of Doubleday publishers. In that article, Mr. Hoffman describes how the Federal Government has used the grand jury to harass and intimidate those associated with the circulation of the Pentagon papers, and I wish to include that article at this point in my statement:

[From the New York Times, Sept. 2, 1972]

HAPPY BIRTHDAY, BIG BROTHER

(By Alexander C. Hoffman)

It is hard to believe that as we approach the 200th anniversary of this country's founding the F.B.I. and the Justice Department are compiling lists of contributors to a church and it is again necessary to worry about religious freedom, freedom of association and freedom of the press. However, when one considers the actions of the Justice Department against the Unitarian Church and its small book-publishing arm, The Beacon Press, one feels both dismay and outrage. Briefly, this is what has happened.

In June 1971, after excerpts from the Pentagon Papers appeared in The New York Times and other newspapers, Senator Mike Gravel of Alaska placed the complete papers in the public record before his Senate subcommittee and released copies to the press. In July 1971, Senator Gravel approached the Unitarian Universalist Association and its publishing arm, The Beacon Press, concerning their willingness to publish the papers in book form in order to make the complete record available to the public in schools and libraries. The same month Bantam Books published a single volume condensation.

In August, Beacon agreed to proceed with the project and announced their intention to publish. On Oct. 10, 1971, the Government published its own edited twelve-volume version. Finally, on Oct. 22, 1971, Beacon published its four-volume edition which was drawn entirely from the public record established and furnished by Senator Gravel. What followed is frightening.

On Oct. 27, F.B.I. agents appeared at the bank of the Unitarians and Beacon in Boston and demanded copies of all records of both organizations for the period June 1 to Oct. 1, including sources of contributions and income to the Unitarian Church and Beacon as well as disbursements. The bank did not comply until Federal marshalls presented a grand jury subpoena on Oct. 29, but then did so without notifying the church or Beacon of what was going on. They were notified by an official of the bank informally about a week later. Later, Gobin Stair, director of Beacon Press, and another Unitarian church official, were subpoenaed to appear before a Federal grand jury considering criminal charges against them.

On Nov. 5, 1971, with the help of Senator Gravel's attorneys, the Unitarians and Beacon were able to obtain a temporary court stay of the F.B.I.'s activities at the bank pending resolution of Senator Gravel's appeal to the Supreme Court that concerned both his Congressional immunity and the extension of this immunity to Beacon. The grand jury subpoenas were also withdrawn pending outcome of this case. On June 29, 1972, the Supreme Court ruled 5 to 4 against Senator Gravel, and on July 24, 1972, the last of the temporary injunctions ran out. The Justice Department is now free to resume its pursuit of the case, and it appears it intends to do so.

Two things are important to understand about this case. First, what is at stake here transcends party politics (I happen to be a lifelong Republican) and does not involve the difficult judgment concerning the propriety of the original release of the Pentagon Papers. For better or worse, the papers were in the public domain from the outset of Beacon's involvement in the project. They view

putting this information in book form as a public service, and they will undoubtedly lose money on it.

Second, it follows that what the Government is doing in this case is using the grand jury process to harass, intimidate and thereby restrict the broader dissemination of information already in the public domain which the Government does not want to have broader circulation. There are already a number of indications it is succeeding:

Many inquiries from Unitarians who are aware of the situation as to whether one's name will appear on an F.B.I. list if he purchases the books;

Almost complete lack of coverage of this case in other media, particularly broadcast media, although it has been brought to their attention through the Association of American Publishers;

Reluctance of people to apply for jobs with the Unitarians and Beacon;

Potentially disastrous legal costs.

This case is a threat to the entire publishing industry because it provides a chilling example of how the Government can make any publisher, large or small but particularly small, hesitate to publish controversial material even after it is in the public domain if they can be subjected to the harassment and cost of grand-jury investigation and the sweeping stigma of "possible criminal activity." (In this case the Justice Department will apparently claim that Beacon was guilty of criminal activity in acquiring and not returning stolen Government documents, even though the entire contents of their books were already part of the public record—a line of reasoning that suggests either Lewis Carroll or Joseph Goebbels.)

I believe that we can ignore this as someone else's problem only at our own great peril. A precedent like this must not go unchallenged, and perhaps the best challenge is the strong expression of public opinion.

Mr. Speaker, I have recently joined with a number of other Members of the House in urging our colleague from New York, the distinguished dean of the House and chairman of the Judiciary Committee (Mr. CELLER) to convene hearings at the earliest possible date to look into the use and apparent misuse of this statute as illustrated by the Fort Worth Five and other cases, and I shall continue to press for such hearings and revision of this ill-conceived law so as to prevent such outrageous action as has befallen Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan, and Daniel Crawford. I have had an opportunity to meet the wives of a number of these men and to hear first-hand from them what their husbands are undergoing, and I join with them in a renewed appeal for the release and return of these men.

Mr. Speaker, political internment by the British is a reprehensible practice which should be promptly ended. Here, now the British Government has apparently prompted our own Government to engage in internment, and that should not and cannot be allowed to continue. As I stated in my original telegram to Attorney General Kleindienst upon learning of this matter on June 30, 1972:

... wind up this apparently trumped up proceeding promptly and allow these witnesses to return to their homes and families.

When that is done, it is incumbent upon this Congress to revise the laws relating to immunity before grand juries to prevent any further use of this authority for such intimidation and stifling of political opinion.

FUTURE OF ALABAMA RECREATION CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

Mr. DICKINSON. Mr. Speaker, my native State of Alabama is two-thirds woodlands—thousands upon thousands of acres of forests that abound with wildlife of all types and that are traversed by countless rivers and streams that largely have remained pure and unpolluted. We take great pride in these natural resources, Mr. Speaker, and we want to do everything we can to retain them for the enjoyment of all Alabamians in future years.

Among the valued resources in Alabama are four national forests—William B. Bankhead National Forest, Talladega National Forest—two divisions—Tuskegee National Forest and Conecuh National Forest. Conecuh National Forest is located in my congressional district, and it was my privilege recently to tour the forest and become familiar with some of the problems associated with it. By taking some time on the floor of the House today, I hope to call the attention of the Congress to some of these problems so, hopefully, steps can be taken to correct them.

Mr. Speaker, one of the major problems facing Conecuh National Forest is neglect. While the U.S. Forest Service personnel assigned to the forest are among the most dedicated and competent I have ever met, they need more money and more help if we are to bring Conecuh National Forest up to the standard it should be.

Specifically, Mr. Speaker, the Forest Service needs funds to complete development of the recreation area. Work was begun several years ago, and several thousands of dollars have already been spent under the accelerated public works for paving roads and preliminary work on preparing camp sites at the recreation area. However, the area is underutilized because it is not finished—it is false economy for us to refuse to spend money to add much-needed bathhouse and toilet facilities to benefit the people of south Alabama.

Of even more importance is the dire need for the Forest Service to fully implement its multiple-use concept which was adopted over 12 years ago. As originally conceived multiple-use practices include timber, wildlife, water, range, and recreation. However, I am informed that only one wildlife technician is employed by the Forest Service in the State of Alabama. Less than \$20,000 is allotted for fish and wildlife purposes; yet, over four times as much money will be spent in the State for forestry practices than will be spent on all other multiple-use practices combined. This must be reversed, Mr. Speaker.

The U.S. Forest Service has advised me that a wildlife and fish habitat survey of Conecuh National Forest has recently been completed. That survey reveals that, to fully develop habitat potential, including full implementation of coordination opportunities during the course of timber, road building and other activities, \$60,000 per year will be required for

the next 10 years. That is a small sum, Mr. Speaker, to maintain one of our most precious assets in south Alabama—Conecuh National Forest and its wildlife—but it should be emphasized that a "single shot" amount will not suffice. If we are to have a meaningful program, it must be on a sustaining basis. Managers of the forest should know that funds will be forthcoming to keep the program going.

Mr. Speaker, I urge the Appropriations Committee to appropriate adequate funds for the U.S. Forest Service to fully implement its multiple-use concept. I also urge the Forest Service to take another look at the Conecuh National Forest and keep its commitment to the people of Alabama.

URBAN MASS TRANSIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today the Banking and Currency Committee, which has targeted September 14 as the date of passing an omnibus housing bill, took action on chapter VII which deals with urban mass transit. The chapter, as written, provides for an authorization of \$400 million subsidy over the next 2 years, as well as an increase in the contract grant authority from \$3 billion to \$6.1 billion and an increase in the Federal grant share from 66⅔ to 80 percent.

The increase in grant authority and in the Federal share for capital grants is welcome news indeed. This conforms closely to the language of the Senate bill and bodes well for future transit development. I support this section of the bill enthusiastically.

However, the operating subsidy of \$400 million is, in my judgment, a dreadful error.

In the first place Secretary Volpe opposes it very strongly as not being consistent with priorities established by his Department. Secretary Romney reaffirms that position. Secretary Romney quotes the Office of Management and Budget and the administration as holding similar feelings.

The Department of Transportation indicates that its primary priority is on capital grants. It sees its responsibility as extending new and improved transit services, routes, and equipment wherever it can do so. Its second priority is on research, development, and demonstration projects which will provide, or prove the new technologies that will make transit popular and provide alternate transportation options to the people of this country.

Personally, my top priority would be research, development, and demonstration, but I must agree that capital grants are terribly important also. The last priority, of course, would be direct funding of operating expenses.

DOT has attempted to help local governments in this respect by suggesting, first, a single transportation fund; second, a special transportation revenue sharing program; third, the use of the highway trust fund for transit purposes; and fourth, the possibility of a new

transit trust fund. At this time none of these seem to be politically acceptable.

Under the \$400 million expense for operating expenses, there will be no extension of services nor any new routes and no improvement of equipment. The only beneficiaries of this expense will be those people who are already riding existing transit systems. Those who are already riding transit systems clearly are bearing less of a burden than those who have no systems and need them badly, and who will profit most by the development of transit through capital grants.

The formula, based on ridership, favors the big urban centers, and in fact, more than one-third of the money in the House bill would go to New York City. Because the formula is based on ridership, those cities with large existing systems will always get the lion's share of the money, and our small urban centers and rural areas will be cut out.

In addition, the operating subsidies of \$400 million subsidizes obsolete transit systems. If the money, on the contrary, is used for capital grants, it will be used to develop newer systems and modern systems far more attractive to new riders and which may lure American commuters from their second or third cars.

Since the Appropriations Committee has limited the total expenses of UMTA to \$1 billion, any funding of operating subsidies must be deducted either from the overhead expenses of UMTA, its R.D. & T. program or its capital grants. Obviously the operating subsidy should have lowest priority and should not be accepted at this time.

When this bill appears before the House, it will be my intention to offer an amendment to strike the operating subsidy section from the bill.

SOCIAL SECURITY PASS-ALONG BILL

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, Congress, on June 30, voted a 20-percent across-the-board increase in social security benefits. The principal beneficiaries of this increase, which is to be effective October 1, will be our older Americans.

In recent years, the cost of housing, food, and other consumer goods and services has risen dramatically. The 20-percent increase was intended simply to assure that social security benefits keep pace with inflation and the rapidly rising cost of living that continue to erode the fixed incomes on which many older Americans must live.

Mr. Speaker, as chairman of the Select Subcommittee on Education, which has jurisdiction over Older Americans Act programs and as sponsor of the comprehensive older services bill, which the House passed earlier this year, I am particularly concerned about the plight of many of our older citizens who are living at or near poverty level, and I was therefore greatly encouraged by the social security increase.

Mr. Speaker, I regret, however, that the full social security increase may not be realized by a large number of older

Americans. Many older, blind and disabled Americans will find, in fact, that, although social security benefits have been increased, other forms of public assistance for which they had qualified will be cut or withdrawn.

Among the hardest hit will be social security beneficiaries who also qualify for Medicaid. A slight increase in social security benefits, for example, may cause an individual's income to exceed the minimum standards for Medicaid eligibility and, thereby, disqualify him from any participation in the program.

Mr. Speaker, the impact for many of the recently enacted social security increases will, therefore, be a reduction in the total sum of benefits now received under related public assistance programs.

Mr. Speaker, Congress must act immediately to avoid the extreme hardship which will befall many of our older, blind, and disabled citizens. Congress must act to assure that the full increase be passed along to all social security beneficiaries and guarantee that the elderly, blind, and disabled continue to receive all the benefits under related public assistance programs for which they qualified prior to the implementation of the social security increase.

Mr. Speaker, the legislation which I am introducing today is intended to guarantee that the full benefits of the social security increase will be realized. I urge the Ways and Means Committee to give this bill the highest priority and expedite its consideration so that Congress can approve this measure before it adjourns this fall.

COMMUNITY DISASTER GRANTS PROGRAM NEEDS SOME IMPROVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I am introducing today an amendment to the Disaster Relief Act of 1970 which is neither exceedingly lengthy nor particularly sweeping. It has merely been shown to be quite necessary. Section 241 of the Disaster Act of 1970 directs itself to providing grants to communities which lose property tax revenues as a result of a Presidentially declared disaster. Such grants are to be provided in an amount equal to the difference between a 3-year average of property taxes collected in that municipality and the disaster year collections.

Sounds good on paper, does it not? You have a disaster, you average your property taxes for 3 years, and you get a nice check from the Federal Government. Speaking from direct and indelible experience, it does not work. Plain and simple, it does not work. Da Vinci designed the helicopter in Renaissance days—good idea, but it did not work.

Briefly, the problem is this. Local services by local governments have never been in higher demand—you know the list, garbage, sewers, police, firemen, ad infinitum. Furthermore, with inflation and rising wages, these services cost

more. The result is a constantly and sharply rising tax bill on the part of the local governments, and the experts tell us this will continue to be the case. A 3-year average of such a rising curve results in a deceptively low figure.

In the Wilkes-Barre disaster area not one single municipality was eligible for a grant under the program for more than a mere pittance. And I can virtually guarantee that should this happen again elsewhere—should there be a major disaster in your district—you will find the same case with each and every community in your district. Wilkes-Barre, Pa., is now a great laboratory—not by choice mind you, but nevertheless it is. The results of what is going on in that laboratory are pouring out faster than anyone can document; however, one of the first and most obvious and most painful realizations was that the community disaster grant program was basically unworkable.

That it is unworkable is no one's fault, for the intent of Congress is made absolutely clear; that is, to provide for the shoring up of local tax bases which have been seriously eroded as a result of a major disaster. The intent of the Congress was to provide short-term Federal aid to replace temporarily lost revenues which had been generated at the local level. The intent of my amendment is exactly the same thing—shore up the tax base, make short-term Federal aid a realistic expectation, and finally to make it possible for the local governments to "take a deep breath" and recover quickly.

One last point, I have included all locally generated revenues as part of my amendment to the Disaster Act community grant program. I have done this for two reasons. First, property taxation has become controversial and litigation is pending concerning its use for education funds from the county courts to the Supreme Court. It does not require any extraordinary powers of prophesy to foretell that the property tax may not be a viable source of income for local governments in the years to come. Second, and more importantly, the property tax is but a mere portion of taxes and other revenues collected and generated at the local level. The devastation which occurs in a major disaster does not discriminate between which portion of the tax base it erodes, nor does it strike at this revenue source here and miss that revenue source there—the erosion is complete. Parking meters and parking fines as sources of revenue become nonexistent because there is no downtown parking area. Sales taxes go to near zero, and any wage tax suffers from the extreme unemployment problems which follow any major disaster. Permit and license fees are drastically reduced to a point where anticipated collections become totally illusory. In short, all locally generated revenues are affected by such sweeping tragedies as this amendment would encompass.

Mr. Speaker, it is not often that the opportunity to correct a law is based on such immutable and irrefutable evidence as has been demonstrated with the community disaster grant program. This experience has been hard and the evidence won by that suffering cannot go ignored

and unheeded. Passage of this amendment will seize such an opportunity.

A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Disaster Relief Act of 1970 (42 U.S.C. 4460) is amended to read as follows:

"COMMUNITY DISASTER GRANTS

"Sec. 241. (a) The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of revenue. Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. A grant under this section for the tax year in which the major disaster occurred shall not exceed the difference between the total revenue received by the local government for such year and the total revenue provided for in the budget of the local government which was in effect for such year. For each of the two tax years following the major disaster, a grant under this section shall not exceed the difference between the total revenue received by the local government for the tax year for which the grant is made and the total revenue provided for in the budget of the local government which was in effect for such year.

"In no case shall a grant for the tax year following a major disaster exceed the difference between the total revenue received by the local government for the tax year for which the grant is made and an amount equal to 110 per centum of the total revenue provided for in the budget of the local government which was in effect for the tax year in which the major disaster occurred. In no case shall a grant for the second tax year following a major disaster exceed the difference between the total revenue received by the local governments for the tax year for which the grant is made and an amount equal to 120 per centum of the total revenue provided for in the budget of the local government which was in effect for the tax year in which the major disaster occurred.

"(b) For purposes of this section, the term 'revenue' includes revenue generated by the local government derived from property taxes (both real and personal) and other taxes, permits, licenses, fines and costs, departmental earnings, refunds, and reimbursements."

Sec. 2. The amendment made by the first section of this Act shall take effect with respect to grants to local governments for losses resulting from major disasters which occur after June 1, 1972.

MATSUNAGA PROPOSES AID TO REBUILD FLOOD-RAVAGED PHILIPPINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, at the same time hurricane Agnes was winding her destructive way up the eastern coast of the United States, the Republic of the Philippines was suffering from severe flooding of its own, brought on by 2 full months of steady rain.

Some villages in the flood areas, in the central part of Luzon, are still underwater. A fourth of the country's rice crop was wiped out. Four hundred lives were lost. The rains wreaked more destruction through steady, day-after-day

showers, than had any typhoon or tidal wave in Philippine history.

Although the United States has already responded splendidly to humanitarian appeals for assistance to flood victims, much more needs to be done. The immediate effort was to distribute food and other disaster relief supplies to individuals and families victimized by the floods. Now, however, attention needs to be directed to repairing the damage done to the country's economic infrastructure.

That is why I am introducing today a bill which would authorize the appropriation of \$30 million for the repair and replacement of roads, bridges, and buildings ravaged by the floods. These vital public facilities must be put into operation again if the Philippines are to recover anytime soon. The \$30 million represents only a fraction of the total need, but it will help the Filipinos to get started on a massive task of reconstruction which confronts them.

Economists have estimated that the Philippine economy has been set back several years by the floods, and there unquestionably is an urgent need for immediate assistance. The United States and the Philippines have long had a special relationship with each other. In fact, we Americans helped to bring them into the world as a new nation. While American interests, as well as general humanitarian goals, would be served by the enactment of my proposed legislation, there is the deeper emotional tie akin to foster parent and child relationship. We have gone to the immediate assistance of peoples with lesser ties. We must not fail our dear friends and allies of long standing, the Philippines.

At this point I submit the text of my bill for the RECORD:

H.R. 16637

A bill to amend the Foreign Assistance Act of 1961 to provide for assistance to refugees and other flood victims in the Republic of the Philippines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by adding at the end thereof the following new section:

"Sec. 492. Philippine Flood Relief Assistance.—There are authorized to be appropriated to the President for the fiscal year 1973, in addition to funds otherwise available for such purposes, not to exceed \$30,000,000, to remain available until expended, for use by the President in providing assistance for rebuilding, repairing and replacing of public roads, bridges and buildings damaged or destroyed in the 1972 floods in the Republic of the Philippines."

LET US MAKE CITIZENSHIP SOMETHING TO RESPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, every citizen is guaranteed the constitutional right against self-incrimination. Every citizen is also protected from the unwarranted intrusion and snooping by governments into his personal life.

But if you are not a citizen and want to become one, these rights and protec-

tions do not apply. Indeed, in order to become an American citizen, you are called upon to incriminate yourself and to make public the full details of your personal life.

Current procedures for naturalization, which are sanctioned by law, are summarized in form N-400, "Application To File Petition for Naturalization." Form N-400 is a 4-page personal questionnaire which is used in open court for all to hear and question. The form asks, among other questions, whether you have ever been a drunkard, whether you have ever made a bet, whether you have ever even advocated the possibility of polygamy, whether you have ever committed any infraction of the law of any country you have lived in, including traffic violations or any violation of the repressive laws of Communist countries. You must list infractions of the law for which you were not arrested and you must also show that you have never acted in any way that could be questioned by almost anyone else's moral standards. You can be denied citizenship if you answer yes to these sort of questions or if you answer no, and are even slightly incorrect.

Mr. Speaker, the American people are not an immoral people, but I suspect that if all Americans had to apply for citizenship this way, there would be very few citizens—even among immigration officials.

This insulting and, perhaps, unconstitutional procedure for naturalization is the reason why nearly 4 million registered aliens live in the United States on a permanent basis, but do not apply for citizenship. They would like to become citizens—they surely pay taxes, contribute to America, and face the same everyday problems of Americans—but they will not submit to form N-400.

Form N-400, which is based upon section 101(f) of the Immigration and Nationality Act of 1952, is a throwback to an earlier self-righteous and discriminatory era. It must be changed.

I am, today, introducing legislation to amend section 101(f). The new 101(f) will provide just three grounds for questioning a person's moral character: A conviction of murder, trafficking in dangerous narcotics, and willful, knowing violation of the immigration laws. The new section 101(f) would provide ample protection for our country, without the present humiliating citizenship procedure.

This is not the first time I have made this issue public. A few weeks ago, when I brought form N-400 to the public's attention, great interest was shown in the newspapers, for example the New York Times, and the electronic media, like WCBS radio. I would hope my colleagues show as strong an interest in my legislation to correct this situation.

After all, citizenship hearings should be an event to look forward to, and remember with pleasure, not something reminiscent of the Inquisition.

PENTAGON AUDITORS QUESTION \$44.5 MILLION PAYMENT TO LOCKHEED

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Navy is paying costs totaling \$44.5 million for 13 antisub aircraft that the Defense Contract Audit Agency has "questioned" and, in part, considers "unsupported."

I am today publicly releasing the DCAA report which asserts that more than \$44.5 million sought by Lockheed, the builder of the S-3A antisub jet, does not appear justified.

I am also calling upon Navy Secretary John Warner to publicly explain why Lockheed has been given an extra \$40 million despite the Defense Contract Audit Agency's report. It appears that Lockheed is receiving a huge and unjustified gift for its work on a program that is already deeply in trouble.

My colleagues should know that Lockheed officials have already told the Navy informally that they hope to seek relief on the S-3A contract within the next several years. But, because it is an election year, Lockheed refuses to put anything in writing.

The DCAA, which is the Pentagon's Audit Agency, was checking on a Lockheed proposal to build 13 of the S-3A aircraft at a proposed cost of \$244.5 million. The Navy has decided to pay \$227.3 million for the planes, \$44.5 million of which was questioned by DCAA. But the Agency found that Lockheed had no auditable data supporting the contractor's proposed target cost.

The DCAA also criticized Lockheed for denying DCAA access to all of Lockheed's books.

DCAA said:

The contractor has consistently denied us access to budgets. It is the opinion of this office that this budgetary information is required to effectively discharge our audit mission. . . . Accordingly, the results of this audit qualify to the extent that audit rates or findings would be altered if access to the budgets were granted.

I hope that the Lockheed Corp. will grant the Pentagon's audit agency complete access to books and records. The result of Lockheed's refusal is only to cast a serious shadow of doubt about legitimacy of their claims for costs on the S-3A aircraft.

Overall, the entire S-3A program of 199 aircraft is expected to cost \$3.1 billion. Total cost overruns on the program are now estimated at \$260 million.

AMERICAN LEGION'S 54TH ANNUAL NATIONAL CONVENTION

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

Mr. ICHORD. Mr. Speaker, a great civic-minded organization, whose very existence is looked on with pride and appreciation for the wonderful service done on behalf of every American, held its 54th annual National Convention in Chicago, Ill., August 22-24, 1972. I have reference to the American Legion which over the years has served admirably in its dedication to the preservation of our liberty and our cherished institutions of freedom.

At a period of time when it seems that

we are continually confronted with turmoil and strife from within our borders, it is indeed heartening to find an organization which is totally dedicated to our country and which holds true to the guiding principles upon which our Nation was founded. In keeping with the historic role of the American Legion, the National Convention announced its support of programs which assure an adequate defense for the Nation.

The Legion has traditionally made great efforts to inform its close to three million members as well as the Congress of all aspects of issues important to our national welfare. In its continuing goal to keep America forever free, several important resolutions were adopted by the Legion's National Convention within the sphere of interest of the House Committee on Internal Security. These include Resolution 171—Subversive Activities Control Board—which calls on the Senate to act favorably and promptly on H.R. 9669—reported out by the Committee on Internal Security and overwhelmingly passed by the House; Resolution 405—Support of the House Committee on Internal Security and the Senate Internal Security Subcommittee; and Resolution 499—Aid and Comfort to the Enemy—which is designed to cope with the activities in North Vietnam of individuals, such as Miss Jane Fonda. I am most appreciative of the Legion's commitment to the national security and its active support of the work of the Committee on Internal Security. I commend my colleagues' attention to the texts of these resolutions which follow:

RESOLUTION No. 171—SUBVERSIVE ACTIVITIES CONTROL BOARD

Whereas, The Subversive Activities Control Board can be an effective force in combatting internal subversion within the United States; and

Whereas, The United States adopted an amendment of the Appropriations Bill cutting off all funds for the Subversive Activities Control Board; and

Whereas, the House of Representatives has overwhelmingly passed H.R. 9669, which grants legislative approval to the Executive Order enlarging the jurisdiction of the Subversive Activities Control Board to cover investigation of communist, fascist, totalitarian, subversive and violence-oriented groups; now, therefore, be it

Resolved, by the American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion memorialize the Senate of the United States to act favorably and promptly on H.R. 9669; and, be it further

Resolved, that copies of this resolution be dispatched to the United States Senators and to the President of the United States.

RESOLUTION No. 405—SUPPORT THE HOUSE COMMITTEE ON INTERNAL SECURITY AND THE SENATE INTERNAL SECURITY SUBCOMMITTEE

Whereas, The House Committee on Internal Security and the Senate Internal Security Subcommittee have clearly proved their worth to the Nation and its security by exposing, through their investigations, the working of the Communist conspiracy within the United States; and

Whereas, the current expansion of activities on the part of the Communist Party, USA, recent revelations by the Director of the FBI, and the decisions of the Supreme Court, which emasculated the internal secu-

rity legislation of the United States, have made even more clear the necessity for continued action on the part of these Congressional Committees; now, therefore be it

Resolved, by the American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion again express its confidence in the work of the House Committee on Internal Security and the Senate Internal Security Subcommittee as important instruments for the exposure and eradication of the Communist menace within our borders; and, be it further

Resolved, That this organization does urge the said committees to continue vigorously in the work which they have so well undertaken in the years past; and, be it further

Resolved, That the American Legion petition the Congress to appropriate sufficient funds to enable these committees to extend and expand their activities.

RESOLUTION No. 409—AID AND COMFORT TO THE ENEMY

Whereas, These United States have been engaged in an armed conflict with the armies of North Vietnam for the purpose of preserving the right of the people of South Vietnam to govern themselves; and

Whereas, A substantial portion of our forces so engaged have now been withdrawn by the President, thus greatly increasing the vulnerability of the remaining forces to enemy action; and

Whereas, Certain individuals are reported to have been engaged in activities in North Vietnam that are detrimental to the safety of our remaining forces and to the interests of the United States; i.e., giving aid and encouragement to the forces of North Vietnam; and

Whereas, Such activity not only weakens the morale of our armed forces, but seeks to destroy their effectiveness as fighting or supporting units and causes a lengthening of the conflict; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion call upon the President of the United States and the Department of Justice to make a complete and detailed investigation of such individual activities and, if the law of the land has been violated, to cause each individual who has been so engaged to be prosecuted in accordance therewith.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CELLER, for 1 hour, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HANSEN of Idaho) to revise and extend their remarks and include extraneous material:)

Mr. DICKINSON, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. BRADEMAS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. DENT, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JACOBS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$595.

Mr. FOUNTAIN, and to include extraneous matter, notwithstanding the fact that it is estimated to cost \$425, his special order of September 12.

(The following Members (at the request of Mr. HANSEN of Idaho) and to include extraneous material:)

Mr. MCCLOSKEY.

Mr. FRENZEL.

Mr. ZWACH.

Mr. HOSMER in two instances.

Mr. KEATING in two instances.

Mrs. HECKLER of Massachusetts.

Mr. STEIGER of Wisconsin in two instances.

Mr. DERWINSKI.

Mr. VEYSEY.

Mr. WHITEHURST.

Mr. HALPERN in five instances.

Mr. MATHIAS of California.

Mr. GOLDWATER.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. GAIAMO in two instances.

Mr. CORMAN.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ECKHARDT.

Mr. FLOOD.

Mr. DRINAN.

Mr. DOWNING.

Mr. LEGGETT.

Mr. WILLIAM D. FORD.

Mr. ANNUNZIO in two instances.

Mr. FLYNT.

Mr. JACOBS.

Mr. VAN DEERLIN.

Mr. BOLLING in two instances.

Mr. LONG of Maryland.

Mr. MATSUNAGA.

Mr. BRASCO in two instances.

Mr. WALDIE.

Mr. WOLFF in two instances.

Mr. ASHLEY.

Mr. PICKLE in six instances.

Mr. HARRINGTON in two instances.

Mr. DANIELS of New Jersey.

Mr. KOCH in three instances.

Mr. HANNA in two 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. 3822. An act authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State highway commission of the State of Iowa, to the committee on public works.

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. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates;

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery;

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 12, 1972 present to the President, for his approval, bills of the House of the following titles:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech; and

H.R. 10635. An act for the relief of William E. Baker.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until Thursday, September 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2326. A letter from the Secretary of Agriculture, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, by an officer of the Forest Service, Department of Agriculture, pursuant to section 3679(1) (2); to the Committee on Appropriations.

2327. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233(a) (1); to the Committee on Armed Services.

2328. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a semiannual report of third country transfers of U.S. origin defense articles granted under section 3(a) (2) of the Foreign Military Sales Act during the period January 1 through June 30, 1972; to the Committee on Foreign Affairs.

2329. A letter from the Comptroller, Defense Security Assistance Agency, transmitting a report covering the period April 14 through June 30, 1972, on excess defense articles to be furnished to foreign governments under the military assistance program, pursuant to section 8(d) of Public Law 91-672; to the Committee on Foreign Affairs.

2330. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in dockets Nos. 282-A through 282-L, *The Eastern Band of Cherokee Indians, Plaintiff, v. The United States of America, Defendant*,

pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2331. A letter from the Acting Comptroller General of the United States, transmitting a report on the need for a national earthquake research program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4865. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved; with an amendment (Rept. No. 92-1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1116. A resolution providing for the consideration of H.R. 15003. A bill to protect consumers against unreasonable product hazards. (Rept. No. 92-1399). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO:

H.R. 16632. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 16633. A bill to amend title 5, United States Code, to provide for a job placement index in the Civil Service Commission; to the Committee on Post Office and Civil Service.

By Mr. FRASER (for himself, Mrs.

ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mr. BADILLO, Mr. BEGICH, Mr. BEVILL, Mr. BLANTON, Mr. BOLAND, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CLARK, Mr. CONYERS, Mr. DANIELS of New Jersey, Mr. DRINAN, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. GALLAGHER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. MEEDS, Mr. MITCHELL, and Mr. KARTH):

H.R. 16634. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medical programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally-assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr.

MOSS, Mr. NEEDZ, Mr. RARICK, Mr. REES, Mr. REID, Mr. REUSS, Mr. ROSENTHAL, Mr. SIKES, Mr. THONE, Mr. WALDIE, Mr. YATES, Mr. DENHOLM, Mr. GUDE, Mr. MYERS, Mr. O'NEILL, Mr. CHARLES H. WILSON, Mr. SARBANES, and Mr. ROE):

H.R. 16635. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medical programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally-assisted program) will not have the amount of such aid or assistance reduced because of

increases in monthly social security benefits; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 16636. A bill to protect the maintenance and operation of community schools, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 16637. A bill to amend the Foreign Assistance Act of 1961 to provide for assistance to refugees and other flood victims in the Republic of the Philippines; to the Committee on Foreign Affairs.

By Mr. MOORHEAD:

H.R. 16638. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 16639. A bill to amend the Immigration and Nationality Act of 1952; to the Committee on Judiciary.

By Mr. ROY:

H.R. 16640. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. SISK:

H.R. 16641. A bill to provide for the reimbursement of medical treatment facilities for emergency medical treatment given to aliens unlawfully in the United States; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 16642. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. BERGLAND:

H.R. 16643. A bill to amend the Occupational Safety and Health Act of 1970 to amend certain administrative provisions especially burdensome on small business; to the Committee on Education and Labor.

By Mr. GRAY (for himself, Mr. HORTON, Mr. ERLÉNBOEN, Mr. FOLEY, Mr. HAMMERSCHMIDT, and Mr. CORDOVA):

H.R. 16644. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GRAY (for himself, Mr. BLAT-

NIK, Mr. KLUCZYNSKI, Mr. CLARK, Mr. WRIGHT, Mr. JOHNSON of California, Mr. DORN, Mr. GROVER, Mr. KEE, Mr. HOWARD, Mr. MILLER of Ohio, Mr. MIZELL, Mrs. ABZUG, Mr. BEGICH, Mr. RANGEL, Mr. RODINO, Mr. BROYHILL of Virginia, Mr. BOB WILSON, Mr. YOUNG of Texas, Mr. WHALLEY, Mr. ANDERSON of Illinois, Mr. ROSENTHAL, Mr. MATSUNAGA, Mr. QUILLLEN, and Mr. VANDER JAGT):

H.R. 16645. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. KEMP:

H.R. 16646. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for taxpayers who rent their principal residence, to provide a tax credit for real property taxes and mortgage interest on the taxpayer's principal residence; to the Committee on Ways and Means.

H.R. 16647. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.; to the Committee on Public Works.

By Mr. MCCLORY:

H.R. 16648. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. MALLARY (for himself, Mr.

ALEXANDER, Mr. ANDERSON of Tennessee, Mr. BAKER, Mr. BEVILL, Mr. BIESTER, Mr. CONOVER, Mr. DENT, Mr.

DERWINSKI, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. GUBSER, Mr. HARRINGTON, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. KEATING, Mr. JONES of North Carolina, Mr. KYROS, Mr. McCLOSKEY, Mr. MIKVA, Mr. REUSS, Mr. ROBINSON of Virginia, Mr. STOKES, and Mr. THONE):

H.R. 16649. A bill to amend title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

By Mr. MALLARY (for himself, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. BAKER, Mr. BEVILL, Mr. BIESTER, Mr. BRINKLEY, Mr. CONOVER, Mr. DENT, Mr. DERWINSKI, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. GUBSER, Mr. HARRINGTON, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. KEATING, Mr. JONES of North Carolina, Mr. KYROS, Mr. McCLOSKEY, Mr. MIKVA, Mr. ROBINSON of Virginia, Mr. STOKES, and Mr. THONE):

H.R. 16650. A bill to require States to pass along to public assistance recipients who are

entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. LUJAN:

H. Con. Res. 703. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. WYDLER:

H. Res. 1117. Resolution expressing the support of the House of Representatives for the veto by the United States of the United Nations resolution on military operations in the Middle East; to the Committee on Foreign Affairs.

By Mr. DOW:

H. Res. 1118. Resolution to authorize the Judiciary Committee to conduct an investigation and study of Federal grand jury practices; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16651. A bill for the relief of M. Sgt. Ronald J. Hodgkinson, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 16652. A bill for the relief of Rene Huhr Allen, Roger Huhr Allen, and Chong Suk Kim; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 16653. A bill for the relief of Samuel T. Ansley; to the Committee on the Judiciary.

By Mr. BRASCO:

H. Con. Res. 704. Concurrent resolution expressing the sense of the Congress that the Soviet Union should permit Gavriel Yakovlevich Shapiro to travel to the United States to be with his wife, the former Judith Beth Silver; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, 282. The SPEAKER presented a petition of the Military Order of the World Wars, Washington, D.C., relative to summer encampments for qualified Junior ROTC cadets, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

REFUGEE PROBLEMS INTENSIFY IN CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. FRASER. Mr. Speaker, the plight of refugees in Cambodia has concerned a number of us in Congress for some time.

This concern has persisted despite efforts by executive branch officials, particularly in the Department of State, to play down the refugee situation in war-torn Cambodia and to disavow any responsibility on the part of the United States to assist directly Khmer war victims.

Reports on the situation have been developed by the Government Accounting Office, by the Senate Judiciary Subcommittee on Refugees and Escapees, and by investigators for the House Committee on Foreign Affairs. These reports portray a different picture of the Cambodian refugee situation than that described by U.S. officials.

These congressionally sponsored studies have indicated that large numbers of refugees in Cambodia are living in extremely undesirable circumstances and are suffering, because of inadequate nutrition, miserable living quarters, and insufficient medical attention.

Believing that the United States bears some responsibility for the plight of these war victims, I sponsored an amendment to the Foreign Assistance Act of 1972 earmarking \$2 million for their assistance. The amendment was accepted by the committee and ultimately passed by the House. On the Senate side, Senator Kennedy was successful in having a similar amendment adopted as part of the Senate foreign aid measure which ultimately was defeated.

The necessity of aiding these refugees

recently has been emphasized by the Cambodian Government itself after a long period of relative silence by them on the subject. Following these remarks I will insert several recent statements by the Cambodian Government on the subject.

The clear indication is that the situation of the refugees and other war victims in Cambodia has deteriorated considerably in recent weeks and that the need for assistance has intensified.

It is my hope that the U.S. Government, heeding the will of Congress, will provide direct aid to Cambodian refugees despite the delay in enacting the foreign aid bill with its \$2 million fund for Cambodian refugees.

The items follow:

LON NOL DISCUSSES PROBLEMS OF WAR REFUGEES [EDITED]

At the Chamcarmon Republican City Hall at 1000 hours on 10 August, Marshal Lon Nol opened an important work session to discuss war refugee problems, land on which to construct refugee camps, and construction of a new road from Stung Meanchey to Prey Sor. Present were high-ranking ministers, government functionaries and officers from all departments. . . .

The president briefed the meeting on refugee problems, especially those concerning refugees from Svay Rieng town, whose evacuation to Phnom Penh will be immediately entrusted to Lt. Gen. Mao Sikhem. The president then drew the attention of the authorities in charge of the refugees and governors of each zone to the necessity for housing, feeding and clothing these brothers. The president also raised the issue of rice, a problem which he has taken necessary measures, including the founding of a committee to import rice.

Following the discussion, the president and all participants visited construction sites of refugee camps located west of Stung Meanchey. At the building sites, the president showed his colleagues the projects drawn on a map and explained various plans of the responsible authorities. A high-ranking engineering officer constructing the camps gave a detailed report on the materialization of the projects. . . .

DEPUTY HIGH COMMAND SPOKESMAN ON MILITARY SITUATION [EDITED]

Deputy High Command spokesman Maj. Chhang Song stated this morning that at 0230 hours this morning the Viet Cong-North Vietnamese attacked our position at Phnom Bakheng hill, northwest of Angkor Wat temple, where furious combat between our troops and the communist attackers took place. Communist pressure forced our forces to withdraw from the position at 0500 hours.

. . . Cambodian nationals forced to serve the enemy continued to rally our authorities. Recently three Khmer nationals were reported to have joined the national community in the Rumduol town of Svay Rieng Province, bringing with them a Chinese-made PM machinepistol. An increasing number of refugees has fled to Svay Rieng town to escape communist barbarism. On 9 August, several refugee families—six men, six women and 18 children—arrived in Svay Rieng town for help and protection from our authorities. On 27 July several families from Svay Donkeo town in Pursat Province staged a demonstration against the communists for kidnapping an abbot and forcing the inhabitants to fly the communist red flag.

CAMBODIAN GOVERNMENT ON REFUGEES, ENEMY USE OF TANKS [EDITED]

(Statement of the Government of the Khmer Republic)

The Government of the Khmer Republic would like to draw the attention of the governments of friendly countries and world public opinion to two serious developments in the current war imposed by North Vietnam on the Khmer Republic, an independent and peace-loving country.

Recently we have been faced with a growing number of refugees who have escaped from the enemy-controlled regions. At the same time, we have been witnessing the extensive use of sophisticated weapons and heavy tanks by the invading forces of North Vietnam in their aggression against our national defense forces. These two new developments in the flagrant war of aggression perpetrated by North Vietnam against the Khmer Republic are the reasons for this statement. The Cambodian Government believes it is imperative to inform world public opinion about a situation that is no longer tolerable.