Timothy M. Randall, of Illinois.
Charles W. Redick, of Virginia.
Samuel H. Rickard III, of Maryland.
Clark Rumrill, of New York.
Robert M. Sargent, of Maryland.
David W. Schorer, of Virginia.
Gary C. Schroen, of Illinois.
Miss Karyl M. Seljak, of Montana.
Gerald T. Sloane, of Maryland.
Arthur H. Stimson, of Maryland.
Clifton R. Strathern, of Massachusetts.
Miss Mary Elizabeth Swope, of Virginia.
Robert L. Taylor, of New York.
George T. Walsh, of Massachusetts.
Richard T. Whistler, of Maryland.
Thomas A. Witecki, of Michigan.

Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

Henry W. Brandt, of Florida.
Stacy B. Hulse, Jr., of Massachusetts.

Foreign Service staff officers to be consular officers of the United States of America:

Miss Irene M. Barbeau, of Maryland.
Robert N. Barkman, of Texas.
Paul C. Bofinger, of New York.
Ariel S. Cardoso, of Texas.
Miss Diana E. Henshaw, of Michigan.
Miss Kathleen J. Mullen, of Pennsylvania.
David T. Paton, of New Jersey.
Edward F. Reddick, of Missouri.
William W. Ryan, of Pennsylvania.
Lewis V. Sevier, of Maryland.
Paul B. Sullivan, Jr., of Alabama.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 19, 1972:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Antonin Scalia, of Virginia, to be Chairman of the Administrative Conference of the United States for a term of 5 years

IN THE COAST GUARD

Coast Guard nominations beginning Claude W. Brock, to be lieutenant, and ending David W. Young, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, September 19, 1972*

The House met at 12 o'clock noon.

Rev. Robert F. Kirchgessner, Trinity Episcopal Church, Paterson, N.J., offered the following prayer:

Let us join with the Psalmist and say: *This is the day the Lord hath made, we will rejoice and be glad in it.*—Psalms 118: 24.

Eternal Father, our everlasting benefactor, Thou hast created and endowed us with the ability to achieve and accomplish good works for ourselves and all mankind. This new day may fill us, we pray, with rejoicing as we contemplate the opportunity it affords us of service to Thee, this Nation, and mankind.

We cannot escape history, nor can we evade responsibility. By Thy Holy Spirit awaken us to the needs and concerns of our people. Grant our leaders the highest motives and courage in assuring rights without neglecting responsibilities, lest we do the right things for the wrong reasons.

Bless the President, the Speaker, the Congress that by their words and work they may prayerfully promote peace and plenty for all mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 16, 1972:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

On September 18, 1972:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; and

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 365

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William F. Ryan, late a Representative from the State of New York.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Rperesentative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

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

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket No. 72, and for other purposes; and

H.R. 15883. An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3442) entitled "An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 10243) entitled "An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes," 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. CANNON, Mr. ROBERT C. BYRD, and Mr. COOK to be the conferees on the part of the Senate.

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

S. 33. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group insurance programs for public safety officers and to assist State and local governments to provide such insurance; and

S. 2318. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

WAIVER OF LIFE INSURANCE DEDUCTION FOR FEDERAL EMPLOYEES

The Clerk called the bill (H.R. 11563) to amend chapter 87 of title 5, United States Code, to waive employee deductions for Federal employees' group life insurance purposes during a period of erroneous removal or suspension.

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

H.R. 11563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8706 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) If the insurance of an employee stops because of separation from the service or suspension without pay, and the separation or suspension is thereafter officially found to have been erroneous, the employee is deemed to have been insured during the period of

erroneous separation or suspension. Deductions otherwise required by section 8707 of this chapter shall not be withheld from any backpay awarded for the period of separation or suspension unless death or accidental dismemberment of the employee occurs during such period."

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

INSURANCE COVERAGE FOR U.S. NATIONALS EMPLOYED BY FEDERAL GOVERNMENT

The Clerk called the bill (H.R. 15659) to extend Civil Service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government.

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

H.R. 15659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8701(a)(B) of title 5, United States Code, is amended to read as follows:

"(B) an employee who is not a citizen or national of the United States and whose permanent duty station is outside the United States and the Panama Canal Zone; or"

(b) Section 8901(1)(ii) of title 5, United States Code, is amended to read as follows:

"(ii) an employee who is not a citizen or national of the United States and whose permanent duty station is outside the United States and the Panama Canal Zone;".

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

CIVIL SERVICE RETIREMENT CREDIT FOR SERVICE AS DISTRICT OF COLUMBIA SUBSTITUTE TEACHERS

The Clerk called the bill (S. 1031) to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement.

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

S. 1031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(b) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) inserting after paragraph (8) the following new paragraph:

"(9) subject to sections 8334(c) and 8339(h) of this title, service as a substitute teacher for the government of the District of Columbia after July 1, 1965, if such service is not credited for benefits under any other retirement system established by a law of the United States."

SEC. 2. An annuity or survivor annuity based on the service of an employee or annuitant who performed service described in section 1 of this Act shall, upon application to the Civil Service Commission, be recomputed, effective on the first day of the first month following the date of enactment of this Act, in accordance with section 1 of this Act.

SEC. 3. Section 22 of Public Law 243, 84th Congress, enacted August 5, 1955 (69 Stat. 530), is repealed.

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

MORATORIUM ON THE KILLING OF POLAR BEARS

The Clerk called the joint resolution (H.J. Res. 1268) calling for an immediate and appropriate moratorium on the killing of polar bears.

There being no objection, the Clerk read the joint resolution as follows:

H.J. RES. 1268

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall seek a treaty or other appropriate arrangement with the Union of Soviet Socialist Republics, Canada, Denmark, Norway, and any other interested nations calling for an immediate and appropriate moratorium on the killing of polar bears, and shall give due consideration to the recommendations of the International Union for the Conservation of Nature and Natural Resources.

Mr. FRASER. Mr. Speaker, House Joint Resolution 1268 was reported by the Committee on Foreign Affairs in recognition of the need for more effective protection of the polar bear—the world's largest carnivorous animal—whose stocks have been dwindling in recent years at the hands of trophy hunters.

About 1,300 bears are taken each year by hunters out of a world population of between 10,000 and 20,000. In the face of continued use of highly mechanized methods of hunting such as shooting from spotter aircraft, conservationists and some hunters have reached the conclusion that unless more effective measures are taken to protect the polar bear, this majestic creature may be in danger of extinction.

A group of scientists, recognized internationally as the most expert on the polar bear, has found that present polar bear numbers in most parts of the arctic region are below optimum level, that "the species is under threat of disappearance" and "that the polar bear requires additional protection if the resource is to be conserved and populations permitted to build up to optimum levels." Therefore, this group called for an international moratorium on high seas killing "which would cover 90% of all killing" and protection by national governments of denning and feeding areas within their territories. House Joint Resolution 1268 seeks to accomplish the objectives of these recommendations by the five nations on whose territory polar bears live.

Mr. Speaker, our distinguished colleague from Alaska (Mr. BEGICH) has had a deep interest in this matter. He appeared before our subcommittee and was able to give important assistance to the committee in preparing this legislation. To further clarify the intent of the legislation he asked that I respond to certain questions which are set forth below together with the answers:

Mr. BEGICH. Regarding the exact nature of the moratorium called for in H.J. Res. 1268, since it is clear that treaties can significantly affect state game laws, I would like to know whether this resolution seeks more than a high seas moratorium on the killing of polar bears. The State of Alaska is and has been taking measures on its own initiative to protect the polar bear in denning and feeding areas on land and within three miles along the coast. Of particular importance is the new prohibition on hunting from spotter aircraft. These and other measures are ample proof of Alaska's competence in this area and I would hope that an international treaty on polar bears would not prevent the state from continuing to exercise management authority within its territory.

Mr. FRASER. As I understand it from expert witnesses at the hearing my subcommittee held on this subject, the State of Alaska is indeed taking effective steps to protect the polar bear within its territory. Testimony by officials of the Council on Environmental Quality, Department of Interior and the State of Alaska stated a preference for a high seas moratorium with Alaska continuing to exercise management authority within three miles of its coast. A high seas moratorium would greatly reduce the number of bears killed each year and, together with a continuing program of conservation by the State of Alaska within U.S. territory, it is expected that polar bear stocks will be able to build up again. The recommendations of the International Union for Conservation of Nature and Natural Resources, to which H.J. Res. 1268 refers, are entirely consistent with the concerns of the gentleman from Alaska by calling on nations to prohibit hunting on the high seas and to protect the polar bear denning and feeding areas within national territories. In recommending passage of this resolution, the committee in no way intends that a treaty should stand in the way of U.S. federal and state conservation measures within national territory.

Mr. BEGICH. Under Alaska's management program, Indians and Eskimos can continue subsistence hunting of polar bears on the high seas. What is the committee's intention in this regard?

Mr. FRASER. The committee accepts the recommendations of the International Union for Conservation of Nature and Natural Resources that the prohibition against hunting not apply to that which is "carried out as a continuation of the traditional rights of local people who depend on this resource."

Mr. BEGICH. The resolution is unclear as to the duration of a moratorium. How many years does the committee feel would be necessary for a moratorium?

Mr. FRASER. The Committee chose to leave the question of duration to our negotiators. The Council on Environmental Quality and the Department of the Interior indicated in testimony that they intend to give due consideration to the work of the Polar Bear Specialty Group of the International Union for the Conservation of Nature and Natural Resources. This group of scientists is recognized as the world's most authoritative on the subject of polar bears. It continues to hold meetings and appears to be in the best position to determine how long a moratorium will be needed to re-build polar bear stocks. It would seem likely that the group will indeed recommend some time limit for the moratorium.

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

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to extend their remarks with respect to this joint resolution.

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

There was no objection.

AUTHORIZING USE OF HEALTH MAINTENANCE ORGANIZATIONS

The Clerk called the bill (H.R. 14546) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

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

Mr. HALL. Mr. Speaker, reserving the right to object on Consent Calendar No. 182 (H.R. 14546), as I testified before the subcommittee and the full committee, it would appear on mature judgment and delayed consideration that this is, in fact, a premature bill in that it allows the beneficiaries of CHAMPUS, an acronym for the civilian health care of dependents of active (and some retired) Department of Defense armed services personnel in programs to participate in and to utilize the new pilot program Health Maintenance Organizations (HMO's). This is at considerable expense to the Department of Defense, and the prematurity lies in the fact that only pilot programs have thus far been authorized by the Department of Health, Education, and Welfare. Therefore, I would request this bill be put over without prejudice, at least until proved as to participation. Then, there is also the unsolved question of whether or not the Federal Government should pre-empt or override the 36 States of the Union now having laws versus prepaid contract health insurance.

So, Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING SALE AND EXCHANGE OF CERTAIN LANDS ON THE COEUR D'ALENE INDIAN RESERVATION

The Clerk called the bill (H.R. 2327) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

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

H.R. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credit received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation," the words "the Coeur d'Alene Indian Reservation,".

With the following committee amendment:

Page 2, line 8, strike out "acquisition, sale," and insert in lieu thereof "sale".

The committee amendment was agreed to.

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

Mr. HALEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

The Clerk read the title of the Senate bill.

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

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

S. 345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land use for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon.

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credits received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed or trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation," the words "the Coeur d'Alene Indian Reservation,".

AMENDMENT OFFERED BY MR. HALEY

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

The Clerk read as follows:

Amendment offered by Mr. HALEY: Strike out all after the enacting clause of S. 345 and insert in lieu thereof the provisions of H.R. 2327, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 2327) was laid on the table.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENT IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

The Clerk called the bill (H.R. 6067) to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 359, 360, 361, 362, and 363, and for other purposes.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DECLARING CERTAIN FEDERALLY OWNED LANDS HELD BY THE UNITED STATES IN TRUST FOR THE BURNS INDIAN COLONY, OREGON

The Clerk called the bill (H.R. 6318) to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

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

H.R. 6318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in the lands, and in improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), containing approximately seven hundred and sixty acres, and that are now administered by the Secretary of the Interior for the benefit of the Burns Indian Colony, Oregon, are hereby declared to be held by the United States in trust for said colony.

SEC. 2. There shall also be held in trust for such Burns Indian Colony, subject to valid existing rights, that certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 13, township 23 south, range 30 east, Willamette meridian, Harney County, Oregon, which as conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

SEC. 3. The property subject to this act shall be administered in accordance with the laws and regulations applicable to Indian tribal property, and membership in and government of the colony shall be subject to regulations of the Secretary of the Interior.

SEC. 4. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

With the following committee amendments:

Page 1, lines 4 and 5, strike out "the lands, and the improvements thereon," and insert "approximately seven hundred and sixty-two acres of land, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon,".

Page 1, lines 2 and 3, strike out "containing approximately seven hundred and sixty acres,".

Page 2, line 7, strike out "colony." and insert "Colony, and to be an Indian reservation for the use and benefit of said Colony."

Page 2, lines 9 and 10, strike out "There shall also be held in trust for such Burns Indian Colony, subject to valid existing rights," and insert "Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and added to the reservation established by section 1 of this Act,".

Page 2, line 17, strike out "as" and insert "was".

Page 2, line 24, and page 3, lines 1, and 2, strike out "property, and membership in and government of the colony shall be subject to regulations of the Secretary of the Interior." and insert "property.".

Page 3, following line 3, insert a new Section 4 as follows, and renumber the succeeding section accordingly:

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation," the words "the Burns Paiute Reservation,".

The committee amendments were agreed to.

Mr. HALEY. Mr. Speaker, H.R. 6318 transfers to the Burns Indian Colony in Oregon a trust title to 762 acres of land. The land is in three tracts. One tract contains 156 acres and it was purchased for subsistence homestead purposes under the National Industrial Recovery Act. The second tract contains 605 acres. It was also purchased under the NIRA, but the purpose was to retire submarginal land from production. The third tract contains 10 acres and it was acquired by donation in 1925 for the use of the Burns Indian people.

The purchase price of the land was $14,620. The subsistence homestead tract contains 24 Indian homes. The submarginal land is unimproved, but is used for grazing purposes in conjunction with the homestead tract. The donated tract contains 11 dwellings occupied by eight families. The present market value of the three tracts is $106,100.

The Burns Indian Colony contains 250 members and a resident population of 150. The Indians want to improve the property, but are unable to do so as long as they have only temporary assignments. The land has been administered for the benefit of the Indians ever since its acquisition, and a grant to the Indians of a trust title will enable them to make a more effective use of the land.

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

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY TRUST TITLE OF U.S. GOVERNMENT LAND WITHIN THE DEVILS LAKE SIOUX RESERVATION TO THE DEVILS LAKE SIOUX TRIBE

The Clerk called the bill (H.R. 9294) to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I fail to understand the reason why we should pay from the taxpayers' general funds for the building on the free land already donated by the Federal Government, and then pay $55,000 a year for the leaseback of the building. Therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

PROVIDING FOR THE DISTRIBUTION OF JUDGMENT FUNDS TO THE CHEYENNE RIVER SIOUX TRIBE

The Clerk called the bill (H.R. 10330) to provide for the distribution of judgment funds to the Cheyenne River Sioux Tribe.

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

H.R. 10330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of December 26, 1969, Public Law 91–166 (83 Stat. 447), to pay a judgment to the Sioux Tribe of Indians of the Cheyenne River Reservation, South Dakota, in Indian Claims Commission docket numbered 114 and all the interest earned thereon, after payment of attorney's fees, litigation expenses incurred by attorneys under contract and by the Cheyenne River Sioux Tribe, and the costs of carrying out the provisions of this Act, shall be distributed as hereinafter provided.

SEC. 2. The Secretary of the Interior is hereby authorized and directed to distribute such funds, share and share alike, to each member of the said tribe who was duly enrolled on the official tribal rolls of said tribe, or eligible to be so enrolled, and alive, as of the effective date of this Act. The Secretary's determination of eligibility shall be final.

SEC. 3. Each such enrollee whose age is eighteen years or more, as of the effective date of this Act, shall be paid his or her share directly in one payment except as provided in the following subsections of this section:

(a) Each share payable to an enrollee whose death occurred after the effective date of this Act, shall be distributed to his or her heirs at law or to his or her legatees, as the case may be, upon filing of proof of death and inheritance satisfactory to the Secretary of the Interior or his authorized representa-

tive, whose findings and determinations upon such proof shall be final.

(b) If the share or a portion thereof a deceased enrollee, as provided in subparagraph (a) of this section, is payable to an heir or legatee who is under eighteen years of age or under legal disability, the same shall be paid to the parent or parents or guardian having custody of such persons or may, in the discretion of the Secretary of the Interior, be credited to individual Indian money account for disbursement under applicable regulations.

SEC. 4. Each such share of an enrollee who is under the age of eighteen as of the effective date of this Act, shall be paid to the parent or parents or guardian having custody of such persons or may, in the discretion of the Secretary of the Interior, be credited to individual Indian money account for distribution under applicable regulations.

SEC. 5. All shares of enrollees who are deemed non compos mentis shall be credited to his or her individual Indian money account and disbursed under regulations of the Bureau of Indian Affairs.

SEC. 6. Persons born on or prior to and living on the effective date of this Act, who meet the requirements for enrollment specified in Article II of the tribal constitution but who are not enrolled, may file with the Superintendent of the Cheyenne River Agency, Eagle Butte, South Dakota, an application for enrollment which must be postmarked within 180 days after approval of this Act.

(a) All unclaimed shares, including interest income therefrom, remaining one year after the date of distribution of the money, shall revert to the said tribe and may be expended by authorization of the Cheyenne River Sioux Tribal Council, or the then governing body of said tribe.

SEC. 7. No part of the judgment funds distributed under the provisions of this Act shall be subject to Federal or State income taxes.

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

With the following committee amendments:

Page 1, lines 8 to 10, strike out "fees, litigation expenses incurred by attorneys under contract and by the Cheyenne River Sioux Tribe," and insert in lieu thereof "fees and other litigation expenses".

Page 2, line 3, through page 4, strike all of sections 2, 3, 4, 5, 6, and 7, and insert in lieu thereof the following text, and renumber the succeeding section accordingly:

"SEC. 2. Except as provided in section 4 herein, the Secretary of the Interior is authorized and directed to distribute such funds to all persons who were born on or prior to and are living on the date of this Act and who are enrolled on the official tribal roll of said tribe or who are eligible to be so enrolled. A roll as of the date of this Act shall be prepared by the Secretary with the cooperation of the tribal governing body. Applications for enrollment must be filed with the Cheyenne River Agency at Eagle Butte, South Dakota, and must be postmarked within 180 days from the date of this Act. The determination of the Secretary of the Interior regarding the eligibility of an applicant shall be final.

"SEC. 3. Any share or interest therein payable to persons under 18 years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will appropriately protect the best interests of such persons.

"SEC. 4. The interest accrued on the principal sum of the judgment in docket No. 114 and all shares, including any interest thereon, remaining unclaimed for one year from the date of distribution of the judgment funds, may be utilized for any purposes authorized by the tribal governing body and approved by the Secretary of the Interior.

"SEC. 5. None of the funds that are distributed under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

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

The title was amended so as to read: "An Act to provide for the distribution of funds appropriated to pay a judgment in favor of the Cheyenne River Sioux Tribe in Indian Claims Commission docket No. 114, and for other purposes".

A motion to reconsider was laid on the table.

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

Mr. HALEY. Mr. Speaker, H.R. 10330 provides for the distribution of a judgment recovered by the Sioux Tribe of the Cheyenne River Reservation. The net amount of the judgment, amounting to $1,170,000 will be distributed per capita among some 6,300 members of the tribe. Each per capita will amount to about $185.

The interest that has accumulated on the judgment amounts to about $150,000. The interest will be retained by the tribal government and used for reservation purposes.

The amendments adopted by the subcommittee are those recommended by the Department of the Interior and agreed to by the tribe.

DISPOSITION OF JUDGMENT FUNDS IN FAVOR OF THE SHOSHONE-BANNOCK TRIBES OF INDIANS OF THE FORT HALL RESERVATION, IDAHO, AS REPRESENTATIVES OF THE LEMHI TRIBE

The Clerk called the bill (H.R. 10489) to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326–I, and for other purposes.

Mr. HALEY. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2478) be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

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

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

S. 2478

An act to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket numbered 326–I, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the United States Treasury to the credit of the Lemhi Tribe represented by the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, appropriated by the Act of May 25, 1971 (Public Law 92–18), to pay a judgment of $4,500,000 entered by the Indian Claims Commission in docket numbered 326–I, and interest thereon less attorneys' fees and expenses shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for the claims of said tribes enumerated in docket numbered 326–I.

SEC. 2. The funds credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation pursuant to section 1, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 3. None of the funds distributed per capita to members of the tribes under the provisions of this Act shall be subject to Federal or State income taxes. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

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

A similar House bill (H.R. 10489) was laid on the table.

PROVIDING THAT THE UNITED STATES DISCLAIMS ANY INTEREST IN A CERTAIN TRACT OF LAND

The Clerk called the bill (H.R. 11449) to provide that the United States disclaims any interest in a certain tract of land.

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

Mr. HALL. Mr. Speaker, in view of the fact, as presently understood and after careful perusal of the bill and the report, that this does not meet the criteria for the Consent Calendar, as agreed upon at the beginning of the 92d Congress, therefore, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING EXCHANGE OF CERTAIN NATIONAL FOREST LANDS WITHIN THE CARSON AND SANTA FE NATIONAL FORESTS, N. MEX., FOR CERTAIN PRIVATE LANDS WITHIN THE PIEDRA LUMBRE GRANT, NEW MEXICO

The Clerk called the bill (H.R. 10857) to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes.

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

H.R. 10857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed certain national forest lands within the Carson and Santa Fe

National Forests, in the State of New Mexico, of approximately one thousand and sixty acres, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia, in exchange for approximately three hundred and ten acres of private land and the improvements thereon, of substantially equal value, within the Piedra Lumbre Grant, in the State of New Mexico, described and designated on a map on file in the Office of the Chief, Forest Service, Washington, District of Columbia.

SEC. 2. The Secretary of Agriculture may accept title to the private lands described in section 1 of the Act subject to such outstanding rights and reservations as he determines will not interfere with the purposes for which the land is being acquired.

SEC. 3. The Secretary of Agriculture may reserve such rights and interests in the national forest lands described in section 1 of the Act as he deems appropriate.

SEC. 4. The lands acquired by the United States as described in section 1 of this Act are hereby added to the Carson National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto and shall have the same status as lands withdrawn from the public domain for national forest purposes.

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

MODIFYING THE BOUNDARIES OF THE SANTA FE, GILA, CIBOLA, AND CARSON NATIONAL FORESTS IN THE STATE OF NEW MEXICO

The Clerk called the bill (H.R. 9018) to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

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

H.R. 9018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, in New Mexico, respectively, are modified to include the following described lands;

SANTA FE NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. The Canon de San Diego Grant, situated in townships 16, 17, 18, and 19 north, ranges 1, 2, and 3 east, and known in the Office of the United States Surveyor General as Report numbered 36, confirmed by Congress of the United States of America on the 21st day of June 1861, and patented by the United States of America in accordance with said Act of Confirmation of the 21st day of October 1881.

2. Township 18 north, range 1 east.

Section 6, lots 1 through 4, inclusive, west half north east quarter, and east half northwest quarter.

Township 18 north, range 1 west.

Section 1, lots 1 through 4, inclusive, west half northeast quarter, and east half northwest quarter.

3. Township 17 north, range 2 east.

Section 25, lot 1.

Section 36, lots 1, 2, and 4.

Township 17 north, range 3 east.

Section 19, lots 1 and 2 in accordance with G.L.O. plat approved April 28, 1919.

Section 30, lots 1 through 4, inclusive.

Section 31, lots 1 through 3, inclusive and lots 5 to 9, inclusive.

Section 32, lots 1 through 4, inclusive.

Township 16 north, range 3 east.

Sections 5, 6, 7, and 8.

4. Township 15 north, range 12 east.

Section 29, lots 3, 4, and 5, southwest quarter southeast quarter.

Section 33, lots 1, 2, 3, and 4, southwest quarter southwest quarter.

5. Township 15 north, range 12 east.

Section 12, east half southwest quarter, southeast quarter.

Township 15 north, range 13 east.

Section 5, all.

Section 6, all

Section 7, all.

Section 8, all.

Section 9, west half southwest quarter.

Section 16, west half west half.

Section 17, east half east half.

Section 20, east half northeast quarter.

Section 21, west half west half.

Section 28, west half.

Section 32, all.

Section 33, all.

6. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the Caja del Rio Grant, as shown upon the plat of said grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on November 23, 1894, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on April 15, 1895, and representing a survey of said grant as made by Sherrard Coleman, United States Deputy Surveyor, May 8 to 18, 1894, under Contract Numbered 280, dated March 26, 1894, which tract of land is intended to include all that portion of the said grant extending westward to the Rio Grande, but exclusive of the conflict with the Cochiti Pueblo Grant and which was more particularly described in a deed from the General American Life Insurance Company to the United States of America dated November 13, 1935, and recorded in Sandoval County in book 4, DR, pages 503–515, on December 20, 1935.

7. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the La Majada Grant, as shown upon the plat of the grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on January 23, 1896, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on March 25, 1896, and representing a survey of said Grant as made by Albert F. Easley, United States Deputy Surveyor, June 28 through July 7, 1895, under Contract numbered 292, April 29, 1895, which tract of land is intended to include all of that portion of the said grant exclusive of the conflicts with the Cochiti Pueblo Grant, the Mesita de Juana Lopez Grant, and the Caja del Rio Grant, and a portion of the said La Majad Grant lying south of the Corps of Engineers' Road Numbered 90, more particularly described as a line beginning at a point on the south boundary of the Cochiti Pueblo Grant which lies south 89 degrees 54 minutes west 18.35 chains from the half mile corner; thence south 44 degrees 15 minutes west 125.65 chains; thence south 51 degrees 50 minutes east 14.59 chains; thence south 43 degrees 50 minutes east 101.91 chains; thence south 49 degrees 35 minutes east 24.35 chains to a point on the south boundary of the La Majada Grant which lies north 73 degrees 48 minutes west 18.18 chains from the 4½-mile corner on the south boundary of the said grant.

8. Township 14 north range 13 east.

Section 35, north half.

9. Township 16 north range 14 east.

Section 5, all.

Section 8, all.

Section 27, lot 5, east half southeast quarter.

Section 34, east half east half.

GILA NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

A tract or parcel of land situated in Grant County, New Mexico, in township 17 south, ranges 12 and 13 west, as shown in the office of the United States Surveyor General on Supplemental Plat of Retracements and Resurveys, approved by the Surveyor General on July 7, 1908, excepting that portion of the said military reservation lying south of a line described as follows: Beginning at a point which is the intersection of the north right-of-way line for State Highway 180 with the east boundary of the reservation; thence southwesterly along the highway right-of-way to the south line of section 25; thence westerly along the section line between sections 25 and 36 to a point lying 735 feet west of the quarter corner between said sections; thence north 47 degrees 03 minutes east 585 feet; thence north 18 degrees 18 minutes west 2,380 feet; thence west 4,110.34 feet; thence south 01 degree 43 minutes east 2,661.24 feet to the quarter corner between sections 26 and 35; thence westerly along the section line to the west boundary of the said military reservation.

CARSON NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. Township 25 north, range 13 east.
Section 28, lots 4 and 12.

CIBOLA NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. Township 10 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Township 11 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Sections 22 through 27, inclusive.
Sections 34 through 36, inclusive.
Township 12 north, range 11 west.
Sections 31 through 36, inclusive.

2. A tract of land in township 14 north range 16 west which was originally a portion of the Fort Wingate Military Reservation as established by Executive order of February 18, 1870, more particularly described as: Beginning at a point which is a quarter corner common to section 2 of township 14 north range 16 west and section 35, township 15 north range 16 west; thence southerly along the Cibola National Forest boundary approximately 3 miles to the quarter corner common to sections 14 and 23 in unsurveyed township 14 north range 16 west; thence westerly along the Cibola National Forest boundary approximately 4½ miles to a point on the east boundary of Fort Wingate Ordnance Depot, designated 361+00 south and 20+00 east Wingate Ordnance Depot coordinating system; thence northerly along the Wingate Ordnance Depot east fence approximately 10,285 feet to a point designated 258+15 south and 20+00 each Wingate Depot coordinating system; thence in a random northeasterly direction along the Wingate Depot fence system approximately 8,500 feet to a brass cap set in concrete which is the northwest corner of the Navajo Indian School tract; thence due south 6,293.84 feet to a brass cap set in concrete which is the southwest corner of the school tract; thence due east, 7,728.15 feet to a 3-inch pipe which is the southeast corner of the school tract; thence due north 6,716.00 feet to a brass cap set in concrete which is the northeast corner of the school tract; thence easterly approximately 1⅜ miles to the point of beginning, containing 6,810 acres, more or less.

SEC. 2. The exterior boundaries of the Carson National Forest in New Mexico are modified to exclude section 16, township 24 north, range 11 east, New Mexico principal meridian.

SEC. 3. The lands proposed to be added to the Gila National Forest, in section 1 above of this Act, will not be subject to appropriation under any of the public land laws including the mining laws unless specifically authorized by the Secretaries of Agriculture and Interior.

SEC. 4. Subject to valid claims so long as these are maintained, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forests as listed in that said section, and shall be administered in accordance with the laws, rules, and regulations applicable thereto, except as provided in section 3 of this Act with respect to appropriation under the public land laws.

SEC. 5. Funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 1 of this Act.

With the following committee amendments:

Page 2, line 7, after the word "through", strike the remainder of the line and all of line 8 and insert in lieu thereof "8 inclusive."

Page 3, line 6, after "southwest quarter" insert a comma.

Page 6, line 24, strike "2" and insert in lieu thereof "25".

Page 8, lines 20 through 24, strike all of section 3 and renumber the succeeding sections accordingly.

Page 8, line 25, strike out "claims so long as these are maintained," and insert in lieu thereof "existing rights,".

Page 9, lines 5 and 6, strike out "thereto, except as provided in section 3 of this Act with respect to appropriation under the public land laws." and insert in lieu thereof "thereto."

Page 9, lines 8 through 13, strike out the present text and insert in lieu thereof the following:

"SEC. 4. For the purposes of Section 6 of the Act of September 3, 1964 (78 Stat. 903), the boundaries of the Santa Fe, Gila, Cibola and Carson National Forests, as modified by Section 1 of this Act, shall be treated as if they were the boundaries of those forests on January 1, 1965."

The committee amendments were agreed to.

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

Mr. HALEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 447) to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 447

An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, in New Mexico, respectively, are modified to include the following described lands:

SANTA FE NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. The Sandon de San Diego Grant, situated in townships 16, 17, 18, and 19 north, ranges 1, 2, and 3 east, and known in the Office of the United States Surveyor General as Report numbered 36, confirmed by Congress of the United States of America on the 21st day of June 1861, and patented by the United States of America in accordance with said Act of Confirmation of the 21st day of October 1881.

2. Township 18 north, range 1 east.
Section 6, lots 1 through 8, inclusive.
Township 18 north, range 1 west.
Section 1, lots 1 through 4, inclusive, west half northeast quarter, and east half northwest quarter.

3. Township 17 north, range 2 east.
Section 25, lot 1.
Section 36, lots 1, 2, and 4.
Township 17, north, range 3 east.
Section 19, lots 1 and 2 in accordance with G.L.O. plat approved April 28, 1919.
Section 30, lots 1 through 4, inclusive.
Section 31, lots 1 through 3, inclusive and lots 5 to 9, inclusive.
Section 32, lots 1 through 4, inclusive.
Township 16 north, range 3 east.
Sections 5, 6, 7, and 8.

4. Township 15 north, range 12 east.
Section 29, lots 3, 4, and 5, southwest quarter southeast quarter.
Section 33, lots 1, 2, 3, and 4, southwest quarter southwest quarter.

5. Township 15 north, range 12 east.
Section 12 east half southwest quarter, southeast quarter.
Township 15 north, range 13 east.
Section 5, all.
Section 6, all.
Section 7, all.
Section 8, all.
Section 9, west half southwest quarter.
Section 16, west half west half.
Section 17, east half east half.
Section 20, east half northeast quarter.
Section 21, west half west half.
Section 28, west half.
Section 32, all.
Section 33, all.

6. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the Caja del Rio Grant, as shown upon the plat of said grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on November 23, 1894, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on April 15, 1895, and representing a survey of said grant as made by Sherrard Coleman, United States Deputy Surveyor, May 8 to 18, 1894, under Contract Numbered 280, dated March 26, 1894, which tract of land is intended to include all that portion of the said grant extending westward to the Rio Grande, but exclusive of the conflict with the Cochiti Pueblo Grant and which was more particularly described in a deed from the General American Life Insurance Company to the United States of America dated November 13, 1935, and recorded in Sandoval County in book 4, DR, pages 503–515, on December 20, 1935.

7. A tract or parcel of land situated in the Counties of Sandoval and Santa Fe in the State of New Mexico, known as the La Majada Grant, as shown upon the plat of the grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on January 23, 1896, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on March 25, 1896, and representing a survey of said Grant as made by Albert F. Easley, United States Deputy Surveyor, June 28 through July 7, 1895, under Contract numbered 292, April 29, 1895, which tract of land is intended to include all of that portion of the said grant exclusive of the conflicts with the Cochiti Pueblo Grant, the Mesita de Juana Lopez Grant, and the Caja del Rio Grant, and a portion of the said La Majada Grant lying south of the Corps of Engineers' Road numbered 90, more particularly described as a line beginning at a point on the south boundary of the Cochiti Pueblo Grant which lies south 89 degrees 54 minutes west 18.35 chains from the half mile corner; thence south 44 degree 15 minutes west 125.65 chains; thence south 51 degrees 50 minutes east 14.59 chains; thence south 43 degrees 50 minutes east 101.91 chains; thence south 49 degrees 35 minutes east 24.35 chains to a point on the south boundary of the La Majada Grant which lies north 73 degrees 48 minutes west 18.18 chains from the 4½-mile corner on the south boundary of the said grant.

8. Township 14 north range 13 east.
Section 35, north half.

9. Township 16 north range 14 east.
Section 5, all.
Section 8, all.
Section 27, lot 5, east half southeast quarter.
Section 34, east half east half.

GILA NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

A tract or parcel of land situated in Grant County, New Mexico, in township 17 south, ranges 12 and 13 west, as shown in the office of the United States Surveyor General on Supplemental Plat of Retracements and Resurveys, approved by the Surveyor General on July 7, 1908, excepting that portion of the said military reservation lying south of a line described as follows: Beginning at a point which is the intersection of the north right-of-way line for State Highway 180 with the east boundary of the reservation; thence southwesterly along the highway right-of-way to the south line of section 25; thence westerly along the section line between sections 25 and 36 to a point lying 735 feet west of the quarter corner between said sections; thence north 47 degrees 03 minutes east 585 feet; thence north 18 degrees 18 minutes west 2,380 feet; thence west 4,110.34 feet; thence south 01 degree 43 minutes east 2,661.24 feet to the quarter corner between sections 26 and 35; thence westerly along the section line to the west boundary of the said military reservation.

CARSON NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. Township 25 north, range 13 east.
Section 28, lots 4 and 12.

CIBOLA NATIONAL FOREST, NEW MEXICO
PRINCIPAL MERIDIAN

1. Township 10 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Township 11 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Sections 22 through 27, inclusive.
Sections 34 through 36, inclusive.
Township 12 north, range 11 west.
Sections 31 through 36, inclusive.

2. A tract of land in township 14 north range 16 west which was originally a portion of the Fort Wingate Military Reservation as established by Executive order of February 18, 1870, more particularly described as: Beginning at a point which is the quarter corner common to section 2 of township 14 north range 16 west and section 35, township 15 north range 16 west; thence southerly along the Cibola National Forest boundary approximately 3 miles to the quarter corner common to sections 14 and 23 in unsurveyed township 14 north range 16 west; thence westerly along the Cibola National Forest boundary approximately 4½ miles to a point on the east boundary of the Fort Wingate Ordnance Depot, designated 361+00 and south and 20+00 east Wingate Ordnance Depot coordinating system; thence northerly along the Wingate Ordnance Depot east fence approximately 10,285 feet to a point designated 258+15 south and 20+00 east Wingate Depot coordinating system; thence in a random north-

easterly direction along the Wingate Depot fence system approximately 8,500 feet to a brass cap set in concrete which is the northwest corner of the Navajo Indian School tract; thence due south 6,293.84 feet to a brass cap set in concrete which is the southwest corner of the school tract; thence due east 7,728.15 feet to a 3-inch pipe which is the southeast corner of the school tract; thence due north 6,716.00 feet to a brass cap set in concrete which is the northeast corner of the school tract; thence easterly approximately 1⅜ miles to the point of being, containing 6,810 acres, more or less.

SEC. 2. The exterior boundaries of the Carson National Forest in New Mexico are modified to exclude section 16, township 24 north, range 11 east, New Mexico principal meridan.

SEC. 3. The lands proposed to be added to the Gila National Forest, in section 1 above of this Act, will not be subject to appropriation under any of the public land laws including the mining laws unless specifically authorized by the Secretaries of Agriculture and Interior.

SEC. 4. Subject to valid claims so long as these are maintained, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forests as listed in that said section, and shall be administered in accordance with the laws, rules, and regulations applicable thereto, except as provided in section 3 of this Act with respect to appropriation under the public land laws.

SEC. 5. Funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 1 of this Act.

AMENDMENT OFFERED BY MR. HALEY

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

The Clerk read as follows:

Amendment offered by Mr. HALEY: Strike out all after the enacting clause of S. 447 and insert in lieu thereof the provisions of H.R. 9018, as passed, as follows:

That the exterior boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, in New Mexico, respectively, are modified to include the following described lands:

SANTA FE NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. The Canon de San Diego Grant, situated in townships 16, 17, 18, and 19 north, ranges 1, 2, and 3 east, and known in the Office of the United States Surveyor General as Report numbered 36, confirmed by Congress of the United States of America on the 21st day of June 1861, and patented by the United States of America in accordance with said Act of Confirmation of the 21st day of October 1881.

2. Township 18 north, range 1 east.
Section 6, lots 1 through 8 inclusive.
Township 18 north, range 1 west.
Section 1, lots 1 through 4, inclusive, west half northeast quarter, and east half northwest quarter.

3. Township 17 north, range 2 east.
Section 25, lot 1.
Section 36, lots 1, 2, and 4.
Township 17 north, range 3 east.
Section 19, lots 1 and 2 in accordance with G.L.O. plat approved April 28, 1919.
Section 309, lots 1 through 4, inclusive.
Section 31, lots 1 through 3, inclusive and lots 5 to 9, inclusive.
Section 32, lots 1 through 4, inclusive.
Township 16 north, range 3 east.
Section 5, 6, 7, and 8.

4. Township 15 north, range 12 east.
Section 29, lots 3, 4, and 5, southwest quarter southeast quarter.
Section 33, lots 1, 2, 3, and 4, southwest quarter southwest quarter.

5. Township 15 north, range 12 east.
Section 12, east half southwest quarter, southeast quarter.
Township 15 north, range 13 east.
Section 5, all.
Section 6, all.
Section 7, all.
Section 8, all.
Section 9, west half southwest quarter.
Section 16, west half west half.
Section 17, east half east half.
Section 20, east half northeast quarter.
Section 21, west half west half.
Section 28, west half.
Section 32, all.
Section 33, all.

6. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the Caja del Rio Grant, as shown upon the plat of said grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on November 23, 1894, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on April 15, 1895, and representing a survey of said grant as made by Sherrard Coleman, United States Deputy Surveyor, May 8 to 18, 1894, under Contract Numbered 280, dated March 26, 1894, which tract of land is intended to include all that portion of the said grant extending westward to the Rio Grande, but exclusive of the conflict with the Cochiti Pueblo Grant and which was more particularly described in a deed from the General American Life Insurance Company to the United States of America dated November 13, 1935, and recorded in Sandoval County in book 4, DR, pages 503-515, on December 20, 1935.

7. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the La Majada Grant, as shown upon the plat of the grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on January 23, 1896, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on March 25, 1896, and representing a survey of said Grant as made by Albert F. Easley, United States Deputy Surveyor, June 28 through July 7, 1895, under Contract Numbered 292, April 29, 1895, which tract of land is intended to include all of that portion of the said grant exclusive of the conflicts with the Cochiti Pueblo Grant, the Mesita de Juana Lopez Grant, and the Caja del Rio Grant, and a portion of the said La Majad Grant lying south of the Corps of Engineers' Road Numbered 90, more particularly described as a line beginning at a point on the south boundary of the Cochiti Pueblo Grant which lies south 89 degrees 54 minutes west 18.35 chains from the half mile corner; thence south 44 degrees 15 minutes west 125.65 claims; thence south 51 degrees 50 minutes east 14.59 chains; thence south 43 degrees 50 minutes east 101.91 chains; thence south 49 degrees 35 minutes east 24.35 chains to a point on the south boundary of the La Majada Grant which lies north 73 degrees 48 minutes west 18.18 chains from the 4½-mile corner on the south boundary of the said grant.

8. Township 14 north range 13 east.
Section 35, north half.

9. Township 16 north range 14 east.
Section 5, all.
Section 8, all.
Section 27, lot 5, east half southeast quarter.
Section 34, east half east half.

GILA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

A tract or parcel of land situated in Grant County, New Mexico, in township 17 south, ranges 12 and 13 west, as shown in the office of the United States Surveyor General on Supplemental Plat of Retracements and Resurveys, approved by the Surveyor General on July 7, 1908, excepting that portion of the said military reservation lying south of a line described as follows: Beginning at a point which is the intersection of the north right-of-way line for State Highway 180 with the east boundary of the reservation; thence southwesterly along the highway right-of-way to the south line of section 25; thence westerly along the section line between sections 25 and 36 to a point lying 735 feet west of the quarter corner between said sections; thence north 47 degrees 03 minutes east 585 feet; thence north 18 degrees 18 minutes west 2,380 feet; thence west 4,110.34 feet; thence south 01 degree 43 minutes east 2,661.24 feet to the quarter corner between sections 26 and 35; thence westerly along the section line to the west boundary of the said military reservation.

CARSON NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 25 north, range 13 east.
Section 28, lots 4 and 12.

CIBOLA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 10 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Township 11 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Sections 22 through 27, inclusive.
Sections 34 through 36, inclusive.
Township 12 north, range 11 west.
Sections 31 through 36, inclusive.

2. A tract of land in township 14 north range 16 west which was originally a portion of the Fort Wingate Military Reservation as established by Executive order of February 18, 1870, more particularly described as: Beginning at a point which is the quarter corner common to section 2 of township 14 north range 16 west and section 35, township 15 north range 16 west; thence southerly along the Cibola National Forest boundary approximately 3 miles to the quarter corner common to sections 14 and 23 in unsurveyed township 14 north range 16 west; thence westerly along the Cibola National Forest boundary approximately 4½ miles to a point on the east boundary of the Fort Wingate Ordnance Depot, designated 361+00 south and 20+00 east Wingate Ordnance Depot coordinating system; thence northerly along the Wingate Ordnance Depot east fence approximately 10,285 feet to a point designated 258+15 south and 20+00 east Wingate Depot coordinating system; thence in a random northeasterly direction along the Wingate Depot fence system approximately 8,500 feet to a brass cap set in concrete which is the northwest corner of the Navajo Indian School tract; thence due south 6,293.84 feet to a brass cap set in concrete which is the southwest corner of the school tract; thence due east 7,728.15 feet to a 3-inch pipe which is the southeast corner of the school tract; thence due north 6,716.00 feet to a brass cap set in concrete which is the northeast corner of the school tract; thence easterly approximately 1⅜ miles to the point of beginning, containing 6,810 acres, more or less.

SEC. 2. The exterior boundaries of the Carson National Forest in New Mexico are modified to exclude section 16, township 24 north, range 11 east, New Mexico principal meridian.

SEC. 3. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forests as listed in that said section, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

SEC. 4. For the purposes of section 6 of the Act of September 3, 1964 (78 Stat. 903), the boundaries of the Santa Fe, Gila, Cibola, and

Carson National Forests, as modified by section 1 of this Act, shall be treated as if they were the boundaries of those forests on January 1, 1965.

The amendment was agreed to.

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

A similar House bill (H.R. 9018) was laid on the table.

DESIGNATING THE MEDAL OF HONOR AWARDED FOR MILITARY HEROISM AS THE "CONGRESSIONAL MEDAL OF HONOR"

The Clerk called the bill (H.R. 11035) to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the "Congressional Medal of Honor."

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

H.R. 11035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 3741, 3744, 3745, 3747, 3748, 3752, 6241, 6248, 6253, 6254, 8741, 8744, 8745, 8747, and 8752 of title 10, United States Code, are each amended by inserting "Congressional" immediately before "medal of honor" and "medals of honor" each place they appear therein.

(b) The side headings for sections 3741, 3744, 3745, 3747, 3748, 6241, 8741, 8744, 8745, and 8747 of such title are each amended by inserting "Congressional" immediately before "Medal of Honor".

(c) In the analyses of chapters 357, 567, and 857 of such title, the side headings listed therein for sections 3741, 3744, 3745, 3747, 3748, 6241, 8741, 8744, 8745, and 8747 are each amended by inserting "Congressional" immediately before "Medal of Honor".

With the following committee amendment:

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

That (a) section 3741, 3742, 3744, 3745, 3746, 3747, 3748, 3752, 4342, 6241, 6242, 6244, 6247, 6248, 6253, 6254, 6954, 8741, 8742, 8744, 8745, 8746, 8747, 8748, 8752, and 9342 of title 10, United States Code, are each amended by inserting the word "Congressional" immediately before the words "Medal of Honor" or "Medals of Honor" each place they appear therein.

(b) the section headings of sections 3741, 3744, 3745, 3747, 3748, 6241, 8741, 8744, 8745, 8747, and 8748 of such title are each amended by inserting the word "Congressional" immediately before the words "Medal of honor" each place they appear therein.

(c) the Chapter analyses of Chapters 357, 567, and 857 of such title are each amended by inserting the word "Congressional" before the words "Medal of Honor" each place they appear therein.

The committee amendment was agreed to.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the purpose of H.R. 11035 is to remove some of the longstanding confusion which surrounds the Nation's highest military award for valor, the Medal of Honor. The bill would designate the Medal of Honor as the Congressional Medal of Honor.

Testimony revealed that through the 110-odd years since this award was created by the Congress various State and local governments, private industry, and associations have created medals of honor of their own—the very existence of which tends to dilute the honor and prestige which has traditionally accompanied the Medal of Honor awarded for military heroism. It is generally acknowledged—even by the Department of Defense which opposes this bill—that there is widespread confusion as to the official title of this award.

This confusion has its roots in statute—primarily from the phrase which appears in the act of 1862 which provided that the Medal of Honor be presented by the President "in the name of Congress." Innumerable laws making reference to this award refer to it by both names, the Medal of Honor and the Congressional Medal of Honor.

In addition, several Presidents who have presented the award have referred to it as the Congressional Medal of Honor.

Testimony was received from the Congressional Medal of Honor Society, an organization chartered by the Congress and encompassing all living Medal of Honor recipients. At the society's biennial meeting in the fall of last year, a resolution was unanimously adopted petitioning the Congress to change the name of the award to the Congressional Medal of Honor. The committee placed great weight on this resolution since it expressed the desires of the Medal of Honor recipients.

The Department of Defense, in opposition to the bill, presented insufficient justification for its position—at least as far as the committee was concerned. Contrary to the Department's argument, there appears to be no need for any change in the design of the medals, and, therefore, no significant cost is associated with the bill.

The Department's position that it was "unable to readily estimate the cost if the bill is enacted" is apparently due to the fact that the cost would be negligible.

Your Armed Services Committee unanimously recommends approval of H.R. 11035 with an amendment. The amendment is in the nature of a technical amendment since all it does is include portions of title 10 which were omitted from the bill and revise the language to conform to the legislative style of the United States Code.

Mr. Speaker, I recommend that the bill be approved as amended.

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

GENERAL LEAVE

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

CONSENT TO MARYLAND-VIRGINIA SEAWARD BOUNDARY AGREEMENTS

The Clerk called the joint resolution (H.J. Res. 733) granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to have someone who is knowledgeable about this joint resolution explain to me why there should be any cost to the Federal Government.

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

Mr. GROSS. I will be glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. There is an estimated cost to the Federal Government of $130,000, and that is the cost for surveying boundaries. This cost is necessitated by the fact that the Department of Commerce has undertaken to actually survey the agreed upon boundary, including the seaward boundary.

Mr. GROSS. But the bill is for the benefit of Maryland and Virginia; is it not?

Mr. KASTENMEIER. The bill is for the benefit of Maryland and Virginia in particular. As far as designating and surveying the boundaries, there is a benefit to the United States in insuring when you have seaward boundaries that they are uniform and in conformity with the standards imposed by the Department of Commerce and by the Government. We have an Ocean Survey Agency designed for this purpose. The States, very candidly, are not in a position to the satisfaction of the Department of Commerce to survey and mark seaward boundaries.

Mr. GROSS. Mr. Speaker, I am not going to object to this measure or ask that it be put over, but I would hope that in the future costs of this kind be assessed to those who benefit from the services rather than to the Federal Government.

The bill that follows this also has a cost, as I understand it, to the Federal Government for much the same purpose. I repeat, that in the future I hope that the costs are assessed to the States that benefit and not to the Federal Government.

Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 733

Whereas, by virtue of chapter 357 of the Maryland Laws of 1969, and of chapter 198 of the Acts of Assembly of 1968 of the General Assembly of Virginia, the Maryland Geological Survey and the Marine Resources Commission of Virginia were authorized to establish, mark, and identify the seven-mile portion of the Maryland-Virginia boundary line in Upper Pocomoke Sound in an acceptable engineering manner; and

Whereas, pursuant to said acts the Maryland Geological Survey and the Marine Resources Commission of Virginia did agree upon a mutually acceptable boundary line; and

Whereas, by virtue of chapter 210 of the Maryland Laws of 1970, and of chapter 315 of the Acts of Assembly of 1970 of the General Assembly of Virginia, said agreement has been ratified and confirmed by the legislatures of the States of Maryland and Virginia, respectively, both of said acts having established and described said boundary line as follows:

Beginning at a point which is corner D defined by latitude 37 degrees 56 minutes 28.00 seconds and longitude 75 degrees 45 minutes 43.56 seconds; which is the last point on the Maryland-Virginia Line that was defined by the "Joint Report of Engineers on Relocating and Remarking Maryland-Virginia Boundary Line Across Tangier and Pocomoke Sounds December 1916";

thence running north 73 degrees 34 minutes 31.9 seconds east about 17,125.11 feet to corner H a point defined by latitude 37 degrees 57 minutes 15.82 seconds and longitude 75 degrees 42 minutes 18.48 seconds;

thence running north 85 degrees 39 minutes 33.9 seconds east about 3,785.82 feet to corner J a point defined by latitude 37 degrees 57 minutes 18.65 seconds and longitude 75 degrees 41 minutes 31.35 seconds;

thence running south 74 degrees 16 minutes 00.8 seconds east about 7,278.41 feet to corner K a point defined by latitude 37 degrees 56 minutes 59.13 seconds and longitude 75 degrees 40 minutes 03.89 seconds;

thence running south 61 degrees 57 minutes 55.7 seconds east about 3,664.73 feet to corner L a point defined by latitude 37 degrees 56 minutes 42.10 seconds and longitude 75 degrees 39 minutes 23.51 seconds;

thence running north 76 degrees 15 minutes 24.5 seconds east about 2,363.49 feet to corner M a point defined by latitude 37 degrees 56 minutes 47.65 seconds and longitude 75 degrees 38 minutes 54.85 seconds;

thence running 00 degrees 49 minutes 51.5 seconds west about 7,178.56 feet to corner N a point defined by latitude 37 degrees 57 minutes 58.61 seconds and longitude 75 degrees 38 minutes 56.15 seconds;

thence northeasterly about 3½ miles following the middle thread of the meandering Pocomoke River to corner P a point defined by latitude 37 degrees 59 minutes 39.37 seconds and longitude 75 degrees 37 minutes 26.52 seconds, which is at or near the point of intersection with the "Scarborough and Calvert Boundary Line of May 28, 1668"; corners N and P are connected by a line running north 35 degrees 08 minutes 33.5 seconds east about 12,465.32 feet;

thence north 83 degrees 45 minutes 59.9 seconds east about 24,156.95 feet to the boundary monument near triangulation station Davis on the "Scarborough and Calvert Boundary Line of May 28, 1668". Geographic positions are based on 1927 datum; and

Whereas, by virtue of chapter 220 of the Maryland Laws of 1970, and of chapter 342 of the Acts of Assembly of 1970 of the General Assembly of Virginia, the States of Maryland and Virginia have also agreed to their mutual boundary eastward from Assateague Island, both of said acts having established said boundary line as follows:

Beginning at a point on the Maryland-Virginia Line located on Assateague Island designated as station "Pope Island Life Saving Station (1907)" defined by latitude 38°-01'36.93" and longitude 75°14'47.105"; thence running North 84°05'43.5" East (true)—1,100.00 feet to station "Atlantic"; thence due east (true) to the Maryland-Virginia Jurisdictional Limit:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of the Congress of the United States be, and hereby is, given to said boundary agreements, and to each and every part thereof.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

On page 3, in the first line of the second paragraph, after "thence running" insert "north".

On page 4, in the first paragraph, after "1,100.00" insert "feet".

On page 4, line 5, change the period to a comma and insert thereafter the following: subject to the understanding that within the agreements the "boundary monument near triangulation station Davis" is the boundary monument which is about 210 feet north of triangulation station Nelson, 1932; that "1927 datum" means "North American Datum of 1927"; that "station 'Pope Island Life Saving Station (1907)'" is "triangulation station 'Boundary Monument, Pope Island Life Saving Station (Md. Va.), 1907'"; that "36.93"" is "36.930""; that "station 'Atlantic'" is an unmonumented point, mutually agreed upon; and that "due east (true)" means "on a line of constant latitude."

On page 5, line 3, redesignate "SEC. 2" as "SEC. 3", and insert immediately after the first section the following:

"SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the States of Maryland and Virginia, and so much of the interior boundary as is considered necessary for this purpose by the Secretary, and the necessary appropriations for this work are hereby authorized."

The committee amendments were agreed to.

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

CONSENT TO NORTH CAROLINA-VIRGINIA SEAWARD BOUNDARY AGREEMENT

The Clerk called the joint resolution (H.J. Res. 912) granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary.

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

Mr. HALL. Mr. Speaker, reserving the right to object, following the line of question of my friend, the gentleman from Iowa, I should like to inquire of the gentleman handling this legislation on the Consent Calendar; why, with the ambiguities interpreted and the substitutes by amendments suggested by the downtown departments, all made in order in the joint resolution, and with no objection on the part of the Department of the Interior or the Office of Management and Budget, it cost just roughly half as much to make this seaward survey by the U.S. Government between Virginia and North Carolina as it did to make the seaward and other surveys between Virginia and Maryland. Why there must be an explanation, but it would seem to amount to the same amount of equipment and the same type of survey?

I wonder if the gentleman or his committee has that information.

I yield for that answer.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, the subcommittee was informed that the second measure involves a shorter boundary line. The Department of Commerce very carefully computed the amount of year man-hours to conduct the boundary surveys and establish the seaward and other monuments in both instances and found that the joint resolution just passed would involve 6½ man-years of work while the instant measure is somewhat less, something on the order of 3½ man-years, and as a result the cost imputed to this particular survey was less.

Mr. HALL. In other words Mr. Speaker, it is an exact determination. I appreciate the gentleman's explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the joint resolution, as follows:

H. J. RES. 912

Whereas, by virtue of the provisions of chapter 452 of the Acts of Assembly of 1971 of the General Assembly of North Carolina, amending chapter 141 of the General Statutes of North Carolina by adding thereto a new section designated as G.S. 141–8, and by virtue of the provisions of chapter 343 of the Acts of Assembly of 1970 of the General Assembly of Virginia, amending title 7.1 of the Code of Virginia by adding thereto a new section designated as 7.1—4.1, the States of North Carolina and Virginia have agreed to their mutual lateral seaward boundary; and

Whereas, by the aforesaid Acts, the Legislatures of North Carolina and Virginia both established and described said boundary in substance as follows: Beginning at the intersection of the low water mark of the Atlantic and the existing North Carolina-Virginia boundary line; thence due east on a true ninety-degree bearing to the seaward jurisdictional limits of North Carolina and Virginia, respectively; such boundary line to be extended on the true ninety-degree bearing as far as a need for further delimitation may arise: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby granted to said boundary agreement, and to each and every part thereof, and the aforesaid Acts of the States of North Carolina and Virginia are hereby approved.

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the States of North Carolina and Virginia, and so much of the interior boundary as is considered necessary for this purpose by the two States and the necessary appropriations for this work are hereby authorized.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

On page 2, line 6, change the period to a comma and insert thereafter the following: "subject to the understanding that within

the agreement the phrase 'true ninety-degree bearing' means 'line of constant latitude.'"

On page 3, line 1, delete "the two States" and insert in lieu thereof "the Secretary".

The committee amendments were agreed to.

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

The SPEAKER. This concludes the call of the bills on the Consent Calendar that were eligible on yesterday.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARIA LUIGIA DI GIORGIO

The clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WILLIAM JOHN WEST

The Clerk called the bill (S. 2575) for the relief of William John West.

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

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 101(b)(1) of the Immigration and Nationality Act, William John West shall be deemed to be the natural-born alien child of Staff Sergeant William R. West, a citizen of the United States.

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

MRS. GAVINA A. PALACAY

The Clerk called the bill (H.R. 4646) for the relief of Mrs. Gavina A. Palacay.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ANKA KOSANOVIC

The Clerk called the bill (H.R. 1777) for the relief of Anka Kosanovic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CAPT. RONALD W. GROUT, U.S. AIR FORCE

The Clerk called the bill (H.R. 5668) for the relief of Capt. Ronald W. Grout, U.S. Air Force.

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

H.R. 5668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Ronald W. Grout, USAF, D.C., of San Angelo, Texas, the sum of $695.35 in full satisfaction of his claims against the United States for reimbursement for the amounts paid by him for packing and preliminary storage of his household goods and personal effects incident to moving to his first duty station upon being ordered to active duty with the United States Air Force in 1969.

SEC. 2. No part of the amount appropriated in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $1,000.

With the following committee amendment:

Page 1, line 6: Strike "$695.35" and insert in lieu thereof "$644.40".

The committee amendment was agreed to.

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

RESCUE MISSION ALLIANCE OF SYRACUSE

The Clerk called the bill (H.R. 10552) for the relief of the Rescue Mission Alliance of Syracuse.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

1ST LT. THOMAS J. TREMBA

The Clerk called the bill (H.R. 11749) for the relief of 1st Lt. Thomas J. Tremba.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ANNUAL REPORT ON THE FOREIGN ASSISTANCE PROGRAM, 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-347)

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 Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

The fiscal year 1971 Annual Report on the Foreign Assistance Program, which I transmit herewith, contains much hopeful news.

—The continuing success of the Green Revolution was evident in record crops of food grains, moving such countries as India, Pakistan, Turkey, and Indonesia steadily closer to a goal of self-sufficiency in basic foodstuffs and giving hope to others that this goal, considered inconceivable a few short years ago, can now be attained.

—Modern technologies in education are being explored with a view toward reducing the heavy cost of education, expanding its availability and improving its quality.

—Pilot projects for improving the delivery of health services in remote rural areas offer great promise.

—Support provided by the Agency for International Development for population-related efforts rose to a record $95.9 million, as developing countries, recognizing the heavy burden of high population growth rates, intensified their programs to achieve effective family planning.

—Developing nations showed increasing awareness of the environmental impact of proposed projects in their national planning process.

During the past fiscal year, the United States Government provided $3.4 billion in economic assistance to the less developed world. This aid took a variety of forms—technical assistance, development loans, financial grants, concessional sales of agricultural products, emergency relief, and contributions to international lending institutions as well as to the United Nations Development Program, and other UN-related activities. Just over half the total—$1.9 billion—was authorized by the Foreign Assistance Act and administered by the Agency for International Development. This report is essentially concerned with these programs.

Viewed in the perspective of the past decade, the less developed nations have made excellent progress. Their annual rate of economic expansion—averaging about 5.6 percent—exceeded even the five percent target projected by the United Nations for the Decade of Development that ended in 1970, reaching a level of more than six percent per year in the last years of the decade. This pace is more rapid than the growth rate of the United States at comparable stages of its development.

A major factor contributing to this record growth has been the increasing availability to lower income countries of external assistance from many sources. The United States can take pride in its role as an innovator and sustainer of this pattern of cooperation.

During the same ten years, the lower income countries also amassed a variety of other important resources for growth. Their technical and managerial experts have grown in number and experience, acquiring greater confidence in their ability to perceive national needs and to design and execute national development strategy. As the lower income nations have gained greater perspective and greater understanding of their own problems, they have been formulating more of their own development plans and organizing more of their own resources.

Other developments that must be taken into account in planning United States aid programs include the growth of new centers of economic and political power, the rapid pace of social and political change, and the increasing emphasis on man's relationship with his environment. Perhaps most significantly, there has been a substantial increase in the aid contributions of other nations and in the role of international lending institutions. Whereas a decade or so ago the United States was the predominant source of development resources and guidance, other industrialized nations and international lending institutions have since expanded both their contributions and their administrative capabilities. Today the United States is the foremost of donor nations in absolute terms, but the other industrialized nations have increased their participation to the extent that in many cases they are contributing a greater percentage of their

total resources to development assistance than is the United States.

We have been working to adjust our aid programs to all these new conditions. A number of important reforms were embodied in two pieces of draft legislation submitted to the Congress in April 1971. We hope that those proposals will provide a basis for a discussion with the Congress of ways in which we can structure our programs to increase their effectiveness.

While the Congress has been considering these proposed reforms, the Agency for International Development has moved ahead with steps to increase the effectiveness and efficiency of its operations within the constraints of existing legislation. These initiatives have included:

—Separation of economic supporting assistance activities from development programs within the AID structure;

—Reduction of AID's American staff by an additional six percent, reflecting a total reduction of nearly one-quarter over the past three years and bringing total AID personnel to the lowest level in the Agency's history;

—Substantial simplification of AID procurement policies and procedures;

—Substantial progress in concentrating technical assistance programs in priority sectors of agriculture, education, population, and health;

—Steps toward centralizing overseas lending operations in Washington.

While we look back with satisfaction at our accomplishments in the past and while we plan for further changes to help meet new challenges, we remain aware that the problems of development are stubbornly complex and that the solutions to some of them are still beyond our grasp. Yet each year's experience gives us new insights and firmer hope. And each year's experience also confirms two fundamental facts of development: (1) what the recipient country does to stimulate and accelerate its own growth is ultimately of greater value than anything we do or are able to do; and (2) a measure of help from the United States can be the vital factor in assuring steady progress toward development.

I believe most earnestly that the developed nations of the world cannot long prosper in a world dominated by poverty and that improvement in the quality of life for all peoples enhances the prospects of peace for all people.

RICHARD NIXON.

THE WHITE HOUSE, *September 19, 1972.*

CHANGE OF LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce that the motion to go to conference on H.R. 7130, the Fair Labor Standards Act amendments, will be made on Thursday, following the foreign assistance appropriation bill, and not on Wednesday as previously announced.

REENLISTMENT AND ENLISTMENT BONUSES

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

Mr. MONTGOMERY. Mr. Speaker, I am quite alarmed that the National Guard and Reserve strength is 50,000 below the congressional mandate of 972,674. I sincerely believe levels in the Reserves will continue to fall off unless the Congress enacts incentives such as reenlistment and enlistment bonuses.

I have previously introduced a package of incentive bills and only one, the full coverage insurance for reservists, has passed the House and lies dormant in the Senate.

As we approach the all volunteer concept, it is absolutely necessary that the manpower in the Reserves be maintained. I have written today the Secretary of Defense and chairman of the House Armed Services Committee urging that before this Congress adjourns, incentive legislation must be passed to keep the Reserve a viable force.

TAX CREDIT TO AID NONPUBLIC SECONDARY SCHOOLS

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

Mr. ROSTENKOWSKI. Mr. Speaker, in a statement today in Chicago, Ill., Senator GEORGE MCGOVERN came out in full support of the concept of a tax credit to aid nonpublic secondary schools in this country—schools that are presently facing an acute financial crisis. This legislation, which I have sponsored, is presently the subject of public hearings in my Committee on Ways and Means. It would indeed have a substantial impact on those parents now facing the double burden of financing their children's education and, at the same time, supporting the public schools in their communities.

As the Senator from South Dakota pointed out in his speech at Gordon Technical High School, which is located in my congressional district, two out of every five children in the 20 largest cities of this Nation, are enrolled in nonpublic schools. Therefore, when we talk of the educational situation in this country, and the financial problems presently confronting so many school systems, we cannot overlook the contributions and the similar financial problems of our religious-oriented nonpublic schools. As a Member of Congress who is very concerned about the increasing difficulties involved in providing adequate educational opportunites for all Americans, I was very pleased to see the Senator's strong and unequivocal support for this legislation. I am hopeful that our committee will be able to soon send it to the House for consideration.

SOCIAL SECURITY LAW

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

Mr. ROUSH. Mr. Speaker, I am today introducing a bill that I believe will make a significant clarification in the present social security law and the regulations by which it is implemented. This is of particular importance to self-employed persons who retire.

Under present law there is an income limitation of $1,680 for a 12-month taxable year. This means that a retired person who earns more than $1,680 a year will lose social security benefits proportionately.

H.R. 1, which has passed the House but not the Senate, increases the earnings limitation to $2,000 and provides that only $1 in benefits will be withheld for each $2 of earnings above the $2,000 regardless of how high the earnings might be.

I think this provision an important improvement. However, there is another issue that needs legislative action and to this my bill is addressed.

Under present law a recipient of social security benefits who is self-employed may continue to receive social security benefits up to the full maximum and continue to work or perform services as long as he or she is essentially retired, that is as long as this retired person does not perform "substantial services."

The term "substantial services" is not defined in the law, however. By regulation implementing the law, more than 45 hours of services in a month is usually considered substantial. However, the regulations stipulate certain exceptions and conditions under which services of 45 hours or less may be considered substantial.

Individuals falling under these exceptions and conditions find their social security benefits reduced. The results are therefore confusing and often inequitable.

Therefore, the amendment I introduce today would simply amend section 203 (f) (4) (A) of the Social Security Act by inserting before the period at the end thereof the following: "; except that, in any case, an individual who devotes 45 hours or less to all trades and businesses during a calendar month shall not be considered to have rendered substantial services with respect to any trade or business in such month."

I cannot anticipate any opposition to this simplifying amendment and I hope the Congress will give it attention before the final social security bill is passed in this session.

U.S. POSTAL SERVICE

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

Mr. LANDRUM. Mr. Speaker, although the U.S. Postal Service is only little more than a year old under its newly reorganized structure, we have heard criticism almost from the start that it is not working and that we should go back to the

old patronage-ridden Post Office Department.

Many of these complaints obviously have been the result of a prejudgment. However, constant criticism has made the past year of transition to a more businesslike post office even more difficult.

Fortunately, in the present Postmaster General E. T. Klassen, the Service has made the firm leadership needed to see it through much of this trying period. The Service has moved ahead toward a goal of sound finances and good service in the face of many difficulties.

This is not to say that perfection has been achieved. The Postmaster General has been among the first to acknowledge this. He told the recent Postal Forum VI that the new way of life in the post office is like wearing a new pair of shoes. There are occasional pinches and cries of protest.

However, he has promised to overcome these transitory problems and provide "prompt, reliable, and efficient service" for all.

We can be confident that he will meet this goal. He has demonstrated by his avoidance of $450 million in new postage increase that he is a man who usually succeeds in doing what he says.

THE DECLINING ROLE OF CORPORATE TAXATION

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

Mr. VANIK. Mr. Speaker, according to the latest information submitted by the Office of Tax Analysis of the Treasury Department, individual tax receipts are currently estimated at $99 billion, 3.5 percent above June 1972 estimates of $95.5 billion and considerably above the January budget estimate of $93.9 billion.

At the same time, corporation tax receipts are estimated at $35.5 billion—0.5 percent less than the June 1972 estimate and $200 million below the January 1972 estimate.

With corporation taxes down, pretax corporate profits have risen 8.5 percent from first quarter 1971 to first quarter 1972, while the 1972 second quarter pretax corporate profits have risen 10.3 percent over the same 1971 period.

It appears, therefore, that corporate contributions to the cost of supporting the Federal Government are plunging lower—while the individual taxpayers are compelled to assume an increasingly larger share of the burden. This is the principal effect of the new economic policy which reduced corporation taxes by almost $10 billion per year.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 369]

Abourezk	Fraser	Mayne
Adams	Galifianakis	Meeds
Annunzio	Gallagher	Melcher
Aspinall	Goldwater	Metcalfe
Badillo	Hagan	Nichols
Baring	Halpern	Nix
Belcher	Hanna	O'Neill
Bevill	Hansen, Idaho	Pepper
Blanton	Hastings	Pike
Bow	Hébert	Pryor, Ark.
Broyhill, Va.	Hicks, Wash.	Pucinski
Caffery	Hillis	Purcell
Celler	Jacobs	Reid
Clark	Keith	Roncalio
Clay	Kyl	Rooney, N.Y.
Curlin	Lent	Rooney, Pa.
Daniels, N.J.	Link	Ruppe
Delaney	Lloyd	Saylor
Diggs	McCormack	Scheuer
Dowdy	McDade	Schmitz
Dwyer	McDonald, Mich.	Scott
Edmondson	McKay	Skubitz
Erlenborn	McMillan	Springer
Findley	Macdonald, Mass.	Steed
Flowers	Matsunaga	Stuckey
Flynt		Udall
Foley		Wiggins

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

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

REQUEST FOR PERMISSION TO FILE REPORT ON H.R. 14465

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on H.R. 14465.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of this bill?

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

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

Mr. GRAY. I am delighted to tell the gentleman that this is a bill reported out of the House Committee on Public Works by a vote of 23 to 4, to name certain Federal buildings after deceased and former Members of Congress and also to authorize the District of Columbia government to construct the Eisenhower Bicentennial Civic Center.

Mr. GROSS. Is this the bill which provides an initial outlay of $14 million on the part of the Federal taxpayers?

Mr. GRAY. Not an initial outlay; no. It has a provision whereby if the District of Columbia government cannot meet its obligations several years from now it could draw on the $14 million which the President of the United States has requested as our contribution to the bicentennial. It is only a contingency, not an immediate outlay. In the meantime, hundreds of millions of new revenues will be generated.

Mr. GROSS. The gentleman stated the purpose of the bill was to provide names for certain Federal buildings, that evidently being his interpretation of the primary purpose to name certain Federal buildings for certain Members of the Congress.

I suggest the gentleman reorder the real purpose of the bill to say it is a bill to construct a convention center in the District of Columbia and the secondary purpose is to name certain buildings for Members of the Congress.

Mr. Speaker, I object.

Mr. GRAY. If the gentleman will yield further, I would advise my friend that the 29 Members named in the bill have given over 600 years of total service to this Congress and to this country and to me that overshadows any one President or any one civic center, and I am in no way playing down their importance either.

The SPEAKER. Objection is heard.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN 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.

INSTALLATION OF SECURITY APPARATUS FOR THE PROTECTION OF THE CAPITOL COMPLEX

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 550) providing for the installation of security apparatus for the protection of the Capitol complex, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "directed" and insert: "directed, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5),".

Page 2, lines 2 and 3, strike out "the contingent fund of the House of Representatives." and insert "funds hereafter provided to the Architect of the Capitol under the appropriation 'Capitol Buildings', for that purpose.".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of this proposal? What will this do?

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

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

Mr. GRAY. I am delighted to explain that the House passed House Concurrent Resolution 550 to authorize the Architect of the Capitol to install certain security measures at the Capitol. The other body passed the resolution in almost identical form. The only difference is that the Senate amendments would require the Appropriations Committee to fund the improvements. The House bill called for taking the funds out of the contingency fund of the House. All we seek to do is to agree to the Senate amendments, to allow the Appropriations Committee to fund

the improvements made by the Architect of the Capitol.

Mr. GROSS. The amendments are germane?

Mr. GRAY. The amendments are germane.

Mr. GROSS. This does not provide any funds to pay for the so-called facelifting in the Speaker's lounge by way of rugs, furniture, and chandeliers?

Mr. GRAY. I will say to my friend from Iowa, it does not.

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

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD. 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. 16654) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, 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 1½ hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

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

There was no objection.

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

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. 16654, with Mr. HOLIFIELD 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 Pennsylvania (Mr. FLOOD) will be recognized for 45 minutes, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, you can well imagine I am not going to take a lot of time discussing the merits of the many, many programs for which appropriations are made in this new Labor-Health, Education, and Welfare appropriations bill. This was discussed, as you will recall, in considerable detail when we acted on the first bill. We all realize that these are very, very meritorious programs, and that we will never, never be able to appropriate 100 percent of the money that could be used to advantage in the fields of manpower training, health, education, and welfare.

The issue before us now is to arrive at a bill that the majority of the Members can support, even if grudgingly, and a bill that the President can sign, even if grudgingly. It is not only important that we do this, but it is also important that we do it as expeditiously as possible. At the very best, there is going to be one fourth of this fiscal year that has passed before these funds we are now talking about become available. Now, think of that.

Now, we are all acquainted with the President's veto message. In this message he stated:

> I also urge that the Congress, in drawing up a new measure, provide that the line items in the bill should not, in the aggregate, exceed my budget request. This could be accomplished either by revising the recommendations for each of the items, or by including a general provision in the bill which would limit spending to this overall aggregate amount.

For further emphasis, he also said:

> I know the usual practice is to repass such a bill with a slight reduction and assume that the second bill will have to be signed. Such action would obviously not satisfy the objections to this measure I have set forth here.

In addition to his veto message, the President has frequently spoken of his intention to avoid a tax increase by holding down Federal expenditures. Thus, it appears rather certain that the President would veto a second Labor-HEW bill if we do not make very substantial reductions below the level of the vetoed bill. Some will argue that this is just partisan politics on the part of the President. Others will maintain that it is prompted by a sincere, objective interest on his part in doing what is best for the overall welfare of the Nation. In the current situation with regard to this bill we are not passing on motives, we are dealing with plain facts of life. It was with this attitude that we approached the task of constructing a new Labor-HEW appropriation bill.

In reviewing the vetoed bill at its various stages, it will be noted that the bill as reported to the House by the House Committee on Appropriations exceeded the President's budget by $912 million. The bill was increased still further when it was considered by the House. Further substantial increases were added by the Senate Committee on Appropriations. Still further increases were added when the bill was before the Senate.

Now, there you are. One, two, three, four. That is the way it was.

It was the subcommittee's opinion that even the bill as reported by the House Committee on Appropriations would be too high to meet the criteria for Presidential signature set forth in the veto message. However, that bill as reported was the result of months of hearings and many hours of subsequent deliberation by the subcommittee and the full committee. We feel that it was a well-balanced bill, but, of course, with the drawback, under the present circumstances, of being over $900 million in excess of the budget. We, therefore, took the bill as reported to the House as a base for preparing the new bill. We then took out of it 12½ percent of the four largest increases over the budget which it contained, except for aid to schools in federally affected areas. The 12½-percent reduction was applied to the appropriation for mental health, for which the original bill as reported to the House included an increase over the budget of $130 million. The second reduction was 12½ percent of the $132 million by which the appropriation for health services planning and development exceeded the President's budget. The third reduction was 12½ percent of the $143 million by which the appropriation for the research institutes and divisions of the National Institutes of Health exceeded the President's budget. The fourth and only other reduction was to take out 12½ percent of the $205 million by which the appropriation for health manpower exceeded the President's budget.

I want to emphasize that these reductions were only from the increases over the budget. Therefore, there still remain substantial increases, over the President's budget, for each of these four items in the bill that is before you today. Do not worry about that.

The next and only other step in arriving at the new bill was to add items that were considered by the Senate but not considered by the House because of lack of a budget request at the time the House acted, or because of lack of authorization at the time the House acted.

These items are as follows:

First. $455,133,000 for "work incentives" of which $250,000,000 was contained in a budget amendment which was sent to the Senate, and decreases of $39,000,000 in the budget request for "manpower training services," $20,000,000 in the request for "limitation on grants to States for unemployment insurance and employment services," and $25,000,000 in the request for "grants to States for public assistance," all of which were proposed in the same budget amendment.

Second. $35,465,000 for "grants for the developmentally disabled" for programs authorized by the Developmental Disabilities Services and Facilities Construction Act and the Public Health Service Act. These programs were presented in the budget as part of a much larger appropriation item, most of which lacks authorization, and so were not considered by the House.

Third. $968,721,000 for "special benefits for disabled coal miners." This is the amount of a budget amendment which was sent to the Senate after the House acted on the bill.

Fourth. $45,000,000 for the corporation for public broadcasting, which lacked authorization when the House acted on the bill.

Now, with these adjustments, the bill which is before you totals $29,603,448,500, which is $835,815,000 more than the President's budget and—and $935,471,000 less than the vetoed bill. I will not go into detail with regard to all the comparisons between the new bill, and the vetoed bill, and the original House bill, the original Senate bill, and so on. There is a marvelous set of tables in the re-

port that will do all of that for you, and more. They are excellent.

Now, Mr. Chairman, I obviously am in no position to guarantee that the President will sign this bill if it is passed in this form by the Congress. It is still substantially over the President's budget. On the other hand, the House voted by a substantial majority, although not a two-thirds majority, of 203 votes "aye" to 171 "nays" to override the veto. It therefore appears reasonable that the President should be willing to accept a compromise between his position and that of a majority of the Congress, who are also elected representatives of the people. This bill is such a compromise.

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

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

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the work that the subcommittee and particularly the gentleman from Pennsylvania (Mr. FLOOD) has done on this bill.

My question involves an amount that may seem miniscule, only $20 million. But in the black lung amendments authorized in May of this year, $10 million was authorized for 3 years for fixed site and mobile clinic facilities for the analysis, examination and treatment of respiratory and pulmonary impairments in coal miners and an additional $10 million for research in respiratory and pulmonary diseases among miners.

Mr. FLOOD. Yes, I know that. I know it very well, indeed.

Mr. HECHLER of West Virginia. I would strongly urge the gentleman from Pennsylvania that in the event this amount should come up in conference, it would receive support from this body. I would certainly hope that this amount, which is a very small amount in an area which the gentleman from Pennsylvania is the recognized leader, can be included in this legislation.

I would ask the gentleman from Pennsylvania if he feels there are any possibilities in the future of including this very vital amount.

Mr. FLOOD. As the gentleman from West Virginia is aware, I was a cosponsor of the original bill on black lung. I am from the hard coal area—and he is from the soft coal area—I am from the anthracite coal fields and he is from the bituminous coal fields.

I know he is aware of my concern. I join with the gentleman. I cannot speak for those Members who may be appointed as House conferees, and of course I do not know what the other body will do. However, I can assure the gentlemen I am in his corner.

Mr. GROSS. Mr. Chairman, will the gentleman from Pennsylvania yield briefly?

Mr. FLOOD. To my friend, the gentleman from Iowa, of course.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Chairman, when this bill was originally before the House, if I remember correctly the gentleman said there was some $4,900,000,000 that was not included in that measure, but which would be forthcoming in a supplemental appropriation bill.

Is that $4,900,000,000 now included in this bill?

Mr. FLOOD. No, no—it is not.

As a matter of fact, we are going to start hearings on Thursday on that group of items.

Mr. GROSS. Also at that time, the gentleman said that the original bill, in all its ramifications including social security trust funds and the supplementals, would total $100 billion or approximately that amount.

Mr. FLOOD. As usual, the gentleman's memory is excellent.

I also want to say, dramatically, as I often do, for the first time in history, the whole Labor-HEW package will be bigger than the bill for the Department of Defense, believe it or not.

Mr. GROSS. Yes, the gentleman made some such statement at the time the bill was originally considered. Now is the bill below or still at the $100 billion level?

Mr. FLOOD. When the trust funds are included I am inclined to think that the total, also including the supplemental appropriations on which we will start hearings day after tomorrow, will slightly exceed $100 billion.

Mr. GROSS. I thank the gentleman.

Mr. MICHEL. Mr. Chairman, in talking about this new bill, I think we need to remember that the bill that was sent to the President was proportionally more over the budget than the total figures show. A $1.8 billion overage on a $29 billion budget comes out to a little more than 6 percent, but when you strip away the uncontrollables and the Labor Department—which was actually under the budget, you wind up with an actual budget base of about $8 billion, to which Congress added the $1.8 billion. This comes out in the neighborhood of 22 percent over the budget request.

And, when you take it on an item-by-item basis counting only those specific budget items which Congress increased, you get an actual base of about $6.8 billion, of which an additional $1.8 billion is more than 26 percent.

The bill we are bringing you this afternoon is still well over the budget recommendations—more than $835 million.

The chairman has already told you how we arrived at that figure, so I am just going to hit the high points of what that $835 million includes.

This bill provides $113,750,000 above the President's recommended budget level for mental health.

This increase includes the bulk of the psychiatric residency training funds originally restored by your subcommittee. It also includes substantial increases over the budget for community mental health center staffing and construction, and for the mental health of children, as well as for alcoholism grants.

Health services planning and development includes $115,400,000 over the budget, going primarily to regional medical programs and Hill-Burton medical facilities construction.

Health services delivery is at the budget figure, which is some 13 percent over the 1972 level. This includes a substantial increase in family planning services as well as increases in grants for maternal and child health and comprehensive health services.

Preventive health services is more than $14 million over the comparable 1972 level. This includes increases for the disease control programs as well as the lead-based paint program.

The budgets of the NIH Research Institutes would be increased by about $125 million, as you can see from the report. And, the administration's request for the Institutes was itself more than $100 million over the 1972 level.

Health manpower is more than $179 million over the budget, bringing the total NIH increase to more than $304 million.

The biggest increase over the budget in education is in impact aid, and our figure here is about $30 million over the 1972 level.

The $12.5 million increase for education for the handicapped goes into the State grant programs, and the $50 million increase for vocational and adult education is also targeted for basic grants to the States.

Library resources receive an increase of more than $26 million over the budget, and educational renewal some $3.7 million over, including increases for bilingual education.

Including the four other budgeted items, then—work incentives, grants for the developmentally disabled, the black lung benefits and the Corporation for Public Broadcasting—we have a bill totaling $29,603,448,500, which is $835,-815,000 over the budget and $935,471,000 less than the vetoed bill.

In conclusion I might say I am not very happy with this new version of our Labor-HEW appropriation bill. Having suffered a veto of our original bill and having it sustained, it was my feeling we ought to begin our deliberations in our subcommittee at a level something in the neighborhood of $600 million over the budget feeling that could be very well justified and conceivably we could escape a second veto. I would have held to the 1973 budget figures except for restoring the cuts made in 1972 items and added $50 million for impacted aid.

There was not exactly a great deal of support in the subcommittee for that kind of proposal, and the majority of the subcommittee felt that notwithstanding this big figure, if it should be vetoed the second time, there are sufficient votes in the House to override. My concern is this whopping big increase of $835 million over the budget. If just another $150 million is added in the other body, which he had the proclivity in the past for raising our bills by a half billion to a billion, we will be talking about a bill that will still be a billion dollars over the President's budget.

I do not care how laudable the program, how good its merits are, talking about them as individual items, the President really in effect has the whip hand, and he can easily go to the American people and say, "Here is a bill that is a billion dollars over the budget." I think he can make it stick a second time if he is inclined to do so.

So I am not making any really big,

grandiose plea here for an overwhelming vote of confidence for this bill that is $835 million over the budget. I have got to support it because I supported the original bill at a level of $912 million. I think my credibility would be tarnished if I did not, but I also served notice on the committee that if it is raised 1 cent on this floor or in conference, then I reserve the right to be opposed to it and to sustain a second Presidential veto if there is one. I just want to raise the caution flag here today. If anybody has any ideas about adding any money on this floor today, we are running the real risk definitely of a second veto. The chairman and the majority of the members of the subcommittee have gone as far as they possibly could to try to meet the tremendous pressures we feel from the different special interest groups around the country. I would certainly hope that in this climate, whatever it might be, Members would see fit to sustain this committee today at this level and not prejudice the case against the entire bill by offering amendments to increase any item in it.

Now, Mr. Chairman, I shall be happy to yield for questions.

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

Mr. MICHEL. I yield to a valued member of our subcommittee with whom we have a few differences now and then but one who certainly has a great deal to offer in the deliberations of our subcommittee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I thank the gentleman from Illinois for a very fine statement. Even though I do not agree with all he has stated here today.

There was a colloquy between the gentleman from West Virginia and the chairman of the subcommittee with regard to black lung disease and the suggestion was made that there should be $20 million-plus for research. However, at the insistence of the gentleman from Pennsylvania, the chairman, and under his great leadership, there is more than a billion and a half dollars for black lung disease in this bill. I hope this will not be increased in the other body or in conference.

Mr. MICHEL. I would certainly sustain the gentleman's point of view. As I recall there is $1,526,000,000 in this bill for black lung disease benefits. I think everybody has enough to crow about with that figure without adding another $10 million or $20 million for that purpose.

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

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

Mr. COLLIER. Mr. Chairman, I think it would be appropriate at this time to remind the Members of this House that presently the House Ways and Means Committee is considering legislation to increase the national debt or the national debt ceiling to $465 billion. The Congress has already busted the President's budget to the extent of $6.2 billion, and with work on appropriation bills yet to come. It is going to be interesting to see how many of those who have participated in the budget-busting activity and their position on this bill will vote when we get around to the debt ceiling bill. If the past is prologue there will be a great deal of demagoguery on this floor.

Mr. MICHEL. I am very happy the gentleman brought that up at this point because it is something that ought to be discussed. Those who feel so inclined to raise the President's budget figures ought to, as the gentleman suggests, be willing to go along with an increase in the debt ceiling.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas, the chairman of the House Committee on Appropriations.

CONGRESSIONAL ACTION ON THE BUDGET

Mr. MAHON. Mr. Chairman, some reference has been made to the effect of congressional actions on the budget.

In every year that I can recall, the Congress has made changes in the recommendations of the executive branch. It has cut the budget in places. It has increased the budget in places. Congress always makes many changes in the budget.

This year is no exception in that respect. If I may so state it, changing many of the budget recommendations of the President—every President—is standard congressional procedure. I expect it will always be so.

As to the present session, relating to the current fiscal year 1973, it now appears beyond all reasonable doubt that the Congress, in the traditional annual appropriation bills which are processed through the Committee on Appropriations, will in the aggregate, appropriate less than the total requested by the President and considered in connection with those bills. Some bills will be above the budget requests and other bills will be below the budget requests as Congress works its will on the various spending programs. I would say the appropriation bill grand total will be within the President's grand total request handled in the appropriation bills even if we were to count in the vetoed Labor-HEW appropriation.

But taking the new Labor-HEW bill pending before us today, I would hazard the prediction that the annual appropriation bills, for fiscal 1973 at this session, will total perhaps $2 to $3 billion less than the related appropriation requests, in sharp contrast to the $6 billion excess mentioned by a distinguished friend, the gentleman from Illinois (Mr. COLLIER). In any event, to repeat, the appropriation bills will not in total exceed the related budget requests of the President.

Now, Mr. Chairman, it is true that in a number of nonappropriation bills handled through the legislative committees—some of which have been enacted into law and some of which are not yet finally enacted—the Congress has already breached the President's spending recommendations or seems poised to do so. Let me cite the major bills.

In the bill raising social security benefits, which came out to the Committee on Ways and Means, and of which the gentleman from Illinois (Mr. COLLIER) is an able member, Congress raised the benefits 20 percent as against the President's 5 percent recommendation, and this is estimated to exceed the President's budget spending estimate for fiscal year 1973 by about $2.1 billion. The President signed the bill, but in relation to his budget, it is $2.1 billion above it.

The so-called black lung benefits bill, out of the Committee on Education and Labor, in its enacted form mandates spending in fiscal year 1973 of some $968 million above the President's budget spending estimate. The President signed the bill, but in relation to his budget, it is about a billion dollars above it.

Then there is the so-called clean water bill out of the Committee on Public Works. It is, I believe, now pending in conference. It carries $18 billion in backdoor contract authority for waste treatment construction grants spread over a 3-year period, fiscal years 1972–75. For fiscal year 1973, the House version provides $5 billion above the President's request for fiscal year 1973. Those figures refer to new spending authority, not actual expenditures. I do not have a firm expenditure figure at my fingertips but here again, it may perhaps exceed the President's budget spending estimate. We do not, of course, know whether the President will sign that bill if and when it reaches his desk.

There are a number of other nonappropriation bills that mandate spending in fiscal year 1973 above the budget, several relating to veterans' programs, which the President has signed. Some are still pending final enactment.

THE PENDING LABOR-HEW BILL

As I have just pointed out, Congress is making perhaps a fair record of exhibiting restraint in the annual appropriation bills. In my judgment, we did go overboard on the vetoed HEW appropriations bill, in the name of humanity perhaps, but nevertheless we did.

The President vetoed the bill. Now, I make the plea that the House not go above the figures in the present bill.

APPROPRIATION BILLS OF THE SESSION

Now, let me recite that there are nine regular appropriation bills for fiscal 1973 which have been signed into law plus the disaster relief appropriation bill, making 10 of the bills for fiscal 1973. This does not count the vetoed HEW bill.

The Congress at this moment in bills signed into law is above the President's budget in these appropriation bills in the sum of $322 million. So we are above the President's budget, not by $6 billion, but by about $322 million at this moment.

If we add the sums of money by which we are over the budget in the pending Labor-HEW bill; namely, $835 million, we run over the budget $1,157 million. So, we would be over the President's budget, if this bill were to be enacted into law as it reads today in the sum which I have just stated.

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

Mr. FLOOD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. MAHON. But, what bills remain? The House has already passed the de-

fense appropriation bill which is $4.3 billion below the budget. That wipes out, insofar as the House is concerned, appropriations approved over the budget. But the Senate has not acted on the bill and we do not know what amount finally may be enacted into law.

We have approved in the Appropriations Committee the foreign aid bill and it is scheduled for House action this week. The committee cut is $967 million.

In the military construction bill I estimate there will be no increase over the budget; probably a decrease below the budget.

I would say that with respect to budgeted and unbudgeted funds, the final supplemental bill will probably be about a draw, but we cannot be precise as to what that situation may be.

I have been speaking only of annual appropriation bills applicable to the 1973 budget.

We cut the appropriation bills for fiscal year 1972 budget which were before us this session by some $400 million, but we are not taking that into account at the moment.

NONAPPROPRIATION BILLS MANDATING SPENDING

In order to understand the total impact of the Congress on the spending budget, one must take into consideration the actions of the Congress in nonappropriation bills which mandate spending. In this regard there have been several significant actions at this session to which I have made some reference.

To repeat somewhat, Members will recall that Congress enacted and the President signed into law the social security bill which will produce a budget-busting expenditure of about $2.1 billion this year, and which I agree is needed. My concern was that the bill did not provide safeguards for the social security trust fund so vital to the welfare of those who depend upon social security assistance.

Another is the black lung bill to which reference has been made, and another is the so-called clean water bill.

There are various other bills which I will not undertake to enumerate, including bills involving veterans, which have not been finalized. They are all accounted for in the budget scorekeeping reports of the Joint Committee on Reduction of Federal Expenditures.

So, in summary, Mr. Chairman, although it is too early to give a precise number it is now evident that when the Congress has completed its work at this session, the annual appropriation bills of the Congress—not of the House or of the Senate but of the Congress—will be very considerably below the President's budget. However, appropriations reductions may very well be more than offset by various actions in nonappropriation bills.

It is important, as I see it, in dealing with the pending Labor-HEW bill, that we bear firmly in mind the necessity of practicing restraint because we are in a very serious situation from the standpoint of maintaining the fiscal integrity of this country. If we do not maintain the fiscal integrity of this country everybody will lose, the rich and the poor, the young and the old.

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

Mr. MAHON. I am pleased to yield to my distinguished friend from Illinois.

Mr. COLLIER. Yes. I am trying at this point to clarify the reference which the distinguished gentleman from Texas made previously with respect to the Ways and Means Committee.

We are all well aware that the Ways and Means Committee did not report a bill with a 20-percent increase in social security. In fact, that was a creation of the Finance Committee in the other body, attached as a rider, as we know, to the debt ceiling bill, and brought before the House in a manner where it was possible only to have one effort to reduce. The record clearly shows who voted to reduce and who did not.

I believe the significant thing is that this comes, as we know, out of the trust fund. I know we talk in terms of a unified budget and not an administrative budget, but there is indeed an adequate amount, based on the projected income to the social security trust fund, to take care even of the 20-percent increase.

So I believe that the gentleman, in charging the Ways and Means Committee, did overlook the procedure by which the increase measure was jammed through by the other body.

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

Mr. FLOOD. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. MAHON. With respect to the 20-percent increase in social security benefits, there were those who voted against the proposal, not because they felt the increase in social security benefits was not needed—I believe it was needed myself—but because proper provision was not made to safeguard the integrity of the trust fund.

Of course, I realize that is a controversial issue. Some members of the Committee on Ways and Means said these additional benefits could be provided without jeopardizing the integrity of the trust fund. I hope that is correct, but I am among those who have some concern about that matter.

Mr. COLLIER. Will the gentleman yield?

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

Mr. COLLIER. I merely felt the record in light of the gentleman's statement—and I know the distinguished gentleman did not mean to leave any impression that the Committee on Ways and Means in alluding, as he did, to the 20-percent increase in social security rendered some kind of fiscal irresponsibility on the part of the committee.

I repeat, H.R. 1, which is the original social security bill, did not provide for a 20-percent increase, but it sought to correct a lot of other inequities in the social security law, and that has been laying in the other body for over 15 months, so I do not think it can be laid at the doorstep of the Committee on Ways and Means in the light of what actually happened in terms of the process of this particular bill.

Mr. MAHON. I thank the gentleman. I believe this colloquy will create a better understanding of the fiscal problems which confront us.

The CHAIRMAN. The gentleman has consumed 13 minutes.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, it is now more than 3 months since the House first considered our committee's recommendations for fiscal 1973 funding for the programs administered by the Departments of Labor and Health, Education, and Welfare. We all remember the history of that bill—how it was increased substantially on the floor of the House with a "package" amendment; how the other body added still more hundreds of millions over the President's budget requests; and how the President reacted.

Most of us remember that the House was warned by our distinguished chairman and ranking minority member of the subcommittee on June 15 that the addition of these funds would inevitably bring a veto and the subsequent delay in final action. Their predictions were based on recent history, and they proved to be very accurate.

Now our subcommittee has reported out a new bill in the hope that the compromise figures recommended will be acceptable both to Congress and to the President.

Our school administrators and health research and delivery personnel have waited patiently for almost 3 months into this fiscal year to find out how much they are supposed to be spending, so prompt action on this bill is imperative.

It is not easy to cut back on human resources appropriations which have once been enacted by the Congress. Interest groups in behalf of many of these programs have contacted the members of our subcommittee urging that cutbacks not be made in their specialties, and in most cases their arguments have merit.

However, the President made it very clear in his veto message that he would again veto any bill which contained only token cuts below the amounts in the rejected bill. Our subcommittee is therefore recommending an appropriation of $29.6 billion in this bill. This is $935 million below the total in the vetoed bill.

We realize that this represents a substantial reduction below the amount Congress has indicated it would like to spend for these programs, but it is still $836 million above the budget requests.

We have attempted to direct these increases over the budget into the areas of greatest need. More than one-half billion dollars of the increase is for health research and delivery programs. Three hundred million dollars of the increase is for education. Full funding is again recommended for the emergency employment program.

Just as the case in the original recommendations by our subcommittee last June, this bill includes significant increases in selected areas over the fiscal 1972 appropriations. The $728 million in this bill for mental health programs is

$116 million higher than last year. Twenty-nine million dollars of this increase is for the community mental health centers.

The $485 million in this bill for the National Cancer Institute represents an increase of $106 million over last year. The National Heart and Lung Institute will receive an increase of $62 million, or 27 percent more than last year. Nearly $40 million more is recommended for health manpower programs.

The new bill includes $641 million for the impacted area aid program for elementary and secondary education, an increase of $30 million over fiscal 1972, and $210 million over the budget request for this popular program. If our subcommittee had accepted the budget figures for this program, my own State of Kansas would have lost $2.7 million in badly needed education assistance. We have one school district in my home county which would have had to double its property taxes to compensate for this loss.

Mr. Chairman, it is regrettable that here we are in the latter part of September making a somewhat hasty attempt to put together an acceptable bill to fund programs which should have been funded long ago. We know that this is not the idea appropriating procedure. The members of our subcommittee do not like to use a set percentage like this 12½ percent cutback in the largest increases as the basis for arriving at these figures. We held months of hearings and heard 7,500 pages of testimony on all of these programs, and we know that a more selective procedure would be preferable.

But it is late September, and we still must wait for the other body to act on this bill. I hope they do not load it up again like a Christmas tree, or I am afraid we will still be around here at Christmastime trying to write an acceptable bill.

I strongly urge that this bill be passed as reported.

Mr. FLOOD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, with reference to the statement made, I believe by the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Illinois (Mr. MICHEL) concerning including about $1 billion of payments to disabled coal miners for black lung disease, this is profligate spending for past neglect. We are spending $1 billion for past neglect by both the coal industry, the medical profession, and the Nation.

What we must do in this Congress is to take action that will prevent black lung disease developing in the future so that we can save billions of dollars. If we can afford to spend $1 billion to pay for past neglect, then certainly this Congress ought to be able to afford $10 million for the necessary pulmonary clinics, $10 million for the necessary pulmonary research that will serve to prevent black lung disease and save us the billions of dollars that otherwise would have to be spent in paying out for the neglect of those who work and have toiled underground in the coal mines.

I would certainly urge that more attention be paid to the funds that were authorized by a vote of over 2 to 1 on the 10th of May of this year which were included by both the House and the Senate in their votes in June on this bill.

Congress in the 1969 Federal Coal Mine Health and Safety Act declared that the first priority and concern of all the coal mining industry must be the health and safety of its most precious resource—the miner. The 1972 Black Lung Amendments authorized $10 million a year for 3 years for fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in coal miners. It also authorized funds for research into this field. The House on June 15 and the Senate on June 27 in the HEW-Labor appropriations bill voted for the $10 million for clinics and $10 million for respiratory and pulmonary research.

This bill we are considering today has a glaring omission—it provides no funds for these urgently needed clinics and for this vital research. There is a tremendous need for diagnostic clinics and labs to evaluate the disabling effects of black lung. Much more needs to be known about a method of detecting early the signs of function impairment among coal miners. The law provides that if a miner shows signs of black lung, he can be moved to another place in the mine where the dust level is lower. However, why can we not prevent a miner from becoming disabled from this disease? Much more research needs to be done on early detection.

In southern West Virginia the only adequate facility doing diagnostic studies is the Beckley Appalachian Regional Hospital. Twenty-five percent of the coal miners in this country live in West Virginia, 25 percent in Pennsylvania, and 25 percent in Kentucky. Eighty-five percent of the coal miners live in Appalachia. In Pennsylvania where the State law and better medical facilities produce better records and information, the rate of approvals on black lung claims is much higher. But Pennsylvania would not deny the need for these clinics and the need for research. Why should miners from other States be penalized because there are not adequate medical facilities and enough knowledgeable doctors.

The black lung amendments authorized the money needed for research through the National Institute for Occupational Safety and Health to devise simple, effective tests to measure, detect and treat coal miners' pulmonary and respiratory impairments. It is estimated by the National Institute of Occupational Safety and Health that up to 20 new mobile and fixed site pulmonary function clinics would be funded to the extent of $9.2 million, with the other $800,000 for training of local personnel and administrative costs. Also it is estimated that possibly as many as 40 existing clinics could be refurbished to serve as pulmonary function clinics; $10 million for each additional year for the next 2 fiscal years would be necessary for operating costs. The Appalachian Regional Commission already has $1.3 million which it would use in close cooperation with the National Institute for Occupational Safety and Health in developing these clinics and other medical programs.

The Senate Appropriation Committee report states that:

> This action will allow the National Institute for Occupational Safety and Health to assist, to the maximum extent possible, those presently suffering from black lung disease and to insure that no miner will be denied his deserved black lung benefits because of inconclusive diagnostic procedures.

It is my belief that these funds will provide an important step forward in the development of health standards and programs to benefit coal miners.

The committee report to accompany H.R. 16664, the bill before us now, states:

> It . . . seemed reasonable to the Committee to report out a new bill that would . . . still retain some of the increases that a majority of the Members consider to be very important and worthwhile.

On May 10 of this year by a vote of 275 to 122 this House showed that a majority of the Members consider these clinics and this research to be "very important and worthwhile." I strongly urge that the necessary funds for these programs be restored.

I think that this is a very minor amount compared to the billions of dollars in this bill. This is an investment and will help the budget, and for that reason it is fully as important as the billions that we are spending in justified payments to the miners.

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

Mr. MICHEL. Mr. Chairman, I yield 2 additional minutes to the gentleman from West Virginia (Mr. HECHLER).

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

Mr. HECHLER of West Virginia. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, what I tried to do was to point out to the gentleman from Illinois that there is $1,526,000,000 because of the leadership of the gentleman from Pennsylvania in this budget for black lung disease. I voted against the authorizing legislation. However, I am with the gentleman from West Virginia in the well in trying to correct the situation in the mines 100 percent. I voted against the black lung legislation not because I was against the program, but because I felt that it discriminates against the millions and millions of Americans who are on social security. Every week when I go home I have people hobbling into my office complaining because they cannot receive disability payments under social security because they have to prove that they are totally disabled. And I thought when we amended this law we should have amended it for each and every one across the board. The only thing I tried to point out is that that there is $1,526,000,000 in here for only one small segment of our society, thanks to the leadership of the gentleman from Pennsylvania.

Mr. HECHLER of West Virginia. I thank the gentleman from Massachu-

setts. I say let us move ahead and do the things the gentleman from Massachusetts suggests across the board, but let us also engage in a little more investment in prevention so that we do not have to spend billions of dollars in the future to pay for past neglect.

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

Mr. MICHEL. Mr. Chairman, I have a request for time from the gentleman from Massachusetts (Mr. CONTE) who would like to be heard for 5 minutes, and I, therefore, yield 5 minutes to the gentleman for that purpose.

Mr. CONTE. Mr. Chairman, it is most unfortunate that, in the third month of fiscal year 1973, we still do not have an appropriations bill for the Departments of Labor, and Health, Education, and Welfare. Literally hundreds of programs are hamstrung because of uncertainties as to their funding level for this fiscal year.

The situation is particularly acute with respect to the education programs covered in this bill. It is essential that the Nation's educators have an accurate indication well in advance of the next school year of the sums that will be forthcoming from the Office of Education. This permits them to provide for proper planning and intelligent execution of these important programs.

It is distressingly obvious that they have not had this opportunity this year. Consequently, to delay any further would be calamitous.

Well aware of how crucial this timing factor is, the members of the Labor-HEW Subcommittee have made a conscientious attempt to report out a bill that should be acceptable to this Chamber and must be quickly approved.

As most of you can readily appreciate, the subcommittee was under intense pressure from forces with conflicting interests. On the one hand, the administration is concerned that we respect the request levels which it submitted to the Congress.

On the other hand, groups from throughout the country with a legitimate interest in the educational, health, and safety needs of all our citizens pleaded with the Members to hold the line on Congress' original recommendations.

Under these circumstances, we had some difficult decisions to make, but I believe we have produced a satisfactory compromise and I urge my colleagues to endorse it.

Admittedly our bill is almost $836 million above the administration's request. Yet the $29.6 billion price tag in the bill comes to less than 40 percent of the amount we approved for the defense appropriations bill last Thursday, which was nearly $75 billion. And the $836 million increase is more than offset by the $4.3 billion decrease which the Appropriations Committee recommended for the Defense bill.

No one can deny the need for a strong national defense. But at the same time, we cannot ignore our compelling responsibility to improve the health, education, and working conditions of our people. This bill, which represents a $2.2 billion increase over last year's measure, is a conscientious attempt to fulfill that commitment.

Mr. Chairman, before closing, I want to say a few words in regards to the Library Services and Construction Act, and title II of the Elementary and Secondary Education Act.

Mr. Chairman, library resources are a tremendous asset to our Nation. This is why we must support them with such programs as the Library Services and Construction Act and title II of the Elementary and Secondary Education Act. I was pleased our subcommittee recommended the same funding level for these programs that it recommended last June. H.R. 16654 will not force our library programs to take a cut in funding from the 1972 fiscal year level.

Mr. Chairman, last month the Massachusetts Bureau of Library Extension prepared a report on special projects that have been undertaken in Massachusetts under the Library Services and Construction Act. The Forbes Library in Northampton, for example, has initiated an audio program to reach and serve those members of the Northampton and Hampshire County community who have not been able to use or have been unaware of the library or its services. The library, in cooperation with various community agencies, has designed audio facilities to serve the following groups: the preschool child; the functionally illiterate; the educationally disadvantaged; the elderly; and physically handicapped, including both the mentally retarded and the environmentally retarded child. The South Hadley Library system provides special library services for children with learning disabilities with the help of a small grant from LSCA. Similar programs are underway all over the State of Massachusetts. Such activities cannot be continued if LSCA and ESEA II funds are reduced below the fiscal year 1972 level. For this reason, I am pleased that the subcommittee has recommended no cuts for these programs. I only regret that it has not been possible to provide a substantial increase so that important programs of this kind can be expanded. All our citizens benefit from the Nation's public and school library systems.

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

Mr. SCHERLE. Mr. Chairman, I thank the gentleman for yielding. I am concerned that funds for construction under the Health Manpower Act have been cut. Last year, Iowa State University received Federal funds under this act for Phase I construction of its new school of veterinary medicine. ISU now awaits approval of an additional grant for phase II.

According to William Whitman, director of the physical plant department at ISU, estimated construction costs for the new facility will not rise if the money is received before April 1, 1973. If, however, the funds are not released until after that date, the total cost of the project will increase about 20 percent, or $1,889,461, due to inflation and the loss of expected savings from working both contracts at once. Furthermore, if the money is delayed until after November 1, 1973, an additional surcharge will bring the total increment to $3,023,138. In addition to saving money for the Federal taxpayer, speedy action will also aid Iowans who are providing up to $3 million in matching funds.

It therefore makes good economic sense for HEW to use some of the money earmarked in this bill for construction of new veterinary schools before April 1 of next year to complete the new ISU College of Veterinary Medicine. With permission, I will insert in the RECORD a chart prepared by Mr. Whitman showing the incremental costs of delay in ISU's case:

IOWA STATE UNIVERSITY, NEW COLLEGE OF VETERINARY MEDICINE

If both contracts awarded by—	Phase 1	Phase 2	Total	Increase per year	Total increase
Apr. 1, 1973	$541, 394	$8, 905, 913	$9, 447, 307	0	0
Nov. 1, 1973	694, 672	10, 687, 096	11, 336, 768	$1, 889, 461	$1, 889, 461
Nov. 1, 1974	714, 639	11, 755, 806	12, 470, 445	1, 133, 677	3, 023. 138

Mr. MICHEL. Mr. Chairman, I might say in response to the gentlman from Iowa who has talked to members of the subcommittee on several occasions with respect to his interest in the School of Veterinary Medicine at Iowa State University that, having proceeded with phase I, I am sure the Federal Government is not going to be defaulting on its obligation to proceed with the other phases of the project at that great institution.

I think the point he makes with respect to spiraling costs in construction, the sooner we get it done, the better off we are. I think we ought to use this colloquy, to try to spur HEW and the Office of Budget Management to not withhold the funds where we have already made a commitment to proceed on such a laudable project as this one.

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

Mr. MICHEL. I yield to the gentleman.

Mr. SCHERLE. Mr. Chairman, I thank my colleague for his generous remarks and his support for the School of Veterinary Medicine at Iowa State.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, the action of the Appropriations Committee for HEW, Labor, and other agencies in eliminating all funds for title III of the National Defense and Education Act and title VI of the Higher Education Act is unfortunate.

These are two program that have regularly enjoyed wide support among teachers and school administrators, and with reason. For over the years they have been efficiently administered and extremely effective in improving the quality of education in our elementary and secondary schools and in colleges.

Recent polls among school administrators have shown title III to be the second most popular of all Federal educational assistance programs, second only to title II of the Elementary and Secondary Education Act.

Both programs are 50–50 matching, and each fills a specific need. This need is not decreasing; on the contrary, growing demands on our school systems and small community colleges make these programs more vital than ever.

It is difficult to understand how the Appropriations Committee can completely disregard the importance which we on the Education and Labor Committee have regularly placed upon these programs. The Congress has each year authorized funds substantially in excess of appropriated amounts, because of testimony from all parts of the country indicating that these programs are important for the quality education of our children.

Relatively small amounts of money are involved, in fact, it can be said that title VI has been held back practically to pilot program levels. But this has not prevented both programs from doing an excellent job in an area where there is no overlapping with other programs.

In 1958 there were only 46 language laboratories in the country; today there are more than 10,000 because of title III of NDEA. Teaching institutes provided under 1964 amendments to this title have provided training for more than 90,000 teachers, school librarians, and media specialists, thereby improving the quality of education for more than 12 million students annually.

Reductions in the programs from last year's cutback levels of $50 million for title III and $12.5 million for title VI would result in considerable damage. Their complete elimination, as proposed by the Appropriations Committee, would cause irreparable harm to our schools.

It is estimated that more than 45 percent of the elementary schools in the country still possess no central book or teaching aid collections at all, while 70 percent of those libraries that do exist cannot meet minimum standards of the American Library Association. Language and other reference materials are frequent nonexistent.

This is not the time to slash going programs which have proved their effectiveness.

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

Mr. DON H. CLAUSEN. Mr. Chairman, I wonder if I could direct a question to the gentleman from Illinois who has been most considerate in answering questions from all of us, both informally and formally, here on the floor?

It is my understanding that the impact aid funds in this bill, for the B category, is at a level of 73 percent.

Is that percentage figure accurate?

Mr. MICHEL. Yes, that is true. That would be the same as last year's allocation.

Mr. DON H. CLAUSEN. This is consistent with last year's level of funding then?

Mr. MICHEL. Although we have $30 million more in the bill this year than we had last year to compensate for this increase that would be required to sustain that same kind of percentage.

Mr. DON H. CLAUSEN. Mr. Chairman, I do want to thank the gentleman and the other members of the committee and the staff who have considered and approved our request to up the amount because this is of general concern, I am sure, to many of us who have congressional districts wherein the matter of Public Law 874 Federal impact aid funds is a matter of great concern to the school districts involved.

Mr. MICHEL. I thank the gentleman. Of course, you recognize this is one of the biggest increases over the budget in the entire bill for impacted aid, and I think of all of the Members who have that particular problem in their area have no reason whatsoever to question this figure because it more than adequately takes care of them.

Mr. FRENZEL. Mr. Chairman, I intend to vote for H.R. 16654, the HEW appropriation which has been presented as a substitute for the previously vetoed version. The vetoed bill was nearly $2 billion over the budget. This one is about $800 million over the budget, but that seems to me as close as we can come, based on the previous bill.

However, if this bill is increased substantially in conference, I will not hesitate to sustain a veto. The Congress cannot allow our fiscal deficits to mount forever.

The Fisher amendment—similar to the Findley amendment of the vetoed bill—deserves support. It is really not a proper remedy, but it is the only remedy available.

I fully support the Steiger consultation bill, but the Fisher amendment is a bird in the hand while the Steiger bill is one in the bush. The DOL has not taken the Congress seriously in our many complaints against OSHA. I hope this amendment attracts DOL attention. The goals of OSHA are too desirable to allow it to fall into disrepute because of poor administration.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. FLOOD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, and be subject to points of order and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to be made against this bill?

Are there any amendments to be proposed?

AMENDMENT OFFERED BY MR. FISHER

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

The portion of the bill to which the amendment relates is as follows:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $69,207,000.

The Clerk read as follows:

Amendment offered by Mr. FISHER: On page 6, after line 24, add the following: "None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 15 persons or less for compliance with the Occupational Safety and Health Act of 1970."

Mr. FISHER. Mr. Chairman, this amendment is identical with the one which was offered by the gentleman from Illinois (Mr. FINDLEY) when the HEW appropriation bill was being debated last June, except that the number of employees referred to is 15.

This amendment simply provides that none of the funds shall be used to pay salaries of any inspectors of firms employing 15 or less for compliance with the Occupation Safety and Health Act of 1970.

You will recall that last June 15 the Findley amendment was approved by a majority of 213 to 154. The other body reduced the number of employees to 15, and the conferees accepted the Senate version. That is why I have used that figure in my amendment.

Both the House and Senate having decisively approved the amendment, one would expect that the Appropriations Committee in rewriting the HEW bill would have honored the will of the Congress and have included the same OSHA amendment as was approved and contained in the bill that was vetoed. But that was not done, and that explains why we must go through this same procedure again.

Certainly the situation which prompted 213 Members to vote for the Findley amendment in June has not improved in September. In fact, according to reports from over the country the problem which calls for this amendment is getting worse all the time.

Mr. Chairman, we are all for safety, but the manner in which OSHA is being enforced is calculated to penalize employers rather than assist them in promoting a safe and healthy environment for their employees. Members of Congress simply could not have envisioned what would happen to employers when the law was enacted.

The act itself has proven to be a monstrosity and the manner in which it is being implemented and enforced is even worse. Safety and health standards promulgated by the Secretary of Labor, thus becoming the "law of the land," were hurriedly passed, with little concern about the effect on employers. The Secretary incorporated nearly 100,000 safety standards from over 300 "consensus" standards with no adequate investigation into their complexity.

As a result, under present regulations the lighting of almost every building in the country will have to be rewired, even though in full compliance with local electric codes.

Nearly every stairwell will have to be modified.

All piping will have to be color-coded and new heating and ventilating systems will have to be installed, or run the risk of heavy penalties.

New bathrooms will have to be constructed to comply with the act's requirement to provide "men's" and "ladies" bathrooms, even though they are not needed by the "moms" and "pops" who are the only employees of an establishment and who manage to get along just fine with one bathroom at home.

Now, under new law enacted by OSHA's regulations, you have to have split toilet seats rather than round toilet seats.

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

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

Mr. FISHER. Mr. Chairman, then there is the matter of standards relating to types of building construction and construction materials. Total compliance costs will inevitably run into the billions. Many, many small businesses will have to spend $1,000, $2,000, or perhaps $5,000 in order to bring themselves into compliance. Some will be forced to shut down. And many of these standards are simply absurd. Many apply to big business as well as the farm or small business with only a few employees.

Now, big business can live with these things. Big business can absorb the added cost. Big business has lawyers on retainer and they have full-time safety engineers. But what about the little guy? He simply cannot afford to spend $500 or a thousand dollars on lawyer fees. And many of them cannot afford to make structural changes to comply with new notions about stairways, bathroom walls, floors, and what have you.

The pending amendment will, if finally enacted, provide some relief. It will exempt the small firms where relatively few accidents occur. Moreover, many of the States now have their own health and safety laws which would continue to apply to the small operators we would by this amendment release from the clutches of Federal bureaucracy.

There is an obvious and imperative need for a new look, a new examination, of this the fastest growing bureaucracy in America today. Let us apply some brakes before too much damage is done to too many people who cannot afford and do not deserve this kind of treatment from their Federal Government.

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

Mr. Chairman, I did not know my distinguished friend, the gentleman from Texas, was going to offer this amendment. If anybody is more concerned about the small businessman than I am, I have not heard of him. The Members know the country I come from where the small businessman has become so important since the coal fields have practically disappeared. In 1945 I had 64,000 men working underground in my coal mines. There were 64,000. Do Members know how many I have today? I have 1,600. It is the small businessmen who brought back my district from 19.5 percent unemployment, back to the national average. Tragically Hurricane Agnes put us back considerably, but we will overcome that, too.

Most of the things that have been said just now are about 2 years late.

I agree that the original regulations that were established by the Department of Labor were, in some respects, silly and ridiculous. There is just no question about that. Even the Department of Labor agrees. We had them before the committee; the Secretary, the Under Secretary, the assistant to the assistant, a whole litany of saints down there, and we chewed them out, beginning with me, about the way this program has been administered.

It was a mess, but it is not now. Let us be fair about this. The trouble was that in their eagerness to get this program started they took some shortcuts. One of them was to borrow standards that had already been established under other programs and consolidate them into a set of standards for this program. This had the advantage of making it possible to publish the initial standards just 1 month after the authorizing act became effective, but it resulted in some standards that might fit a restaurant operation being made applicable to construction projects just because no one had enough time to analyze and make adjustments in these borrowed standards to make them reasonable for the new program.

The Department recognized this and has done a good job of correcting it. Even back in April, when we had hearings with the Department officials regarding this program, they had gone a long ways toward straightening out this problem. So let us not try to justify cuts and limitations on the current program by citing silly mistakes that were made a year or two ago and have since been corrected.

Mr. Chairman, let us look at the other side of the coin. What this amendment seeks to do is to deprive millions of workers of protection under the Occupational Safety and Health Act. Is this because they do not need protection? Heavens no. The accident rate is much higher in small plants than it is in large plants.

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

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed an additional minute.

This amendment would single out workers who most need the protection that the act rightfully guarantees them and would say to them: "Sorry Mac, we've changed our minds. You don't get any protection under the Act unless you quit your job with that small employer and go get a job in a big plant where you probably don't need the act's protection anyway."

Mr. Chairman, I think that is a completely unreasonable position, and I certainly hope the amendment will be defeated.

Mr. CONTE. Mr. Chairman, I too rise in opposition to this irresponsible attempt to hamper the Occupational Safety and Health Administration in dealing with the serious problem of industrial accidents in America.

The sad facts are these: There are a reported 14,500 deaths and 2½ million lost-time accidents a year. And HEW's National Center for Health Statistics indicates that injuries among male blue-collar workers may be 10 times the reported rate. Consider these sobering figures:

Each year 32 injured workers per 100 in the manufacturing industries require medical attention or are restricted in their activities because of injuries;

More than half the work force in western cities, where small businesses predominate, is injured in the course of a year;

Fifty percent of the manufacturing labor force suffers from chronic conditions associated with some 56 million bed-disability days.

In the face of these cruel statistics, we are now being asked to adopt an amendment which would eliminate from the coverage of the act some 25 to 35 percent of all nonfarmworkers in the country. To make matters worse, many of these workers are employed in industries deemed by the Department of Labor to be particularly hazardous: Longshoring, roofing, meatcutting, mobile home construction, and logging.

Let me cite one example of the harsh impact the adoption of this amendment would have. The logging industry has a disabling injury rate of about three times that of all manufacturing employees. And 96 percent of the more than 16,000 logging camps in this country have 20 or fewer workers. To exclude them from OSHA inspections would be grossly irresponsible and unjust.

Last June the Small Business Committee held 5 days of extensive hearings on problems that have been associated with the act. Nearly 2 million businesses throughout the country were represented by 48 trade organizations during the hearings and we considered the testimony of 83 witnesses.

It is interesting to note that, almost to a man, none favored the categorical exemption of small businesses from the provisions of the act.

The committee did uncover undeniable deficiencies. These include the need for easily comprehensible standards and on-site inspections without risk of penalty. Several recommendations were made to the Department of Labor regarding improvements in the act's administration that can and should be made. I and the other members of the committee intend to pay close attention to the Department's responses to these recommendations.

The committee also urged that the appropriate legislative committees favorably consider legislation which would permit on-site consultation inspections when requested by small businesses and that such inspections be performed without issuing citations or penalties unless an imminent danger exists.

I understand that an education and labor subcommittee is now holding hearings on this and other corrective legislation that may be needed. Clearly this is the rational approach to take in solving any problems created by the act.

To adopt the amendment that we are now considering would be a ludicrous example of throwing the baby out with the bathwater. It has no place in an appropriations bill and I urge my colleagues to defeat it.

Thank you, Mr. Chairman.

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

Mr. CONTE. I yield to my good friend from Oregon.

Mr. DELLENBACK. I should like to commend the gentleman in the well for his stand on this particular matter. Those of us who are on the committee which has jurisdiction over this basic legislation are aware of the great need for this particular OSHA legislation. We are aware of the fact that there are drawbacks in the legislation as it exists, but the committee is engaging in oversight hearings on this particular matter. The type of correction which should be made should not be on the basis of this type of amendment, where we make an arbitrary drawing of a line and on the basis of numbers make a distinction.

I commend the gentleman in the well, and I rise with him in opposition to this amendment.

Mr. CONTE. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the pressure is now on the Department to exercise better judgment in the implementation of this act. The pressure has been upon the Department for several months, and very heavily. This amendment would relieve the pressure on the Department to do what it ought to do. The amendment would eliminate most of the opposition for 9 months. In terms of numbers, 84 percent of the employers employ under 15, so it would reduce pressure from most of the opposition, but not help accomplish the changes needed. In the Small Business Committee upon which we both serve, we had 5 days of hearings, as the gentleman from Massachusetts (Mr. CONTE) has indicated, employer group after employer group said, "Do not pass an exemption because that is not the way to solve this problem. What is needed is better administration of the act. Do what needs to be done over legislatively and administratively and not just get rid of some of the opposition for a few months so there will be less pressure on the Department.

The Labor Department itself needs to clean up the way they have been administering it. I think they have made some progress belatedly. In my opinion, they misinterpreted the act, the meaning of the act, and it was somewhat ambiguous.

The Labor Committee is now holding hearings, and I think they will come out with some constructive recommendations, but this amendment would relieve the pressure to pass the needed legislation. I think this is the wrong thing to do at this time.

Mr. CONTE. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. CONTE. I thank the gentleman from Iowa for yielding.

Is it not so that some of the ludicrous things they did adopt, such as the split toilet seat and the coathanger on the door and that you could not serve ice in water, were the result of the codification of safety codes that had those ludicrous regulations in them, and that they have eliminated some of these regulations.

Mr. SMITH of Iowa. They incorporated by reference a lot of industry codes which were obsolete and had not been recently used. They just incorporated them instead of holding hearings and developing reasonable and enforceable rules and regulations.

The Department is also failing to provide information to employers on what they are required to do. I think it has now been made clear that we expect them to provide pamphlets, and copies of the regulations so employers will know what they are supposed to do.

Mr. CONTE. Will the gentleman yield further?

Mr. SMITH of Iowa. I yield to the gentleman from Massachusetts.

Mr. CONTE. Did you not get the feeling that what the small businessman was really interested in was to be able to call OSOA and say, "Come up here and tell me what is needed, and give me a certain number of days to correct the situation"?

Mr. SMITH of Iowa. That is exactly right, and we think the law does permit that to be done at the present time.

Most of the employers want to do whatever is right with regard to health and safety. Most of them just want to know for sure what they need to do and they want the Department to use the rule of reason.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. NELSEN. Mr. Chairman, I want to make the observation that the arbitrary Government attitude which seems always to prevail is one that is disturbing. In desperation many of us sought the only remedy available to us due to inaction by the committee responsible for considering our proposed permanent changes in OSHA law, and we adopted the 1-year exemption as part of the legislation subsequently vetoed by President Nixon for other, unrelated reasons.

I want to express another consideration that I think enters into it. We passed what was known as the clean meat bill. It was inappropriately applied to some small firms in the small towns in my district.

One of the grocery men came to me with deep concern. He was a man with a little grocery store in a little town, where and in conjunction with his grocery operation, he had a little slaughtering plant where farmers could bring their animals to be slaughtered and have the meat frozen and put in lockers.

He told me that the Federal meat inspector had been there picking away and picking away at this and that. Finally, in desperation, the grocery man said:

You get out of here and do not ever come back.

Well, that is what the inspector did. But he also ordered, as he left, "You are closed up as of now."

That has happened all over our State to the degree that most of these little plants, no matter how clean or essential to the community, have been closed without proper justification.

Most of us who have been living on the farm have slaughtered meat on our own farms, but some people simply have no place to take meat for processing now.

I will say in the case of most of these plants that have been closed, I see no reasonable justification for the action taken. So in connection with the present matter, I think, the point is we fear what an inspector will do with a little muscle and a little authority. We think it will be abused.

I am pleased to learn that some guidelines are about to be proposed that will require some restraint by these inspectors. We must insist that our small businessmen, tradesmen, and farmers receive a fair hearing and a chance to express their concerns. Unreasonable inspections and punitive fines issued without a hearing or without opportunity to make necessary corrections cannot be tolerated by Congress.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

(Mr. SCHERLE asked and was given permission to revise and extend his remarks.)

Mr. SCHERLE. Mr. Chairman, our distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), said that the arguments presented here this afternoon should have been presented 2 years ago.

Well, let me tell you this: I, for one, had no idea that the childish, infantile, ridiculous, abusive regulations as approved under this legislation, the height of simplicity, would be administered to the small business people of this country in the way they are being administered today.

I do not believe that I have ever seen a piece of legislation designed to help small business, deliberately designed to put small business out of business, as this particular piece of legislation. This legislation legalizes harassment and is a Federal license to abuse small businessmen.

There has to be a difference as far as safety regulations are concerned. How in the world we can compare General Motors with a blacksmith shop in Henderson, Iowa, I have no idea whatsoever. There is no comparison. He does not have the money and he does not have the personnel and he certainly does not have the reason. Not that he is not safety minded; he certainly is. But to put him in the same category as General Motors

and the major suppliers of industry in our country is utterly incomprehensible.

One thing you want to remember is we did pass legislation advocating 25 employees in the House. The other body accepted a 15 employee exemption. The conference committee agreed to an employer with 15 employees or less. This is not new. It has already passed the House and it has passed the other body with overwhelming support. It is legislation that is necessary. It is legislation that should be approved again.

Why anyone would imagine that an employer would deliberately create a hazard as far as his employees are concerned is a little ridiculous to me. He does not want to pay out workmen's compensation; he does not want lost time on his hands; he wants to make sure that the employees have an efficient, safe, and secure place to work, just like anyone else. Grant those small employers an opportunity to survive, because if you do not, I can assure you they are going to go out of business fast and furious. Remember, employers create employment when there are no employers, there will not be any employees.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the amendment by the gentleman from Texas (Mr. FISHER) to prohibit the expenditure of funds under the Occupational Safety and Health Act of 1970 for enforcement of the provisions of the act against firms employing 15 or less employees.

While it ought to be the concern of every person that American working men and women are able to work in safe and healthful surroundings, the Occupational Safety and Health Act of 1970 has because of its all pervasive provisions caused severe problems to small businessmen who are mandated to obey the same specifications set for large corporations. Instances have already been reported according to one Labor Department official where requirements for clothes hangers for each employee have been enforced, for example.

It is imperative that this law be amended to offer some relief to the small businessman who is bearing the financial burden of the act. OSHA ought not to be a sledge hammer applied to every business, good or bad, but ought to be designed to meet the need where it exists. To exempt small firms with fewer than 16 employees from the law would be a step dictated by common sense and would be a much needed step in the right direction. If we fail to act positively on this amendment, the Congress will have to accept the blame for the serious damage it will inflict upon the small businesses of America. There are those who oppose "big business"; but unless they support this amendment they will only contribute to the further depletion of small business ranks.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I suspect there are no Members of the House who have to deal with this more than the gentleman from Wisconsin, but I would hope that the Members of this House would be willing fully to recognize the impact of an exemption based on size.

The issue with which you are dealing here is very simple—will the House today approve something which in effect says, those who are employed in a small foundry or a small chemical company or a small machine shop, or any one of a number of small operations, will be less safe or subject to less than those who are employed in shops that have 16 or 18 or 21 or 25 or 50 or 100 employees.

I really do not think that this committee this afternoon is in the position of being willing to try and place that kind of limitation upon the safety and health of employees in the United States. The adoption of the amendment offered by the gentleman from Texas (Mr. FISHER), just as the adoption of the Findley amendment, is a step backward, but it does recognize that there are problems with occupational safety and health, and if we may borrow from the Governor of Alabama, it sent a message across this country and to the Labor Department that they are going to have to begin to take some steps to correct errors, which is most appropriate, and I think it has succeeded in accomplishing that purpose. It has created an additional awareness of the small employer's problem.

It does seek a recognition on the difficulty with which employers are faced in terms of dealing with it, but it does not respond to what I find in the Sixth District of Wisconsin, and what I think most Members of this House find in their own districts, which is the small employer who says, "Do not exempt me, I am not asking for an exemption, but I am asking assistance. I am attempting to try to find out what I can do to deal with occupational safety and health laws." And the only response to that is to effectively and affirmatively provide that in this House in this year.

And I am authorized by the chairman of the Select Subcommittee on Labor, the gentleman from New Jersey (Mr. DANIELS), who regrettably is not here because of the death of two friends of his, and also the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, who I think will confirm this, that there will be a vote in the House of Representatives in 1972 on an amendment to provide consultation, so that those Members who are concerned with responding to the problems of the small businessmen would have an opportunity to say, "Yes, we did respond, we did amend the Occupational Safety and Health Act by providing that the Labor Department would be authorized to consult on the plantsite with the small employer."

It seems to me that that is the kind of response that this House ought legitimately to give to recognize full well the difficulty with which small employers are faced in dealing with the Federal Register and try to help them to be able to comply with the occupational safety and health law. So let us vote down the Fisher amendment because it does not represent an effective response to the problems of the small employer, and it clearly does not recognize the difficulties with which the employees of small employers are faced in terms of the kinds of hazards with which they deal, but let us admit and recognize that we can correct the act effectively by amending it to provide for consultation.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. CONOVER. Mr. Chairman, I would like to associate myself with the comments of the gentleman from Wisconsin. I was one of those who voted in behalf of the Findley amendment. I think the message has been given. I appreciate the comment that the committee is going to have a look at this, and I for one am going to change my vote because the message has been given, and I think AFL workers should be protected without undue hardships on small businesses.

Mr. STEIGER of Wisconsin. I appreciate very much the comments of the gentleman from Pennsylvania.

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

Mr. STEIGER of Wisconsin. If the gentleman from Iowa will let me proceed for 1 moment, then I would be delighted to yield to the gentleman.

Mr. Chairman, the Secretary of Labor has written to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and the letter is as follows:

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: During the consideration of the Labor-HEW Appropriation Bill by the House on Tuesday, September 19, it is expected an amendment will be offered to exempt small businesses based on the number of employees from the Williams-Steiger Occupational Safety and Health Act of 1970.

It is the position of the Administration that this is not a wise approach to the problems raised by small employers who claim they are finding it difficult to comply with the Act. In actual effect, such an amendment would exempt more than 86% of all establishments now covered under the Act and 25% of all employees covered thereunder.

A more constructive approach, and one which the Administration is prepared to support, would be an amendment to the Occupational Safety and Health Act which would permit the Department of Labor to provide on-site consultation to small employers, thereby easing the burden of compliance on small businesses while maintaining the basic integrity of the Act. Such an amendment has recently been proposed by Congressman William Steiger in the form of H.R. 16508.

The Administration therefore opposes any exemption from coverage under the Act and favors, instead, new legislation which would permit on-site consultation for small employers.

Sincerely yours,

JAMES D. HODGSON,
Secretary of Labor.

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

Mr. STEIGER of Wisconsin. I am de-

lighted to yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I am grateful to the gentleman from Wisconsin for yielding. I appreciate the fact that he read this letter addressed to me from the Secretary of Labor.

As the gentleman recalls, I discussed the situation with him this morning. Has there been any development as far as affirmative action is concerned or commitment for action on this legislation during this session?

Mr. STEIGER of Wisconsin. There has been both by the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) and the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS) and myself and the gentleman from Minnesota (Mr. QUIE).

The answer is that the House will act this year on a consultation bill and I think, frankly, there is an exceedingly good chance the Senate would also take action, but obviously no one can commit the other body.

Mr. GERALD R. FORD. Mr. Chairman, I do not at the moment see the gentlemen whose names you mentioned. I wonder if at some time during the consideration of this amendment, we could have one or both of them reaffirm that which I am sure the gentleman from Wisconsin in good faith has indicated as to affirmative action on this amendment.

Mr. STEIGER of Wisconsin. The gentleman from New Jersey (Mr. DANIELS) is in New Jersey as the result of two funerals and, therefore will not be here. The gentleman from Kentucky is here and is prepared to confirm that.

Mr. GERALD R. FORD. Second, I would like to ask the gentleman from Wisconsin what he means by "onsite consultation." Is onsite consultation before the fact to permit an individual or the owner of a plant to get advice as to how to run his plant so that he is not in violation? Or is consultation after the fact, subsequent to an alleged violation?

Mr. STEIGER of Wisconsin. In response, may I say to the gentleman from Michigan, it can be both, but it is designed to allow the employer under the bill I have introduced with 50 or fewer employees to request onsite consultation to have the Labor Department come to the plant and deal with the kinds of standards that are applicable to his operation without penalty.

It could also be available to somebody who was inspected and who wanted consultation in how to comply with what was found during the inspection. But, essentially, it is designed to deal with the employer who says, "I would like to comply, but I do not know how—please help me."

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. With reference to the gentleman's statement about getting the message out to the people and subsequent colloquy about onsite consultation, I am reminded of a condemned man on the gallows or facing the electric chair who is asked if he has anything to say.

I am not at all impressed with the argument which the gentleman makes about the consultation which the harassed plant owner may be able to have at some future time with some bureaucrat.

Let us pass this amendment now and repeal it if effective legislation is approved at some time in the future.

Mr. STEIGER of Wisconsin. I regret I do not agree with the gentleman.

Mr. HEINZ. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. As you know, I voted for the Findley amendment when we last considered this appropriation.

I would like to clarify one thing about the bill sponsored by the gentleman from Wisconsin which would provide onsite inspection for smaller employers, and which you said earlier was favored by the Department of Labor. Is the Department of Labor restricted when providing onsite counseling as to the nature or extent of the OSHA counseling? Specifically, would this legislation require the employer to list in advance every specific of the counseling he seeks or may he request occupational health and safety law counseling of a more general nature or on specifics he failed to list in advance?

Mr. STEIGER of Wisconsin. In the language of the bill, H.R. 16508—and I must say I do not know whose bill will be reported, if it is mine or somebody else's; I do not care—the consultation concept is one which is widely supported by people interested in this matter. Subparagraph (A)—

Such visit may be conducted only upon a valid request of an employer—

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent and at the request of Mr. HEINZ, Mr. STEIGER of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. STEIGER of Wisconsin. Subparagraph (B) on page 2 of bill says:

shall be limited to the matters specified in the request affecting conditions, structures, machine, apparatus, devices, equipment, or materials.

Mr. HEINZ. Then it would be correct to say that it is the intent of the change in the legislation which you propose, and which the Department of Labor also supports, that consultation would be available onsite, and that it would be of a flexible nature, that is, if the employer requests it onsite, and when the Department was there, he might obtain counsel?

Mr. STEIGER of Wisconsin. That is correct. Recognizing that an officer who is a consultant under this bill is responding to a specific request and may not be in a position to cover all areas.

Mr. HEINZ. I thank the gentleman from Wisconsin for his helpful explanation. I think what he proposes is a very important addition to our health and safety laws and will make it faster and easier for smaller employers to comply and safeguard the many millions of employees covered under this legislation.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. I urge the defeat of the Fisher amendment. I would ask one other thing, Mr. Chairman. On page E7948 in the section called Extension of Remarks, my colleagues will find some material placed in the Extension of Remarks yesterday dealing with those who oppose this kind of exemption.

Mr. RANDALL. Mr. Chairman, I move to strike the last word. I rise in support of the amendment. First I wish to commend the gentleman from Texas for offering his amendment. For some reason the gentleman from Illinois (Mr. FINDLEY), is not present today. We were all scurrying around here a while ago wondering whether an amendment would be ready or whether an amendment had been prepared.

Next, let me set to rest quickly and finally the charge that those of us who support this amendment here are against all occupational safety. Of course, we are not. We voted for the principle of occupational health and safety when we passed this act back in 1970. Of course we had no way to visualize some of the ridiculous and almost unbelievable things that have happened in the administration of this act.

We were all thinking back in 1970 about big industry, the steel mills, the car assembly plants, the mines, and the others where men can be hurt and hurt badly and not about the little places where a man might receive a scratch or a very minor hurt.

Mr. Chairman, in this debate the point has been raised whether the vote of June 15 by this House by a count of 213 to 154 to cut off funds to go into plants of less than 25 employees sent a message to the Department of Labor. I ask you to send them another message by your vote today.

Someone said we should put pressure on the Department of Labor. The best way to do that is to pass this amendment today. Then there will be no doubt but that they will receive our message. A member of the subcommittee on Health, Education, and Welfare appropriations said a moment ago "We are only talking about 9 months." He is right; we are only talking about 9 months, but let us be certain that in those 9 months our little businessmen are not subjected to further harassment. It is suggested the Education and Labor Committee is going to act on some kind of an amendment. Has anyone here looked at the calendar lately? Do they know what date this is? There is some talk in the other body that they are going to adjourn at the end of the month. We hope they do. There are some on our side who say we are going to be out on the 6th of October. It just does not make any sense to say there is going to be action on this kind of thing this year. Let us adopt this amendment. As I said earlier, if we do we can be certain the bureaucrats down at the Department of Labor will get the message that the Congress wants them

to stop the constant harassment of small businessmen.

I yield back the remainder of my time.

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

Mr. Chairman, in the 12 years I have been here I have heard some fairy tales in this body before, but to stand up and allege that the bureaucrats have gotten the message, to my way of thinking, certainly is the ultimate in trying to deceive ourselves.

I know the gentleman from Wisconsin has the best motives. I certainly respect him as a legislator and an able colleague on our committee, but I want to say frankly I do not think bureaucrats have gotten the message for 30 years, and for us here to legislate on the basis that they understand the situation and will do something about it, to my way of thinking, is ridiculous.

We sent the message one time on minority quotas on jobs to the Department of Labor. They started out little-by-little inching toward quotas, regardless of what the Congress said, and they embraced the Philadelphia plan. Sooner or later we ended up buying it. They did not get the message; they convinced us. We did not convince them. It is exactly the same thing on busing. We have time and time spoken against busing in this body. Behind the scenes the bureaucrats go ahead and bus anyway.

Sooner or later they get the message to us. We do not get it to them. We have talked about exactly the same thing on protecting American jobs. They seem to give American jobs away. We had a buy American message we sent them once. They did not hear. We are concerned about exactly the same thing on this particular amendment before us. They have not gotten the message. The only thing we can do, the only way we can honestly and effectively get the message to them is to resoundingly pass this amendment, adopt it as we did before, with a greater margin, and then they will have the message. But to act at this time on the theory that the bureaucrats have received a message from us to my way of thinking is self-delusion at its very worst.

Mr. PERKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of yielding to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding. When the majority leader before asked a question, I responded by saying the commitment had been made by the gentleman from New Jersey (Mr. DANIELS) to report a bill so the House might have the opportunity to act on a consultation bill in this session.

Mr. PERKINS. Mr. Chairman, it is my information that the gentleman from New Jersey (Mr. DANIELS) does intend to get a bill through his subcommittee in the near future, and I certainly intend to see that the bill is considered by the full Committee on Education and Labor.

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

Mr. PERKINS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, we are hopefully getting close to the adjournment of this Congress, and on that assumption that we are getting close to the adjournment, time gets to be of some essence in affirmative action in any legislative area. This legislation is the kind of legislation which I think has to be acted on before adjournment. Can the gentleman give us some kind of timetable or schedule for this affirmative action?

Mr. PERKINS. It is my judgment that affirmative action can easily be taken within the next 2 weeks, assuming that the gentleman from New Jersey (Mr. DANIELS) reports the bill next week. The full committee will report it the next week or the following week.

Mr. GERALD R. FORD. As I understand it the gentleman from Kentucky is saying the gentleman from New Jersey (Mr. DANIELS) anticipates reporting the Steiger bill or some comparable bill next week. If that is true, the full committee of the Committee on Education and Labor will meet and report the bill out the following week. Is that correct?

Mr. PERKINS. That is correct.

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

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

Mr. ASHBROOK. Will the gentleman tell us where that puts us on the calendar? The gentleman from Kentucky has never knowingly misled this House. I do not think he wants to tell us at this point the bill has a chance of being enacted into law. If we have it reported out of the full committee in 2 weeks we still have a scheduling problem. What makes anyone think the Senate will do likewise. Does the gentleman from Kentucky honestly want to leave the impression this consultation amendment can be enacted into law in this session?

Mr. PERKINS. In my judgment, if the gentleman from New Jersey (Mr. DANIELS) reports the bill this week, then the Committee on Education and Labor can report the bill the next week. I do not know when the House will adjourn, but I assume we will be here 2 or 3 weeks.

Mr. ASHBROOK. Is it not general knowledge in this Chamber that the Rules Committee will have a guillotine cut on any new rules as of next Monday night? At least, that is the word.

Mr. PERKINS. I would think a consultation bill of this type could go under suspension.

Mr. ASHBROOK. I would merely say to my friend, the gentleman from Kentucky, this reminds me of the story about the gentleman who said if he only had some bacon he would have bacon and eggs. That is, if he had some eggs, too. We are suggesting the enactment of a bill when we have 2 weeks left in the session. It is obvious we will not have enough time to pass the consultation amendment into law.

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

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

Mr. GERALD R. FORD. Mr. Chairman, I was glad to hear the gentleman in his opinion state if the Committee on Education and Labor reported out the bill he would recommend to the Speaker that it go on suspension.

Mr. PERKINS. That is correct.

Mr. PRICE of Texas. Mr. Chairman, I would like to go on record as being in favor of this amendment offered by the gentleman from Texas (Mr. FISHER). I think certainly the gentlemen know that Mr. STEIGER of Wisconsin and his associates have brought a bill to the floor which they think is very commendable. However, it might be in the areas which they represent, but I wish to go on record at this time as saying that my area is overwhelmingly opposed to this legislation which causes the Occupational Health and Safety Act to drastically and adversely affect the small businesses in our area as well as in the United States.

The problem, which has been one of the major sources of complaints which I have received is the Gestapo tactics employed by some OSHA inspectors who have been coming into the offices of businessmen demanding the right to go through them with no consideration at all for the owner; threatening that they will shut the businessmen down if they do not comply.

I, for one, do not want to risk the opportunity or chance that we may or we may not pass legislation in the next 2 weeks. While all of our farmers and ranchers would have to come under this as well as small businessmen, I think it would be a mistake for us to not pass and support this amendment.

I yield to the sponsor, Mr. FISHER.

Mr. FISHER. Mr. Chairman, to me this sudden uprising of a panacea for the solution of all the problems relating to OSHA that has been bandied about here this afternoon is one big, gigantic joke. They say we are going to have on-site consultations. So what? You are not proposing to do anything to help the people who are victims of this law. If you enact it, get the committee to report it, do all these things in the next week or two, go through all this rigmarole and put it on the Suspension Calendar, emergency, big thing, what have they done? All they propose is to write into the law a provision that will allow the man who is about to be struck by inspectors to be warned just before it happens. They actually offer nothing in the way of substantive improvements. The chairman (Mr. PERKINS) says the proposed innocuous bill will be taken up on suspension, which means no meaningful amendment can be offered during debates.

I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

For those of you who may not be aware, my interest in this matter is not only as objective as is the gentleman from Texas (Mr. FISHER), as well as the gentleman from Texas (Mr. PRICE), and all those who support this amendment. My name happens to be Steiger also, and if you do not think I have to bear the full brunt of the rage of the people abused by this bill, I shall make it perfectly clear, implementation of

OSHA has led to concern, which is the mildest word I can place upon it, among people. I should like the RECORD at this time to reflect my strong support of the gentleman's amendment. For those of you whose name is Steiger, I can assure you that there is a great deal of concern for this measure.

Mr. FISHER. Mr. Chairman, I think it should be pointed out that there is an assumption going around that if these 15 people or under, the firms having those are exempted; they will be completely out of any kind of control or inspection. The fact of the matter is, many States, including the State of Texas, have very strong State occupational safety and health acts. Do not be worried about those 15; they will be well inspected and obey the laws of those States, but we want to get them out from under the cruel force and power of this Federal bureaucracy that has been giving them so much trouble in recent months.

Mr. STEIGER of Arizona. Mr. Chairman, the gentleman is certainly correct on that. To assume that small businessmen are not just as concerned about the safety of their employees is not justified. They have one of the best safety records in existence, and I wish to commend the gentleman for introducing this legislation. I hope he will call for a vote on it.

Mr. Chairman, I yield the balance of my time.

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

Mr. Chairman, I rise in strong support of this amendment. I am only sorry that this House is backing away from the position it took when we voted last week to exempt this employer with fewer than 25 employees and accept the standard which our conferees so eagerly embraced as offered in the other body of 15 or less.

However, I do support this as a case of strong and affirmative action that we can take to get the message through that unless there are some changes made in not only the basic law, but in the administration of the act, there will be no Occupational and Safety Health Act.

I have served notice to the people of my State and to the appropriate committees of this Congress that unless changes are made I shall urge in the strongest possible way the outright, complete repeal of the act.

Certainly there are those of us who do not want to back away from the necessity of having safe premises for the men and women of the labor force of this country, but certainly, too, we do not want to have the kinds of tactics employed that have been employed here. I believe that is why we are here.

I heard comment made earlier that these are arguments which should have been made 2 years ago, but 2 years ago we did not know what kind of administration we would have of this act. That has only occurred within this year, that the arbitrary and inflexible attitude of the inspectors has been made known to the workingmen and their employers across this land.

I was for this amendment. I testified for it before the Select Committee on Small Business. I was one of those referred to as saying we want changes in the law, not outright repeal.

I say that again, but how will we get changes if we back away now?

They say a message has been sent to the Secretary of Labor that we want some changes made. What is his response? It is opposition to the amendment. What kind of response is that?

They tell us they are going to have some kind of prior consultation, but they have not yet said as a result of that consultation there will be any different kind of administration of the act, an administration which time after time after time has been documented before this Congress and its committees of the arbitrary and inflexible attitude of the inspectors, using this as a weapon against employers and not as an effort to assist them in making premises safer.

We must pass this amendment if we are going to keep the pressure on to get some action. This chimera, this facade, this act we are going through today, saying there will be some kind of amendment before the end of this Congress, is a falsehood, and I believe even the proponents know that cannot happen.

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

Mr. Chairman, the subcommittee of the Select Committee on Small Business held hearings on this matter. At that time some 90 bills had been introduced. There are more than that now, with many cosponsors. Hearings were held for some 5 days, with some 83 witnesses. There was dissatisfaction with the act and with its administration, and a dispute as to whether or not the Department of Labor has discretion. We heard from various witnesses.

The Assistant Secretary of Labor did testify that he intends to exempt small businesses with fewer than eight employees from the recordkeeping requirements. I would ask if anyone knows if that has been done. Has he done that?

The testimony was surprising to me, as our colleague the gentleman from Iowa (Mr. SMITH) mentioned earlier, that businessman after businessman sought no exemption from the law, really. They sought a sensible administration of it.

The testimony was that one might have a place with 40 or 50 employees, a perfectly safe place with a very low accident rate, or might have a place with as few as three or five employees in a very dangerous condition with a great number of accidents around where they work.

What I am concerned about is getting the relief through for the small businessman.

I have heard the distinguished chairman of the Committee on Education and Labor. I have attended the hearings of the subcommittee on this subject. I have no doubt about their sincerity and good faith as to redirecting various phases of this act.

I do share a considerable concern as to whether or not within the time allotted they will be able to accomplish the purpose.

If I may have the attention of the distinguished chairman of the Committee on Education and Labor, Mr. PERKINS, my question would be that I understand and accept the good faith of the committee in wishing to report a bill, but suppose the subcommittee does not report the bill next week. Would it be the idea that the full committee would call the bill up anyway? I am on the judiciary. Those things can happen.

Mr. PERKINS. It is difficult for me, Mr. Chairman, to visualize a situation where the subcommittee will not act. I assume it would. I certainly will call the full committee together myself to consider a bill, and I think we can report it out.

Mr. HUNGATE. In line with that, as I understood from the gentleman earlier, is there a commitment on behalf of the Rules Committee to grant us a rule on this measure?

Mr. PERKINS. The bill is of such a nature that I think myself you can pass it under suspension.

Mr. HUNGATE. I appreciate the gentleman's statement.

Mr. ASHBROOK. Will the gentleman yield?

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

Mr. ASHBROOK. The gentleman has raised a very valid point. Is it not logical at this time to inquire whether or not the same opposition which has brought the House version from 25 down to 15 might also manifest itself and prevent the passage of this bill. There is great opposition to changing this act. There are many people in the other body who believe it is not stringent enough.

I think we are making a mistake in following the assumption that the consultation amendment can pass and I must commend the gentleman who brought this issue before us.

Mr. HUNGATE. I am not certain I follow the gentleman's argument, but I do share the concern of what might happen to the prospects of getting it through the other body and through the House. This is not the way to amend this law. This is operating on the kitchen table with a butcher knife. I would be concerned if I could not get to the hospital, and then I might have to get on the kitchen table and let you use the butcher knife.

It is a great mistake to think we can solve this problem by simply lowering the numbers exempted. It is clear that you have got one situation that can be dangerous where you have only three or four employees however, you can have a safe situation with 40 to 50 employees. It depends on the nature of the business more than on the number employed.

But I certainly express the concern that the legislation will in turn be handled by the appropriate legislative committee this year and it is much more correct if we do it in that way, and imperative to act at once.

I reiterate my concern with what might happen in the meantime if nothing is done by both the House and the other body.

Mr. RANDALL. Will the gentleman yield?

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

Mr. RANDALL. The gentleman in the well has been very modest. He has never mentioned that he served as chairman of the Subcommittee on Small Business that held hearings on the Occupational Health and Safety Act.

May I inquire of the gentleman whether it his thought the Secretary of Labor has the authority or the power to order that the act not apply to places of business employing not over eight persons? What is the conclusion of your committee or your staff on this point?

Mr. HUNGATE. If the gentleman will yield, I will answer.

Mr. RANDALL. Of course.

Mr. HUNGATE. I did not perhaps state myself clearly. The Secretary did not dispute his own power to set it down, to permit the rule keeping at less than eight employees, although I have not been able to find it has been done yet. The hearings were in June.

What I did dispute and what the committee disputed back and forth with him is whether he had the discretion for educational investigations, whether he had the power to send someone out and say, "Here is what is wrong with your plan" without imposing a fine. We sought an attempt at education with intimidation and permitted only as a last resort.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEBELIUS. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas (Mr. FISHER).

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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

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

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment by the gentleman from Texas (Mr. FISHER), which would provide an exemption for employers of 15 workers or less from the OSHA rules and regulations, and allow a more reasonable approach to compliance. The reasons I do so are as follows:

First, the State of California, and for that matter almost all other States, has sound and sufficient health and safety laws to protect workers. In my opinion, it is unreasonable for the Federal Government to either duplicate or preempt the compliance effort that is being carried on by the States. Workers in small businesses are adequately protected by laws already on the books and do not need legions of Federal inspectors to see that similar laws are applied.

Second, OSHA regulation enforcement has, in many instances, imposed costly demands on employers and hampered production capability of employees. Both employers and employees have been unduly harassed by examiners and inspectors from the office of OSHA who, in their attempt to carry out the law, have, in some cases, gone far beyond what was intended by the Congress of the United States. Smaller employers find it extremely difficult to deal with these inspectors on a reasonable basis. Therefore, this exemption is badly needed.

Third, an employer in the small business category keeps a very close contact with his employees and workers, and realizes that one of the most important resources in his business activity is the health and safety of his employees. Becaue of this close employer-employee relationship, and his interest in productivity, the small business employer has an obvious incentive to see that those who work for him do not work under conditions that would be adverse to their health and safety.

Fourth, as a result of the Occupational Safety and Health Act of 1970, we have now seen mountains of paper work required by OSHA. The small business operator just does not have the staff and personnel to spend such a great amount of time meeting the compliance requirements of filling out reams of forms. It is an undue burden to place this kind of responsibility on the small employer. The burden should be on the administrators of OSHA to learn to be more reasonable in applying the law. U.S. News & World Report reviewed some of the problems created by the bureaucratic jungle of regulations which have been imposed by OSHA and I submit it or the serious consideration of my colleagues:

GROWING FUROR OVER SAFETY RULES FOR WORKERS

Congress is about to take a close look at a year-old law that is starting to stir up a storm.

The law is a controversial health and safety measure that affects three of every four workers.

Its name is the Occupational Safety and Health Act of 1970, called OSHA for short.

In simple terms, it requires employers to provide safe places to work, free of health hazards.

In operation, it has proved far more complex. Critics say it's not the law itself, but the massive set of regulations stemming from it that have caused most of the trouble.

These regulations involve everything from the height of toilet partitions to requirements for safety shoes or goggles.

Two things have provoked much of the furor.

First, employers must obey detailed and often complicated rules, enforced by federal inspectors. Many businessmen say they don't understand these rules or believe them necessary.

Second, the Act extends federal controls over working conditions into vast new areas. Now covered, for example, are hired hands on farms and part-time employes in the smallest of businesses.

WIDE COVERAGE

Almost every business—even if it has only one employe—is subject to the law. This involves about 5 million firms and 60 million workers.

Small businessmen, particularly, claim strict application of the law may force them to close.

Unions charge the Government with "half-hearted enforcement."

One independent study group assesses blame in almost equal doses to industry, Government and organized labor.

A nationwide survey by "U.S. News & World Report" found the law getting a mixed reception. For example—

"Employers want to comply," says a spokesman for the Georgia Business and Industry Association in Atlanta, "if they only knew how."

Niel Heard of the National Federation of Independent Business, based in San Mateo, Calif., comments: "They've drawn up the regulations so it would take a Philadelphia lawyer to figure them out."

From Steven J. Kennedy, director of safety for Avondale Shipyards, Inc., New Orleans:

"The law is a good one, but compliance is costing us a great deal. I believe, however, that the initial cost will be offset in the long run by a reduction in accidents and compensation expenses."

Some plant managers for large corporations say they are "scared to death" to talk about inspections of their facilities for fear of Government retaliation.

"We're still feeling our way around under the law," says an executive of a farm-equipment firm in Chicago.

In Washington, members of the Senate and House who, in late 1970, overwhelmingly approved the measure find themselves swamped with mail and besieged by constituents over its workings.

Says Representative Daniel J. Flood (Dem.), of Pennsylvania, chairman of a House subcommittee, "It is murder when we go home to our district."

A sign of congressional anger over the act came on June 15 when the House of Representatives suddenly amended the Labor Department's 1973 budget to bar payments to OSHA inspectors who enter plants of 25 or fewer employes.

Starting June 20, the House Subcommittee on Small Business will begin four days of hearings into the law. Senate and House labor committees also plan full reviews soon.

NEED UNQUESTIONED

With on-the job accidents accounting for 14,000 deaths and 2.2 million disabling injuries a year, there has been little argument with the objectives of the law. But almost every phase of its implementation has provoked controversy.

"This Act," says Representative Mark Andrews (Rep.), of North Dakota, "is an outstanding example of what happens to a piece of legislation when the bureaucrats get it."

Labor Department officials readily admit to problems, but "we have knocked ourselves out to avoid harassing," says George C. Guenther, a former businessman who became Assistant Secretary of Labor for Occupational Safety and Health. His boss, Secretary of Labor James D. Hodgson, says:

"The purposes of the Act have been imperfectly accepted by a great many. They still believe that somehow the requirements of the Act really shouldn't apply to them."

Complaints, Mr. Hodgson says, often take the form of "you are asking me to do something I didn't know anything about, or to do something about something I don't think I should have to do, or to do something that shouldn't be in the law at all."

Staff members of "U.S. News & World Report" who checked businesses around the country came up with the findings that follow.

Harry G. Austin, executive vice-president of Brown & Root, Inc., a worldwide construction firm based in Houston, says one of the biggest obstacles in compliance is changing work habits of experienced employes.

"A man gets used to doing his job one way most of his life and it's difficult to get him to change his habits overnight," Mr. Austin observes. "Take safety glasses. Many construction workers don't like to wear them because perspiration gets in their eyes, but they have to wear them now under the law."

Walter E. Stanfield, a home-remodeling contractor in Houston, doesn't like the law. "It seems to me," he says, "that is was purposely written to get rid of small, independent businessmen like myself. It's hard to find people with the necessary safety equipment—safety shoes, eye goggles and

hard hats—and I can't afford to buy them because most of my helpers are hired on a short-term basis. When you do find someone with the right equipment, you have to pay him more than you would otherwise."

A VOTE IN FAVOR

OSHA inspections won praise from a union official in Belvidere, Ill.

"After seeing these people inspect, I'm for 'em 100 per cent," says Jack Waldeck, vice president of a United Auto Workers local at a Chrysler plant in Belvidere. "We've had State inspectors out here before, but their inspections were a joke. These federal inspectors have my respect now."

A spokesman for Armour & Company division of Greyhound Corporation comments on the inspection of 26 of its 130 food plants across the country: "We feel the inspectors were fair, and their findings valid—the only difficulty we've had in correcting these violations is time, and we've gotten extensions of time where necessary."

After three visits by OSHA, J. Paul Seider, president of Radiant Industries, Inc., of North Hollywood, Calif., says:

"The inspections at the time were pretty irritating. Some of the things we had to do were a real pain. But looking back on what the OSHA man wanted I guess I'm glad it was done. It wasn't all that big an expense."

A California electronics company, fined $60 after an OSHA visit, estimates that contact with the agency extended over 45 days, took more than 200 hours of management time and cost the company $1,000 for new equipment and modifications to meet the standards.

George Nummy, manager of corporate safety for Boise Cascade Corporation, Boise, Ida., says:

"The specifications at times are not quite rational to the application. They are not easy to understand. I find it better to make frequent trips to Washington to spell out with top labor people how to interpret regulations. Unfortunately, once you get an agreement with the man in charge of the standard, the problem still exists because how do you get his man in the field to understand?"

David Spinniken, a Lake Leelanau, Mich., cherry grower, says OSHA means a lot more bookwork for him. But he believes the record keeping may eventually save him money on insurance, since he has had no serious work accidents in 25 years.

"We are presumably a high-risk occupation," he says. "With facts and figures to go on, the insurance companies might give us a better rate."

The law took effect April 28, 1971. It was a month later before standards were announced. Then, overnight, came a 248-page book touching on such things as the sizes of ladders, protective screening against atomic radiation, and safety nets for bridge-builders.

OSHA took the standards from consensus agreements developed through the industry-sponsored National Fire Protection Association, the American National Standards Institute and the American Council of Government Industrial Hygienists. One problem: Many of the standards are in highly technical language, and they haven't been simplified for business use.

Mr. Guenther also says that, in the rush to put standards into effect, some slipped by that he wishes he hadn't had to live with. Most of those, he says, will be dropped or modified by the end of the year. Among them:

A requirement that when ice is used to cool drinking water, the ice cannot come into contact with the water. This, says Mr. Guenther, was left over from the days when natural ice was chopped from rivers, and will be eliminated. So will rules on the height of toilet partitions, requiring coat hangers in portable toilets, split seats on all toilets and separate "retiring rooms" for female employes.

MORE TO COME

Despite the massive book, not all phases of safety and health are covered by standards as yet. Most of the rules deal with safety. Health standards are being developed more slowly, mainly, officials say, because of a scarcity of reliable information on the causes of occupational illnesses.

OSHA enforces the law by inspecting establishments and citing employers for violations. In the 10 months from July through April, 23,662 establishments were inspected and 75,864 violations were detected. Roughly 3 of every 4 employers were cited for one or more infractions. Mr. Guenther estimated that only about 2 per cent of the violations were serious.

Five industries, all with injury rates well above the national average, were picked as targets for intensive enforcement in what OSHA calls a "worst first" approach. They are longshoring, lumber and wood products, meat and meat products, roofing and sheet metal and miscellaneous transportation equipment, which is mainly mobile homes and snowmobiles. About 40 per cent of all inspections have been in these areas.

Inspections of very small firms so far have been quite limited, Mr. Guenther says. "The smoke is a great deal greater than the fire," he adds, referring to complaints from small business. "Mainly it's a fear that when we do make an inspection we're going to make it really rough. I can tell you that isn't true. We hope to minimize the burdens on the tiny businesses, the real small ones."

Violations are of three types—nonserious, serious and "imminent danger."

PATTERN OF FINES

A serious violation is one where a "substantial probability" exists that death or serious physical harm could result. It carries an automatic fine of up to $1,000. Nonserious violations allow for optional fines of up to $1,000.

The "imminent danger" category is defined as one "which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act."

Fines so far total 1.7 million dollars.

For all types of violations, employers are given a deadline by which corrections must be made. For each day they exceed the deadline they can be fined $1,000. Mr. Guenther says the biggest proposed penalty so far—$36,000 against a construction firm in Lincoln, Nebr.—includes $31,744 "for failure to abate" violations within the time provided.

Appeals from OSHA penalties are handled through an independent agency—the Occupational Safety and Health Review Commission, with three members appointed by the President.

If an employer wants to contest a citation, he notifies the Review Commission which provides a hearing examiner. Appeals from Commission decisions can be taken to a federal court of appeals.

The Commission says that in the first year of OSHA about 5 per cent of the citations have been contested. Only one decision has been appealed in court.

A LABOR VIEWPOINT

While business often complains that the Government is trying to do too much too fast, organized labor takes the opposite view. Peter Bommarito, president of the United Rubber Workers, had this comment on the first anniversary of OSHA:

"We have made a little progress in the past year. We would have made much more if the Department of Labor had applied the legislative intent of the Congress to its enforcement of this law. Unfortunately, a year's experience reveals that the Department of Labor seems smugly content with halfhearted enforcement policies, which fall far short of what is needed to give workers the kind of health and safety protection spelled out in the law."

The law provides for the eventual shifting of enforcement to the States, with the Federal Government paying half of the cost, provided that the States come up with regulations that will be at least as effective as the standards of the Federal Government.

CURTIS AMENDMENTS

OSHA officials are sure to be questioned during the small-business hearings about the package of 13 amendments offered by Senator Carl Curtis (Rep.), of Nebraska. These include proposals to exempt all employers with 25 or fewer workers, to delay compliance with the law for one year for employers with 100 workers or less and to provide technical help to firms with fewer than 100 employes to help them comply with the rules.

Secretary Hodgson said recently: "My own view is that the law should not be tampered with now, but should be given a chance to work."

Despite the critics in business, labor and Congress, Mr. Hodgson maintains, "We are proceeding in a even-handed way, in a fair way." And he adds:

"My own feeling is that as we do an informational job, and as we start making this program felt in terms of reduced injuries and a more healthy work place, it will become increasingly accepted."

Mr. SEBELIUS. Mr. Chairman, I guess I should be thankful to the authors of the OSHA bill, because when I got Ralph Nadar's questionnaire asking me, "What are the three biggest accomplishments that you have made since you have been in Congress?" That made me stop and think a while.

I thought perhaps in the discussions I had with the Department of Labor I had helped to get rid of the two toilet seats in the momma and pappa and small businesses, and that would be my biggest accomplishment. The second item was the open toilet seat that was cancelled after my discussion with the Department of Labor, and the third accomplishment was that they decided not to make two farmers who exchange help subject to a employer-employee relationship.

I know this field is very vital to many people.

Mr. Chairman, I appreciate the opportunity to comment regarding the amendment offered by my colleague, Congressman O. C. FISHER. I strongly support this amendment. It states that none of the appropriated funds for the Department of Labor can be used to pay the salaries for any Federal employees to inspect firms employing 15 persons or less for compliance with the Occupational Safety and Health Act of 1970.

The primary intent of the 1970 OSHA Act was to study the American workingman's working conditions and to provide reasonable and responsible safety regulations and requirements to correct conditions that result some 14,200 tragic fatalities and 2.5 million disabling injuries in industrial-related accidents each year.

No one questions the purpose of this act. No one questions the need for commonsense safety regulations and requirements for the American workingman. The businessmen and farmers in

my district in Kansas do no question the necessity of employers providing employment and a place of employment that are free from recognized and proven safety hazards.

However, as we have seen many times in the past, while the purpose of such a regulatory act may be good, the actual effect may be something different. I submit to my colleagues who are interpreting this act with this view that it is simply a matter of insuring job safety for the American workingman, that they are not familiar with the facts.

I have had more legitimate complaints on the part of workingmen, small businessmen, and farmers from my congressional district and home State of Kansas against the provisions of the Occupational Safety and Health Act of 1970—and the manner in which it is being administered—than any piece of legislation I have seen since coming to Congress.

We hear a lot about the problems of big government today and how government must be more responsive to the indivdiual citizen. I want my colleagues to know that in my district OSHA has become a virtual synonym for bureaucratic "big brother" government at its worst.

We in this body take great pride in the concept that we represent the people and that we are the one government institution close to the grassroots political feeling in our Nation. I can tell you the grassroots feeling regarding this act—in the eyes of the farmer and the small businessman. No action on the part of the Federal Government in recent years, has threatened his concept of free enterprise or individual freedom or prompted more anxiety and outright animosity than the administration of the OSHA Act.

I have received, as I am sure my colleagues have, the prepared material from organized labor and the prepared material from organized business groups putting this issue into a very narrow perspective. The fact I am interested in is that every morning businessmen and farmers get together in small communities throughout the 57 counties in my district and equate OSHA and our Federal Government with some totalitarian police state as opposed to finding answers to job safety problems.

Despite our efforts to inform the public that the now-infamous "toilet seat regulation" has been rescinded, many citizens in my district fully expect a Federal inspector to show up some morning, inspect their premises, charge the owner with violations of unheard of regulations, levy a fine, and march off in a flurry of government redtape. One of the regulations was that each business, no matter how small, must have separate toilet facilities and a facility with an open-end toilet seat.

While this particular illustration is no longer factual, it does pose a legitimate question. Are we going to increase the job safety of the American workingman through arbitrary interpretation and enforcement of unreasonable and in some cases, downright ridiculous rules and regulations? Can we save lives and prevent accidents by forcing our citizens to comply with rules and regulations that do not make sense when applied to our local communities?

Blanket application of all consensus standards to all segments of business and industry will not achieve job safety. Consensus standards have been imposed without public hearings, without consideration to the unique occupational safety and health hazards of individual businesses and industries, and most important, without consideration of the human element, the most important factor in occupational safety and health.

I want to stress to my colleagues the Select Committee on Small Business has held hearings and made substantive recommendations for amendments and changes necessary to carry out the provisions of OSHA and to satisfy the long-range objectives of employee safety and health. The House Education and Labor Committee is presently holding hearings on proposed amendments to the act, most of which involve relief for the small businessman and the farmer who have been saddled with across-the-board requirements and regulations designed for industry and big business.

It would not be fair to continue with inspections and enforcement of these very costly and many times unnecessary requirements when changes affecting the small business employer seem imminent. The costly and many times indefensible requirements of current regulations threaten the very existence of many small business interests. Needless to say, the American working man cannot have job safety without a job.

In addition, I feel quite strongly that through our action today and this vote on the amendment originally offered by my good friend and colleague, Congressman PAUL FINDLEY, we can prove to our citizens that our Government can respond to the legitimate need of the individual in such a way that it will not be at someone else's expense. To reject this amendment, it seems to me, would be to embrace the callous attitude that government is not responsive and that we are not capable of amending the job safety legislation that will work.

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

I do not intend to take my full 5 minutes, but I would say that I can remember a great, great number of years occupied in the matter of legislating in the field of safety. I have not heard too many different arguments about it. Time has passed, but the arguments have never changed.

I remember when we first introduced a bill saying that they had to wear hard-nosed shoes in the steel mills. Well, that was going to close down every mill in the State of Pennsylvania.

I remember when we put a law through in the State of Pennsylvania where you had to provide gloves for certain hazardous work where heat was a dangerous element. That was going to close all of the glass plants in Pennsylvania.

I remember when we passed a mine safety bill in this country where we said that the small mines had to be exempt, because otherwise they would go out of business, and they were not in the dangerous areas, anyway, and inspectors could and would harass them out of business.

All of these arguments have come up. However, history has shown that when we exempted the small coal mines, up until Congress put them under the act a few years ago, the majority of the accidents and a greater number of the injuries and a greater number of the fatalities occurred in the small mines in this country of ours and not in the major and larger mines. Since this Congress had the wisdom to include small mines, the incidence of accidents, especially fatal accidents, has been reduced to its lowest point in history in the coal mining industry.

It is not the size of the plant that determines the intensity of the accidents. The smaller the plant is, sometimes a little incident of negligence occurs which is negligence on the part of a foreman or an owner in an owner-employer direct relationship, and it is something that can be corrected. The problem you have to cure raises the problem mentioned by the gentleman from Ohio (Mr. ASHBROOK) which is whether or not the bureaucrats downtown will take the law and interpret it in the spirit of the intent of the Congress.

Congress did not intend that they go out to harass people or go into a place and make it impossible for a person to comply with the law. It has happened in the last coal mine safety bill. Nothing has been worse than the attitude in some areas—some areas, I say—where the inspector practically made it impossible for a mine operator to comply with the law.

They find all kinds of reasons to get around the logic and intent of the Congress. For instance, in one particular case I can mention an inspector just happened to be there when a man went into a mine and he happened to go over to the man trip car after everybody got out of it and reached down and there was an unlit cigarette he came up with at the bottom of that car, and he called out the whole shift because of that. Three weeks later, in the same mine, in the same shift and in the same car he found another unlit cigarette. What was the purpose of that? That closed the whole mine down.

In another place they accused them of not cleaning the working face of the coal as the law required, which could lead to a greater incidence of explosion. However, he had the whole mine pulled because of that one shift. Right alongside of them, less than 10 feet away, was the man whose duty it was to clean the face. He did not have time to get in there because the working face was just then left vacant for him.

Mr. DENNIS. Will the gentleman yield?

Mr. DENT. In just 1 minute.

These are the incidents. You cannot legislate in this area or tell an inspector that he must read not only the law as

it is written, but the intent. The intent is to make it safer for a workman in his place of employment; it is not to harass the employer or to give somebody a vacation with pay for a period of time simply because they have something to attend to that day.

Mr. DENNIS. Will the gentleman yield?

Mr. DENT. I now yield to Mr. DENNIS.

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding. I just want to make one comment, and that is that it seems to me the gentleman from Pennsylvania, in a most eloquent manner, is pointing out the problem with all of these regulatory acts that we pass, and the reason for making an exemption for a smaller businessman is because he cannot compete with these Federal bureaucracies as the larger businessman can do.

Mr. DENT. I thank the gentleman for that observation, but I am telling you now that it is the little fellow that works for the man who is a small employer whose life is at stake, and where an injury is just as apt to occur as with a larger businessman. We are talking about safety, and not the economic size of an employer.

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

Mr. DENT. I yield to the gentleman from Ohio if I have time.

Mr. ASHBROOK. Mr. Chairman, I appreciate what the gentleman has said, and while we might come to different conclusions upon this amendment, I think we can both agree, having worked on the same subcommittees time after time on one thing, and that is the difficulty in getting responsible action by the Department of Labor, and that is whether you are talking about manpower, or whether you are talking about safety. And I think what the gentleman has said, and I would certainly underscore it, it does not seem to me to be in the spirit of the law to come into a plant the first time in a plant and fine a man $1,000 on the spot because some employee could have mislaid something such as a fire extinguisher. That is the kind of irresponsive action we are talking about.

Mr. DENT. And that is in every regulatory act, in any State, in any municipality, and in the Federal Government itself. There is nothing that we can do legislatively except to put it into the place of tying it down specifically. And we have done that in the last half of the mine safety bill, but I am going to tell this House that they are not interpreting it as we intended them to interpret it.

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

Mr. DENT. I yield to the gentleman from Massachusetts if I have the time.

Mr. CONTE. What I want to point out is that there has been a red herring dragged over the issue, the issue of consultation is a good issue, and we are going to take a look at it when we can get to it. But the fact is this: That if you take the logging industry, there are 16,000 logging companies in the United States, and 96 percent of the logging camps hire 20 or less employees, and logging is one of the most hazardous industries in the United States; 14,500 people lost their lives last year in industrial accidents. Two and one-half million employees throughout the country were idled because of injuries caused by industrial accidents.

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

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

Mr. Chairman, I am not going to take the full 5 minutes, but I think everyone of us who has heard this debate will sympathize with our colleague, SAM STEIGER, the gentleman from Arizona. Every one in this Chamber I am sure in their own home districts has had a problem with this legislation, raised by employers and employees. But, Mr. Chairman, there are at least three serious errors concerned with this amendment.

First, the amendment does not go about changing the basic law. It leaves intact the obligation of the Government bureaucracies to continue as they are, but it says that they cannot use money to do what they need to do to carry out the very law that many Members here today voted in favor of.

Second, the errors which have been pointed out in the administration of this law, which have been pointed out by speaker after speaker, are not going to be corrected by this particular amendment. The various things we have complained about, every one of us, that are in the law, are not going to be changed merely by saying that the dollars cannot be used to carry out certain duties.

And, third. if we look at the law as it now exists and what this amendment would do, all it does is create a disparity in some areas where there are working men and women who are in greatest need of help, and who are in the greatest hazards, and we say no, this law will not apply to them.

Let us not hide our heads under the mattress, and say that this does not really change the protection for the small working man, or for the man who is working for a small business. It does. It will radically injure working men and women in some of the most hazardous industries in this country.

I come from a State where the forest products industry is a key industry, and this was one of the primary, particular target industries which has been zeroed in on since this law went into effect. Certainly ther have been harassments which ought to be changed—but there has also been greater protection for the men and women who work in this particular field. I do not want a disparity set up so that one man who works for a large company will find he gets some protection and then that same man, or the brother of that man, rather, who is working for a small company but doing exactly the same thing, will not get the protection of this law. Change the basic law, but do not go at it in this half-baked fashion.

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

Mr. DELLENBACK. I yield to the gentleman.

Mr. WYMAN. The provision covered by the pending amendment was in the bill in the form in which it went to the White House and in the vetoed bill. It reflected the will of the Congress. Can the gentleman tell us why it is not in the bill as it has come from the committee today?

Mr. DELLENBACK. I cannot tell you why. All I can tell you is that this amendment, amending an appropriation bill, ignores the basic law and creates an inconsistency.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman.

Mr. STEIGER of Wisconsin. There is one other point to make about the difficulty with this kind of numerical exemption. Let us take the construction industry. What it would do would be to create an intolerable situation between a general contractor who employs 15 or more and a subcontractor who employs less than 15.

The letters I have received from the American General Contractors Association and contractors within my own district indicated deep concern about the impact that this kind of 15 or less employee amendment has and they are opposed to it.

It seems to me that is but one more reason why we ought not to take this approach.

Mr. DELLENBACK. I agree with the gentleman.

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

Mr. DELLENBACK. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I could not help but notice the gentleman from Wisconsin states that this would create an intolerable condition. I would point out to him and to the House that this amendment will correct a much larger and much more serious intolerable condition.

Mr. DELLENBACK. I must respectfully disagree completely with my very good friend.

Mr. LANDGREBE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I speak with some experience as an employer of a limited number of people over some 30 years.

I believe a small shop can be safer and in most cases is safer than a large shop. The employer is normally a resident owner. He works with his people. I know from my own experience, over a number of years. However, I will not stand here and brag about our safety record even though it is an enviable one. However, as has been mentioned the State of Indiana has laws, we have insurance regulations and, of course, in my case we have some very strict employer rules. However, we cannot legislate on human nature and human frailties.

There will always be people using alcohol, there are going to be people coming to work suffering from lack of sleep, and

there are going to be people who have had burned toast for breakfast, they are going to come to work in a belligerent mood. Therefore, there will always be accidents that will happen in the shops of this country.

One of my main reasons for coming to Congress was to reduce the harassment of businessmen in our country. Again, I know from experience the repetitious number of forms and inspectors that our businessmen must deal with. In fact, even before beginning my service in Congress, I oftentimes found it difficult to serve my customers, because of the endless numbers of Government agents both State and Federal.

From the very beginning, I opposed OSHA, because I recognize this as more bureaucracy, another group of Federal regs to comply with. Smaller employers simply do not have the clerical help, do not have the legal help, and do not have the financial resources to deal with so many of these endless requirements as do the bigger firms, generally speaking.

I am pleased to have this opportunity to cast a vote in favor of the freedom of the employers of 15 or less employees. It is my deep regret that this amendment does not repeal OSHA. I would be pleased to stand up and vote for that.

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

Mr. LANDGREBE. I will yield to the gentleman from California if we have time.

Mr. ROUSSELOT. I appreciate the statements of the gentleman from Indiana, and especially because he is speaking on the basis of his own experience. First, the gentleman is introducing a point that has not been touched upon too thoroughly in the debate today—that is the mountain of paperwork that is generated for a small businessman by this law. Much of this paperwork is imposed by a bureaucracy that is supposed to be interested in health and safety but does not seem to be interested in the health of the small employer who has to spend all the extra time and effort in a mound of paper forms and does not have large accounting firms and others to provide this kind of staff support. It is an unfair and undue burden upon the small businessman.

Second, as the gentleman has already pointed out—and it is also true in California—there are substantial State laws that deal in the field of health and safety. As the gentleman from Pennsylvania pointed out, it is true that sometimes the State bureaucracy can be just as bad. But the point is in many cases the State legislators have already moved to deal with that problem. We do not need a duplication of bureaucratic inspectors. I think we are trying to deal here today with a mistake that we made in turning over so much power to the Federal bureaucracy, and I compliment the gentleman for his efforts.

Mr. LANDGREBE. That is exactly right. OSHA is powerful, and if there is one thing that businessmen across my district fear, it is OSHA inspectors coming around.

Mr. ROUSSELOT. I compliment the gentleman as a former employer for bringing up some of the problems that we tend to forget the small businessmen face.

Mr. LANDGREBE. I thank the gentleman from California.

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

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

Mr. FISHER. Mr. Chairman, I think it should be pointed out again that on June 15 this identical problem was dealt with, except it provided for 25 employees instead of 15. It was debated extensively here, and it was voted on and carried a majority by 213 to 154.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 5 minutes.

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

Mr. RONCALIO. Mr. Chairman, I object.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 6 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

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

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. RONCALIO. Mr. Chairman, the amount of time—these 2 minutes—given to us to debate reminds me of about the amount of time we will use to amend the substantive law that has put us in the mess we are in today. We were called before a hearing several months ago to air our problems with OSHA, but nothing came in the way of an opportunity to amend the substantive law. The Assistant Secretary of Labor came out to Wyoming and appeared on television with Senator CLIFFORD HANSEN of this administration. No invitation was offered to the only Congressman the State has—that is me—and on television they went.

The Assistant Secretary of Labor said, in effect:

> It is really a good law. We will correct the troubles. You folks are over-reacting here in Wyoming and over-emoting in the West.

He said this on television before my constituents on a program to which I was not invited.

There are in the CONGRESSIONAL RECORD over 25 cases of abuse by the Department of Labor examiners. One was an overexaggeration. He stressed the exaggeration for all of my constituents, but he did not bother to respond to the merits of the remaining 24 OSHA complaints from Wyoming businessmen.

I do not like to have to use this type of amendment either to bring justice, but there are times when you have to do harsh things to bring justice. The essence of this things is that no one should be exempt from maintaining safe premises—no one—whether they employ 15, or five, or two, or one. But, how do we bring some semblance of reason and justice into the administration of the law? This is our problem today.

It is going to be really interesting to see how many people change their vote today from what it was last June, and they will change; and in the spring when we go to amending the substantive law, they will change again. This amendment, here and now, is the only relief available, here and now, to bring justice into the OSHA program. I support it, still, and that is all I have to say.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, on June 15 of this year, when the House originally took up this appropriations bill, I voted against this amendment. That vote should not have been interpreted as my opposition to limiting application of the occupational safety and health law to employers of over 25 workers. This should be apparent from the fact that I was an early cosponsor of such legislation which, of course, was referred to the appropriate authorizing committee. The reason for my vote in June was that I did not feel that an appropriations bill was the proper vehicle by which to legislate a matter of this import. It becomes obvious now, however, at this late date, just prior to the end of this Congress, that the authorizing legislation will never see the light of day from the Education and Labor Committee. At the very best, there is not time to enact this legislation this session.

Though I am in accord with the goals and purposes of the Occupational Safety and Health Act and supported it when enacted a couple of years or so ago, I feel it works an inordinate and unjustifiable hardship on our small businessmen and farmers when administered as it has been. Thus I cast my vote for the amendment, which in essence exempts business and farmers employing less than 15 workers.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Fisher amendment and urge my colleagues to adopt this amendment.

On my last trip home touring my district the biggest complaint I was hearing from the people was the harassment by inspectors of the Safety and Health Act.

This amendment will exempt the small businesses of 15 employees or less from the Labor Department inspectors enforcing the Safety and Health Act.

It is hard enough to make a profit now in business but when the Government comes in and harasses you, it has the effect of closing up businesses and puts people out of work instead of giving the employee protection.

This is a good amendment and should be adopted.

Mr. HANLEY. Mr. Chairman, I cannot support the amendment pending in the Committee on the Whole which would provide exemptions to coverage

under the Occupational Health and Safety Act.

In 1970, the Congress passed the Occupational Safety and Health Act which was designed to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources. Since the act became effective some 18 months ago, it has become the subject of controversy which has led to oversight hearings by the Select Committee on Labor chaired by Hon. DOMINICK V. DANIELS.

Every effort should be made to see to it that the desired impact of the act is achieved. Specifically, there should be no amendments which would limit the effects of the act to only certain businesses based on criteria such as size, number of employees, et cetera. Such actions only serve to betray the stated purposes of the bill.

I have, however, closely observed the progress of the Select Committee on Labor hearings on the bill and have sought suggestions from my constituents as to how the bill might be improved. From what I have learned from each of these sources, I believe that there are at least three main areas of concern which deserve immediate attention. They are the need, first, to differentiate between light residential and heavy construction industries; second, to increase employee responsibility under the act; and third, to temper the punitive nature of the act which requires the issuance of fines for all violations of the act discovered during the first inspection.

Since the present legislation does not differentiate between light residential and heavy construction industries, it has not resulted in the development and application of standards that properly reflect the hazards and working conditions of the light residential construction industry. It is fairly obvious that the engineering and safety requirements are considerably different for a two- and a 20-story building, just as the equipment used in light residential and heavy construction is considerably different.

The need to provide a fire extinguisher for each 3,000 square feet or major fraction thereof being protected is an example of a requirement within the safety regulations that is overstated as concerns home building. In multistory buildings, an extinguisher must be provided on each floor located adjacent to the stairway. A 55-gallon drum of water with two fire pails, or a ½-inch hose on a reel may be substituted for the extinguisher. The hose affords little relief in a light residential structure, since water service is not available for much of the construction period and there is no hose bib to which it may be fastened on the second floor. The 55-gallon drum is subject to freezing, is too heavy to move about, would interfere with work activities as it would take up too much room in the typical two-story house, and would surely create a mess on the wooden floors. The fire extinguishers themselves would require a considerable investment in the typical subdivision and would be difficult to protect from theft and vandalism. There is no clearly stated point of construction at which the extinguishers must be put in place, nor is it clear just when they are no longer required. It is interesting to note that this requirement to protect a home under construction is far in excess of building code or occupancy requirements once a family moves in and sleeps in the house.

There is a question as to whether the Labor Department has the authority to rectify this and similar situations brought about by the differences between light residential and heavy construction industries.

It is a fact, however, that the Labor Department has failed to take any action toward solving the problem. Therefore, the Congress should make it clear that since difference between light residential and heavy construction industries do exist, differentiation between light residential and heavy construction industries by the Occupational Safety and Health Administration should also exist.

The present law fails to place much responsibility on the employee for his own safety. As a result, compliance by the employer to the provisions of the act still may not result in a safe working environment. The most common example of this failure is the issuance of safety helmets by the employer to his workers who refuse to wear them. Efforts should be made to educate the employee in safety standards which apply to him according to OSHA.

Employers should be permitted to request that OSHA officials come into their facilities to advise and consult with them concerning any changes required by OSHA. This could clear up much of the ambiguity surrounding the act by allowing employers to obtain advance warning about potential violations of health and safety standards in their plants. The effect would be the removal of some of the nuisance features of the act by providing a greater opportunity to differentiate between willful and nonwillful noncompliance. It would also encourage employers to seek ways in which they could comply with the provisions of the act rather than avoid compliance for fear of punishment.

An example of a means by which small employers could be provided assistance in complying with the act is the bill, H.R. 16508, introduced by the Hon. WILLIAM A. STEIGER of Wisconsin. This amendment, which would allow for onsite consultation without inspection for employers of 50 or fewer employees, would alleviate the many complaints of small businessmen stemming from their inability to interpret the technical language of the standards while at the same time not sacrificing the safety and health of the employees of small employers.

This is a much more responsible way to respond to the need for special consideration for small businesses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. FISHER).

TELLER VOTE WITH CLERKS

Mr. FISHER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FISHER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FISHER, CONTE, FLOOD, and SCHERLE.

The Committee divided, and the tellers reported that there were—ayes 191, noes 182, not voting 57, as follows:

[Roll No. 370]

[Recorded Teller Vote]

AYES—191

Abbitt	Fountain	Poage
Abernethy	Frenzel	Powell
Abourezk	Frey	Preyer, N.C.
Alexander	Fuqua	Price, Tex.
Andrews, Ala.	Gettys	Purcell
Andrews, N. Dak.	Goodling	Quillen
Archer	Griffin	Randall
Arends	Gross	Rarick
Ashbrook	Grover	Rhodes
Baker	Gubser	Roberts
Baring	Haley	Robinson, Va.
Bennett	Hall	Robison, N.Y.
Betts	Hamilton	Rogers
Blackburn	Hammer-schmidt	Roncalio
Bray	Harsha	Roush
Brinkley	Harvey	Rousselot
Brooks	Hastings	Roy
Broomfield	Henderson	Ruth
Brotzman	Hogan	Sandman
Brown, Mich.	Hosmer	Satterfield
Brown, Ohio	Hull	Scherle
Broyhill, N.C.	Hunt	Schneebeli
Broyhill, Va.	Hutchinson	Schwengel
Buchanan	Ichord	Sebelius
Burke, Fla.	Jarman	Shipley
Burleson, Tex.	Johnson, Pa.	Shoup
Burlison, Mo.	Jonas	Shriver
Byrnes, Wis.	Jones, N.C.	Sikes
Byron	Jones, Tenn.	Smith, Calif.
Cabell	Kazen	Snyder
Camp	Kemp	Spence
Carter	King	Steiger, Ariz.
Casey, Tex.	Landgrebe	Stephens
Cederberg	Landrum	Stubblefield
Chamberlain	Latta	Stuckey
Chappell	Lennon	Talcott
Clancy	Long, La.	Taylor
Clausen, Don H.	McClory	Teague, Tex.
Clawson, Del	McClure	Terry
Cleveland	McCollister	Thompson, Ga.
Collier	McCulloch	Thomson, Wis.
Collins, Tex.	McEwen	Thone
Colmer	McKevitt	Ullman
Coughlin	Mahon	Vander Jagt
Crane	Mallary	Veysey
Daniel, Va.	Mann	Waggonner
Davis, Ga.	Martin	Wampler
Davis, S.C.	Mathias, Calif.	Ware
Davis, Wis.	Mathis, Ga.	Whalley
de la Garza	Mayne	White
Denholm	Miller, Ohio	Whitehurst
Dennis	Mills, Md.	Whitten
Derwinski	Minshall	Widnall
Devine	Mizell	Wiggins
Dickinson	Monagan	Williams
Dorn	Montgomery	Wilson, Bob
Downing	Myers	Winn
Duncan	Nelsen	Wright
Edwards, Ala.	O'Konski	Wylie
Eshleman	Passman	Wyman
Evins, Tenn.	Patman	Young, Fla.
Fisher	Pickle	Young, Tex.
Flowers	Pike	Zion
	Pirnie	Zwach

NOES—182

Abzug	Bolling	Dellenback
Addabbo	Brademas	Dellums
Anderson, Calif.	Brasco	Dent
Anderson, Ill.	Burke, Mass.	Diggs
Anderson, Tenn.	Burton	Dingell
Annunzio	Byrne, Pa.	Donohue
Ashley	Carey, N.Y.	Dow
Aspin	Carlson	Drinan
Badillo	Carney	Dulski
Barrett	Celler	du Pont
Begich	Chisholm	Eckhardt
Bell	Clark	Edwards, Calif.
Bergland	Clay	Eilberg
Biaggi	Conable	Erlenborn
Biester	Conover	Esch
Bingham	Conte	Evans, Colo.
Blatnik	Conyers	Fascell
Boggs	Corman	Fish
Boland	Cotter	Flood
	Culver	Foley
	Danielson	Ford, Gerald R.

Ford, William D.	Long, Md.	Rodino
Forsythe	Lujan	Roe
Fraser	McCloskey	Rooney, Pa.
Frelinghuysen	McFall	Rosenthal
Fulton	McKay	Rostenkowski
Garmatz	McKinney	Runnels
Gaydos	Macdonald, Mass.	Ruppe
Gibbons	Madden	St Germain
Gonzalez	Mailliard	Sarbanes
Grasso	Mazzoli	Scheuer
Gray	Metcalfe	Selberling
Green, Oreg.	Michel	Sisk
Green, Pa.	Miller, Calif.	Slack
Griffiths	Mills, Ark.	Smith, Iowa
Gude	Minish	Smith, N.Y.
Hanley	Mink	Springer
Hanna	Mitchell	Stanton, J. William
Hansen, Wash.	Moorhead	Stanton, James V.
Harrington	Morgan	Steed
Hathaway	Mosher	Steele
Hawkins	Moss	Steiger, Wis.
Hays	Murphy, Ill.	Stratton
Hechler, W. Va.	Murphy, N.Y.	Sullivan
Heckler, Mass.	Natcher	Symington
Heinz	Nedzi	Teague, Calif.
Helstoski	Obey	Thompson, N.J.
Hicks, Mass.	O'Hara	Tiernan
Hollifield	Patten	Van Deerlin
Horton	Pelly	Vanik
Howard	Pepper	Vigorito
Hungate	Perkins	Waldie
Jacobs	Pettis	Whalen
Johnson, Calif.	Peyser	Wilson, Charles H.
Jones, Ala.	Podell	Wolff
Karth	Price, Ill.	Wyatt
Kastenmeier	Pryor, Ark.	Wydler
Keating	Quie	Yates
Keith	Railsback	Yatron
Kluczynski	Rangel	Zablocki
Koch	Rees	
Leggett	Reuss	

NOT VOTING—57

Adams	Hagan	Melcher
Aspinall	Halpern	Mikva
Belcher	Hansen, Idaho	Mollohan
Bevill	Hébert	Nichols
Blanton	Hicks, Wash.	Nix
Bow	Hillis	O'Neill
Caffery	Kee	Pucinski
Collins, Ill.	Kuykendall	Reid
Curlin	Kyl	Riegle
Daniels, N.J.	Kyros	Rooney, N.Y.
Delaney	Lent	Roybal
Dowdy	Link	Saylor
Dwyer	Lloyd	Schmitz
Edmondson	McCormack	Scott
Findley	McDade	Skubitz
Flynt	McDonald, Mich.	Staggers
Galifianakis	McMillan	Stokes
Gallagher	Matsunaga	Udall
Giaimo	Meeds	
Goldwater		

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,597,500,000), title III ($146,393,000), and title V, Parts A and C ($43,000,000), of the Elementary and Secondary Education Act, $1,786,893,000: *Provided*, That grants to States on behalf of local education agencies under said title I–A shall not be less than grants made to such agencies in the fiscal year 1972.

The Clerk read as follows:

Amendment offered by Mr. O'HARA: Page 19, line 10, strike out the proviso beginning on line 10 continuing down through line 13 on page 19.

Mr. O'HARA. Mr. Chairman, I offer a second amendment dealing with the same subject and with the same principle, and I ask unanimous consent that the second amendment also be read, and that the two amendments be considered en bloc.

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

There was no objection.

The portion of the bill to which the amendment relates is as follows:

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($444,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($51,300,000), $592,127,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

The Clerk read as follows:

Amendment offered by Mr. O'HARA: Page 21, line 3, strike out the provisos beginning on line three and continuing down through line 8 on page 21.

The CHAIRMAN. The gentleman is recognized for 5 minutes in favor of his amendments.

Mr. O'HARA. Mr. Chairman, my amendment would remove the provisos found on page 19, line 10, and page 21, lines 3 and 5.

Now, what these provisos are intended to do, the proviso that I would delete from the bill, they are intended to ignore the formula changes that have taken place over the last few years.

They affect three programs: In title I, the Elementary and Secondary Education Act, the State's allocation depends on the number of educationally disadvantaged children within the State, and the average cost of education per child.

Second, it deals with grants under the Adult Education Act, in which a State's allotment is determined by the number of persons within the State who do not have a high school education.

The third proviso deals with vocational education. Under the Vocational Education Act the amount per State is determined on the basis of the number of people in each State, under the 1970 census.

With respect to title I of ESEA the amount States spend per pupil has changed. Some States have gone up and some States have gone down. Accordingly their allotments should have gone up or down. The number of children eligible has gone up in some places and has gone down in others.

However, the committee says forget that, base their allocation on what their need was 4 or 5 years ago.

The same is true with vocational education, where we now have the 1970 census. The committee said forget the 1970 census; do not determine a State's allocation on the basis of its current needs; ignore that.

Mr. Chairman, the formula grant programs in education try to allocate to the States the amount each needs based upon the number of people requiring the service that the particular program is supposed to provide.

If we go along with the method of the Committee on Appropriations, ignoring the changes that take place in the population, in the number of children needing particular services, and in the average cost of education, these programs becom meaningless pork barrel.

I ask the committee to support my amendment, which would strike out the Appropriations Committee provisos and allocate the funds as the legislative act intended, according to the need State by State.

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

Mr. Chairman, I had better have some attention on this. You are all in on this. Every State is affected by this amendment.

If you do what this amendment calls for, somebody is going to get hurt; some State is going to get hurt. Who? Which one? I do not know. It might be you, you, you, you, or you. I do not know. But somebody is going to get hurt. Yes, sir.

This bill calls for $1,597,500,000 for title I of ESEA. That is the same as the amount appropriated for fiscal year 1972. Now watch. If you strike that language out as proposed by the gentleman's amendment, because of the very operation of the formula in the authorizing legislation—and you are going to get letters on this—some States will receive less than they did in the year 1972. That could be you. Would that not be nice?

Now, the same thing applies to the second amendment which is made a part of this package. Our bill provides—and hear this—that no State—no State—gets less under the Vocational Education Act than it did last year. If this amendment is adopted, some States will be hurt—and one of them may be yours.

Look out. You had better knock this one down.

Mr. PERKINS. Will the distinguished gentleman yield?

Mr. FLOOD. Of course I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me state that in 1965, when we enacted the ESEA, the figures were not available until about 1964. The last time I requested the information from the Department the 1973 income figures were not available on the 1970 census. So we have good reason to oppose the amendment, and I want to compliment the gentleman.

Mr. FLOOD. I could not imagine anyone could say it better than I could, but you did.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman, I support this amendment and I did when we had the same fight when the bill went through the House before. Then we dropped those provisions.

When the chairman of the subcommittee says somebody is going to get hurt, that is true, somebody is going to get hurt if you leave the bill the way it is.

Now, why should you let each State receive the same amount of money they received before if they have fewer children to be benefited from these programs?

We have a very poor formula as it is, in the way they count the children based on an ancient census, using 1959 income. The Committee bill perpetrates this. At least we have a little bit of give in the formula, OE may consider the need that exists now by counting those on welfare. Something has happened in these last 5 or 6 years that caused the difference in the amount of people on welfare. For instance, some plants were closed down when this administration reduced the war effort. Some plants as a result of that did not have Federal contracts so some people did not have jobs, therefore more kids are counted under the formula in those areas. Why should you not count the kids instead of protecting States? That is what the amendment offered by the gentleman from Michigan (Mr. O'HARA) will do, in the 1972 school year you will count the kids who qualify. And you know, if a State that does not qualify with as many children in this year, they should not get the money they did in the year before because that takes some money away from those children who should be counted in other States. States that happen to have an increase in their poverty levels or in unemployment in their areas need the help.

We wrote this formula so that it would have some flexibility to meet the needs where the disadvantaged children existed at that time. It is not a perfect formula. It has to be made into a better formula, and we will have to write a better formula and we are going to do it in the Committee on Education and Labor next year.

Of course I know that all the States have financial problems, and we certainly do, too. We have severe financial problems, as you know by the fact that this bill is back here again. The President had to veto the previous bill. He has to set a limitation on funds. So with that limitation let us let the money go where the kids are in each of the States.

That is what will happen if we adopt this amendment, so I urge you to adopt the amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman and Members of the Committee, in supporting this amendment I mean no offense to our distinguished colleague, the gentleman from Pennsylvania (Mr. FLOOD) who has worked so very hard in the interest of education as he has, and on all of the appropriation bills of a like nature that have come before us. It is true that either way you vote, someone is going to get hurt. As the gentleman from Minnesota (Mr. QUIE) has just pointed out, the effect of leaving the language in the bill that the amendment offered by the gentleman from Michigan (Mr. O'HARA) would seek to strike would be to continue to distribute the money on the basis of where the children were 12 or 13 years ago. To be more precise, you would count the children on the basis of where they were 12 years ago, and on what their family income was, and other employment data was 13 years ago. On the other hand, if the amendment offered by Mr. O'HARA is adopted you would distribute these funds on the basis of where the children were found in the 1970 census which in some instances might hurt some States. But we cannot, as the gentleman from Minnesota has said, justify continuing for more than 13 years a distribution system that has already been involved in the distribution of funds on a formula that does not find the children where they are now in the many school districts that now have the duty to educate them. We should not distribute funds on the basis of figures that bear no relationship to what the true facts are.

It cannot be emphasized too much that if you legislate on the truth of where the heaviest unemployment exists, in States that have had increases in unemployment and increases in people on welfare, that other States will be hurt. Nationally in the last 3½ years the number of welfare recipients in this country has grown from 7.9 million to over 15 million people.

Take a look at which States have the highest unemployment, and the highest increase in welfare, and you will know who is going to be hurt the most if you support the committee position. It is these States that would receive relief if you use the up-to-date data. We should be relying upon the facts of life as they really are today, not on the facts of life as they existed 2 or 3 years ago when the census was taken.

The easiest way to vote so that the neediest districts get hurt, would be to vote for the position of the Appropriations Committee. That is because they do not propose to follow the formula that this House has adopted by an overwhelming majority of both political parties when we passed the bill authorizing these programs.

Last year, the last time the bill came through the House, the gentleman from Michigan (Mr. O'HARA) knocked out this proviso on a point of order. An amendment was offered with the language changed, and we voted it down on the floor. The House supported the proposition of using up-to-date data. Not one school district lost a penny as a result of this action because the Senate put enough money in the bill to hold harmless all of the school districts that would have lost money by the action that the House took.

I do not think that the gentleman from Pennsylvania would realistically say that if the Senate did that in this case it would not stay in the bill in the conference committee.

I urge you to follow the suggestion the gentleman from Minnesota has given, and that is to amend the formula so that we recognize a realistic basis for finding the pupils in this country, and minimize the hardship that is done to school districts that need help the most.

And you cannot justify to the school people you represent or to your own conscience your vote for a proviso that seeks to provide money for phantom children in school districts where they have not attended school for as much as 15 years while the school districts that are most hard pressed will not receive the money that they need to stay open, even on a minimal basis for the balance of this year.

And that is what the effect of a "no" vote on this amendment would be.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wonder sometimes when some people will ever learn.

You know it was 3 years ago that we had two bills vetoed, and we finally came back here in March with the school year almost over and passed a bill that gave the schools less money than the committee had originally recommended the previous June. When this bill was here in June, we warned that adoption of that big amendment would again result in a veto and many of us who actually favor more aid to education opposed that amendment because we knew what would happen. We proved to be the true friends of education.

What are you trying to do, set us up for the same thing again? I voted against Nixon, just like most of the Members of this House did. But he won—whether we like it or not, he won the election. He has the right of veto—that goes with the presidency. He vetoed the predecessor to this bill. We are coming back here with a bill that kept intact all of the money for education that was in the original committee bill. The committee took $90 million out of health but kept the education funds intact and now some Members come along with an amendment which would obviously result in the Senate increasing the education portion by $100 million. The Senate would have one of two alternatives—either take an equal amount away from health or some other education items increase the amount and we all know that the bill will be vetoed again. They would not want to leave some districts with less money than last year when they budgeted on that basis and the year will be partly over.

Now it is just this simple. Are Members really going to do something for education? Do Members want the school districts to get their money or do they want to play education politics from now until next spring? That is what is at stake here. Let us pass a bill which either will not be vetoed or that we can pass over a veto and get the money out to the school districts that they should have had several weeks ago.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. O'HARA. I want to make clear that my amendment does not propose to add 5 cents to the overall appropriation in this bill.

Mr. SMITH of Iowa. I know.

Mr. O'HARA. It strikes out this proviso and does not give any funds to a different item.

Mr. SMITH of Iowa. There is not

enough money in here so they can give all the money to these school districts that are entitled to under the formula and still not cut other districts.

They are not going to get that kind of money this year. As the extra money is available, it will go to those school districts which would be entitled to more under the formula.

This amendment would surely cause the Senate to add $100 million because some school districts already are in the school year and expect to get at least what they got last year. That is just setting the bill up for another veto. I think the amendment should be defeated.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. O'HARA).

The amendments were rejected.

AMENDMENT OFFERED BY MR. M'CLURE

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

The Clerk read as follows:

Amendment offered by Mr. McCLURE: Page 6, line 24, immediately before the period insert the following: "*Provided*, That none of these funds shall be used to pay for expenses of inspection in connection with any employer who has submitted to the Secretary of Labor a plan for compliance with the Occupational Safety and Health Act of 1970 and such plan has been approved by the Secretary."

Mr. CONTE. Mr. Chairman, I reserve a point of order.

Mr. McCLURE. Mr. Chairman, this amendment intends to do something for the employers who have 15 or more employees in terms of reducing the harassment to which they are subjected at the present time. I have drawn the language from some of our experience in water pollution control abatement, in which we permit those corporations and businesses to file a plan for the abatement of pollution, and then they are permitted to follow that plan to achieve the end which we all seek. I think this is a legitimate way to solve some of the problems that confront some of our businesses in this country in the field of safety by allowing them to file a plan for compliance with OSHA regulations and give them the time in which to meet the requirements that are set down by the regulations and the Secretary of Labor.

This goes a little bit further than the present laws go with respect to variances which are permitted under the present statute, but one of the problems they have had as a matter of practice under the existing law is not being able to predict or to know what would be required of them. This amendment which I am now offering would allow them to have some certainty and some continuity in their plan as they struggle to do what we all wish them to do, and that is provide safe premises for their employees.

I would hope that the committee would not feel it necessary to raise a point of order against this amendment. I would hope that they would see that this does not really do any kind of violence to the intent or the purpose or the implementation of this bill. It still gives the Secretary complete authority over the kind of plan, but it would allow them to have the opportunity to present the plan for conformity to the Secretary.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, if no one can go to the plant to make an inspection, how would the Secretary know, first of all whether he should approve the plan; and, second, whether the plan had been complied with?

Mr. McCLURE. The Secretary under the regulations adopted under the act can determine whether or not the plan will comply with the recommendations and regulations under the OSHA Act. Of course, this is one of the great difficulties they have under the present law.

I thank the Chairman.

I yield back the remainder of my time.

The CHAIRMAN. Does the gentleman from Massachusetts wish to press the point of order?

Mr. CONTE. Yes, Mr. Chairman.

Mr. Chairman, I raise the point of order that this gives the Secretary additional burdens and duties to ascertain whether a plan is acceptable or not. Further, I believe it is nongermane. It is not related to the organic law at all. As I understand the OSHA law, it does not require a plan to be submitted to the Secretary of Labor. Therefore, it is completely nongermane to the legislation. Therefore, I feel a point of order lies against the amendment.

The CHAIRMAN. Does the gentleman from Idaho wish to respond to the point of order?

Mr. McCLURE. Yes, Mr. Chairman. I thank the Chairman. I recognize the argument that has been made by the gentleman concerning the fact that it imposes a duty, but the duty is already imposed by the OSHA Act to require the Secretary to do certain things with respect to safety regulations. This changes the method by which that action is complied with but does not impose an additional duty.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule. The Chair has listened carefully to the arguments for and against the point of order. The Chair believes that this is a limitation of funds and it is restricted to the funds contained in the pending bill. It is a limitation on using those funds for inspection of certain employers who have submitted plans for compliance with the Occupational Safety and Health Act where those plans have been approved. The amendment is negative and imposes no new duties on Federal officials. Therefore the Chair holds the amendment in order and overrules the point of order.

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

This the Members would not believe unless they were here. This was handed to me just a few minutes ago. Very few Members have even seen this yet and have not the faintest idea what it involves. Certainly, I am not sure what all the implications might be. It says:

None of these funds shall be used to pay for expenses of inspection in connection with any employer who has submitted to the Secretary of Labor a plan for compliance with the Occupational Safety and Health Act of 1970 and such plan has been approved by the Secretary.

Now, I did not know that the law provides for an employer to submit a plan. But, all right, suppose he submits a plan and then suppose the Secretary approves the plan. As I read this amendment, that employer can then do whatever he wants to do, including throwing the plan out the window, and the Department cannot even send out inspectors to inspect the plant.

How do you Members like that? You would not believe this unless you were here. Members cannot possibly vote for such a thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. McCLURE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 85.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BADILLO

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

The portion of the bill to which the amendment relates is as follows:

EDUCATIONAL RENEWAL

For carrying out, to the extent not otherwise provided, titles VII and VIII of the Elementary and Secondary Education Act, part B–1 of the Education Professions Development Act, section 309 of the Adult Education Act, as amended, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Environmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $219,190,000, of which $13,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: On page 22, line 2, strike out "$219,190,000" and insert "$234,190,000" and before the period in line 4 insert the following: "and of which $60,000,000 shall be for carrying out Title VII of the Elementary and Secondary Education Act."

Mr. BADILLO. Mr. Chairman, I believe that ample and detailed proof exists that foreign-language speaking children have been educationally shortchanged and are being seriously neglected by standard American teaching methods and attitudes. For far too long youngsters who speak a language other than English as their mother tongue are in many instances being treated as disadvantaged, handicapped and, in some cases, as retarded. Often they are physically or psychologically punished for speaking their native language and are forced to conform to an alien culture. They are encouraged to reject their particular ethnic culture.

However, the Bilingual Education Act, enacted some 5 years ago, held out hope to these children. The Congress supposedly assured these boys and girls that they would be afforded full and equal

educational opportunities. Regrettably, the Congress' actions have fallen far short of its words as bilingual education programs have historically been seriously underfunded. Because of the woefully inadequate budget, little has been done to give meaningful encouragement to the development and expansion of bilingual/bicultural education.

Although the Congress authorized an expenditure of $135 million for bilingual education programs in fiscal year 1973, the administration only requested $41,130,000. Fortunately, the Appropriations Committee originally raised this figure to $45 million—which it has done again in the second Labor-HEW appropriations bill. However, this amount is simply not sufficient as only 55 to 60 new programs, involving an estimtaed 35,000 additional children, can be implemented at this level. Consider this number of students with the estimated 5 million children who are considered to be in desperate need of special bilingual education. It is particularly inadequate when you recall that the Senate had the foresight to raise the total appropriation by $15 million to a level of $60 million and that this was the figure which was agreed upon in the final legislation. Last June I offered an amendment to add this $15 million and I again offer such an amendment today.

Although a total appropriation of $60 million is still less than half of the total authorization, it will at least enable the Office of Education to implement an estimated 110 new projects serving some 90,000 additional children—almost double the present number now being reached. Also, by increasing the appropriation to even this modest level we will be able to renew our commitment to providing essential bilingual education to those requiring it and providing the Office of Education with the resources to expand programs to those locations denied such assistance and with only a limited number of projects.

Mr. Chairman, on countless occasions in the past a number of my colleagues and I have commented and presented statistics on the crying need for increased and expanded bilingual/bicultural programs throughout the country. It has been reported, for example, that there are some 290,000 Spanish-speaking students in New York City's schools, of which 135,000 are severely limited in their ability to speak English. An additional 18,000 children of Chinese, Italian, French, and other backgrounds also cannot speak English, according to a New York State investigative commission. It is almost criminal that of these students only 4,000 are reached by bilingual education programs.

Studies have shown conclusively that children who are participating in bilingual/bicultural education programs are learning faster and reading better than their peers who are not given this opportunity. Bilingual education has made learning meaningful to Spanish-speaking Americans and other minorities whose drop-out rates—over 85 percent for the Puerto Rican community in New York City—far exceed the national average.

When we considered the original Labor-HEW appropriation bills in June I observed that one-third of the House Members have constituents who are presently participating in one of the 213 bilingual education programs funded under title VII of the Elementary and Secondary Education Act. We have an obligation to these foreign-language speaking constituents and others to insure that they reap the full benefits of citizenship and overcome their language handicaps. They must be afforded equal educational opportunities and afforded the chance to participate on an equal basis with other Americans. We must not be intimidated by the President's very ill-conceived and callous veto of the original appropriations legislation and should take affirmative action to restore the $15 million which was stricken by the committee. Certainly this rather modest sum will not in any way contribute to any real or imagined budgetary pressures and if savings are to be had, there are numerous other areas of dubious need and at significantly higher sums which can be reduced. We must move to end the present inequity in the allocation of already restricted title VII funds and take steps to guarantee the best possible education to our foreign-language speaking students.

Mr. Chairman and Members of the Committee, this amendment would add $15 million to the funds for bilingual education to bring the total up to $60 million. The authorization is $135 million.

When this bill was before the House, I made the same amendment, and it was defeated in the House. Subsequently, however, the Senate agreed to the amendment and the amount agreed to in the conference was $60 million. What we seek to do here is to provide those funds that were agreed to in the conference report.

The reason it becomes important to add this amount is that in the past year we have found that additional areas of the country want to take advantage of bilingual educational programs. Originally, the amounts of money that were available went to the Southwest in the Spanish-speaking communities and was applied to the Mexicans.

However, in the past few years we have begun to get funds for New York City, for Pennsylvania, New Jersey, Connecticut and other eastern States. We find that the appropriations do not enable us to provide for bilingual education for the children in those areas. We find, in fact, that the total amount of appropriations today only provides for bilingual education for 3 percent of the Spanish-speaking children in the country. That certainly is inadequate. But, we find something else. There are other groups who are not Spanish speaking; Italians, Greeks, Chinese, and others who would like to get the benefits of bilingual educational programs, because it has been found that where these programs are put into effect, it is possible to advance the educational achievement of the children in English as well as in Spanish.

The bilingual educational program does not mean that kids are not going to learn English. As a matter of fact, what it means is that they are able to learn to speak the language faster, and they are able to move into the mainstream of the society a bit faster. This is what Spanish-speaking children as well as the other children who do not speak English would like to get.

We know, of course, that there have been many groups who have come to this country from Europe and from other parts of the world without being able to speak the language, and that they have been able to become part of our total society, but what we also know is that it has taken them three, four, five generations to accomplish this. It seems to me that one of the things we should do is learn from the experience of others and see to it that those who learn to speak the English language through a billingual education program are able to move into the rest of the society in one or two generations. This is what the amendment seeks to do.

I urge its support to make sure that the $60 million which the Senate approved and that the conference approved is available.

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

Mr. Chairman, again I must oppose this kind of amendment. I can speak from some experience about the needs for bilingual education. I have to speak Lithuanian, Polish, Italian, Ukrainian, and Irish and everything else out of self-defense in my district—out of pure self-defense.

Now, Mr. Chairman, the committee has provided $45 million for bilingual educational programs authorized by title VII of the Elementary and Secondary Education Act. Let me tell you, this represents a $10 million increase; almost 30 percent expansion over the 1972 level. What about that? That is a pretty darn good rate of growth for any program. This would take care of all continuation costs for the 200 existing projects, and, in addition, it will provide the money for 50 more brandnew projects.

Do not forget why we are here today. We are doing a juggling act here. This bill has been vetoed. Let us be sensible about this thing.

I do not want to break down and cry about these projects. I am for them. You know it. The real concern I have is that we get the funds for the programs, and all the programs contained in this bill, have them appropriated and released to the States and local agencies so that they can proceed with their plans for their activities for this current fiscal year. Four months are gone. We have to get this money out there.

If you persist in adding money for this program, for that program, or the other program—worthy as they may be, Lord knows—your good intentions will very likely result in further delay in the money being appropriated.

We have already had one veto. For heaven's sake, let us not invite another one. Rememer why we are here. We did

not ask to come back today. Remember why we are here. Let us not open ourselves up to more trouble.

This is a good program. There is $45 million in it, $10 million more than last year, a 30-percent raise. What do you want? Diamonds, at a time like this? Mr. Chairman, let us defeat this amendment.

Mr. YATES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the gentleman from Pennsylvania is right, that this is an increase of 30 percent, but it is comparable to an increase from nothing, because the bilingual program has been drastically underfunded ever since it was passed. No group in this country has been more discriminated against than the Spanish-speaking families.

The money which has been appropriated over the past few years has gone primarily to three States. It has gone to California. It has gone to Texas. It has gone to New York. States such as Illinois, States that have other groups of Spanish-speaking families thronging into them, have not received their share of the funds at all.

What has been the results? In my home city of Chicago, for example, we are starving for bilingual funds. The children from Spanish-speaking families are unable to absorb an education which is taught to them in English. As a result, a study which has been made by the regional director of HEW shows that over 50 percent of the children from Spanish-speaking families are dropouts before their high school educations are completed. They just cannot absorb an education in English.

It is as though our children were being taught in Chinese. The comparison is that.

Therefore, Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York. I believe this is a vitally essential program, and I urge adoption of the amendment.

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

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

Mr. ROYBAL. I should like to associate myself with the remarks made by the gentleman from Illinois.

Mr. Chairman, as one of the original authors of the Bilingual Education Act, I support this amendment to restore the $60 million appropriations for bilingual education approved earlier by both Houses of Congress.

When Congress acted on this legislation some 4 years ago we declared it our national policy that non-English speaking children would no longer be deprived of equal educational opportunities. In approving this measure we hoped to meet the pressing educational needs of millions of children who are handicapped by severely limited English speaking ability and who come from environments where the dominant language is not English.

Unfortunately, however, the goals which we envisioned at that time have been thwarted by totally inadequate funding. This year the administration came to us with a request to appropriate just barely 30 percent of the amount previously authorized, that is, $41.1 million. At this level only an estimated 123,000 children would have been reached by bilingual education as compared with the estimated 5 million children who are in need of this assistance.

Such a request clearly displayed a lack of substantive commitment to effectively deal with the problem. In reply Congress acted quickly to provide additional funds to expand this program, funding 110 new projects and assisting 90,000 more children.

The amendment is really rather modest. By restoring the $60 million appropriations earlier approved by Congress, we will be able to initiate some very needed new programs and help many more children participating in bilingual projects. Furthermore, Congress will have the opportunity to reaffirm its commitment to the principles established in the Bilingual Education Act.

The need for this program has been well documented in the past and most recently in a comprehensive study conducted by the U.S. Commission on Civil Rights on the education of Mexican Americans in the southwest and of mainland Puerto Ricans in the northeast. The findings reveal that Spanish-speaking students suffer under the weight of school-imposed ethnic isolation, educational failure and cultural strangulation.

The Commission reported that in the five southwestern States' studies, Mexican Americans have been programed for failure under our school systems. They achieve at a lower rate, drop out of school at an earlier age, have poorer reading skills, and tend to repeat more grades than their Anglo peers. Within my own district, it is estimated that in the Spanish-speaking barrios of East Los Angeles three out of four drop out of high school.

The causes of this educational tragedy can be found in the failure of our school systems to respond positively to the rich cultural heritage and language of the various Spanish speaking and other non-English-speaking groups in this country. Our schools have failed to tailor educational skills and fundamentals, particularly reading and math, to the background and culture of the student.

Even today in many schools the use of the Spanish language is discouraged and forbidden. There are well documented instances where these children are assigned to classes for the mentally retarded because they lack English-speaking skills and have a cultural background too often viewed as conflicting with that of the dominant group.

Mr. Chairman, it is time that we recognize the unique contribution other cultures and languages have made to American life, and the need for our children to learn other languages and to gain a deeper cultural and racial understanding of our country. The bilingual program provides us with this opportunity as well as assist students with severely limited English-speaking ability.

I urge your support of this amendment.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Illinois and the gentleman from New York.

The pending amendment would appropriate an additional $15 million for the bilingual education program authorized under title VII of the Elementary and Secondary Education Act. The original Labor-HEW appropriations bill, which was passed back in June, contained only $45 million of the authorized $135 million for this crucial program; although the final version of the bill increased that figure to $60 million, the President's cruel and callous veto left us pretty much back where we started.

At the present time, only about 2 percent of the young children eligible for bilingual educational assistance are actually receiving any benefits under this legislation. The proposed appropriation would increase that amount to something under 3 percent.

The funds which this amendment would provide will hardly break a nation which has sufficient spare cash around to spend $75 billion per year on defense, but they will represent an effort on our part to begin to make the promise of education a reality for all children without regard to whether English is their primary or secondary tongue. The Chicanos, Puerto Ricans, Chinese, American Indians, and other linguistic minorities are as much Americans as anyone else, and we must give them a direct commitment to equal educational opportunity—and equal social opportunity—throughout this Nation.

I urge the adoption of this amendment.

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

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

LEGISLATIVE PROCEDURE BEFORE SINE DIE ADJOURNMENT

Mr. COLMER. Mr. Chairman, I take this time to make what I think is an important announcement to the membership and particularly to the chairmen of the legislative committees.

As the House is aware, for the past several years the Committee on Rules at appropriate times, in order to expedite the closing of the Congress and enactment of the necessary "must" bills, including, of course, the money bills, has set a date after which it will not receive and act upon requests for new legislative proposals.

This has worked fairly well in the past, but not always, of course, completely.

But to get to the point and in order to assist the leadership and the membership in the common goal to bring about a sine die adjournment of the Congress, your Committee on Rules today has set that date to which I have just referred beyond which it will not receive requests for rules as of September 25, 1972, which is next Monday.

Now, the only exception that will be made to that is in matters of emergency—and I want to emphasize that—emergency and not arm-twisting for some pet projects that Members may have that they desire to have enacted. The only other exception, of course, will be in matters of procedure such as conference reports, et cetera.

Mr. Chairman, in pursuance of this goal, I have, by the unanimous direction of the Commitee on Rules, addressed the following letter, which was hand delivered, to the chairman and ranking minority members of the legislative committees of the House:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C., September 19, 1972.

MY DEAR MR. CHAIRMAN: As an effective method of expediting adjournment, you will recall that for the past several years it has been the policy of the Rules Committee, after consultation with the Leadership, to fix an expiration date after which this Committee would not consider further applications for rules.

The Committee on Rules, in a desire to accommodate the Leadership and the Members, has today authorized me to advise you and the other chairmen and ranking minority members of the legislative committees of the House that all requests for rules making bills in order for the floor consideration must be received, together with the reports thereon, prior to midnight, September 25. The only exception will be in cases of a procedural or a real emergency nature. This decision was reached after full and appropriate consulation, and I can assure you that it is the firm decision of the Rules Committee.

Assuring you of the Committee's appreciation of your usual splendid spirit of cooperation in this, as in all other matters, I am,

Respectfully yours,
WILLIAM M. COLMER,
Chairman.

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

Mr. COLMER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. The only criticism I have of the gentleman's announcement is that he did not make the cutoff date today.

Mr. COLMER. Well, I appreciate the gentleman's remarks and thank him for his splendid contribution. I am sure that if the gentleman and I had our way, we would have cut it off some weeks ago.

Mr. GROSS. You could save some money by cutting it off today.

Mr. COLMER. I think the best thing that could happen for the membership of the Congress, and above and more important than that, for the interest of this country, would be for this Congress in this election year to adjourn. If we have the cooperation of all concerned, there is no reason why the target date for sine die adjournment of October 14 should not be met.

Mr. DU PONT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could focus the attention of the membership of the House once again on the very fine amendment of the gentleman from New York (Mr. BADILLO), I would like to rise in very strong support of that amendment.

It is hard to believe, but it is a fact, that a desperately needed program that is supposed to serve and should serve over 3 million children in the United States is funded at a level that barely serves 100,000.

We have heard eloquent remarks from the gentleman from Illinois concerning the programs of his district and some remarks on the other side from the distinguished chairman of the committee from Pennsylvania, but I have a special problem. I represent one of the smallest States in the Union, the next to the smallest State in the Union.

We do not get any bilingual education money; none whatsoever, and we have a substantial Spanish population there. I have a Spanish-speaking member on my staff, and I put out a newsletter in Spanish, and I have considerable contact with the Spanish community, but there is not a single program in the State of Delaware that is funded by the Federal Government for bilingual education.

This is partly due to problems we have in the State of Delaware, but it is also due to the fact that this program is woefully underfunded.

As the gentleman from New York (Mr. BADILLO) has pointed out the Congress authorized spending of over twice as much money as we are appropriating for bilingual education. It seems to me it is very much worthwhile that we increase this budget by a very small amount, $15 million only, to serve this very worthwhile cause.

Children who cannot speak the language that their schoolteachers speak have a very difficult problem. They cannot learn what they are supposed to because they cannot carry on the basic conversation that you and I find so easy to carry on.

Mr. YATES. Will the gentleman yield?

Mr. DU PONT. I yield to the gentleman.

Mr. YATES. The gentleman makes a very valid point. As a matter of fact, in some areas some of the children are placed in retarded schools. The only reason why they have not been able to absorb the knowledge of their other schoolmates is the fact they cannot comprehend the lessons taught in English.

Mr. DU PONT. I thank the gentleman. He is entirely correct.

We have adults in Delaware unable to speak English because they have come from Spanish-speaking countries.

But also, it seems to me, as well as having an obligation to do something about that, we have a stronger obligation to do something to see that this trend does not continue and the young people living in our society have an opportunity to get an education and learn to speak the English language.

Mr. DELLUMS. Mr. Chairman, I rise in support of the amendment by my colleague from New York.

Because I come from a district where a substantial number of children come from families where English is not the sole language spoken in the home, I am extremely familiar with problems caused by lack of bilingual educational programs. Thus, I am aware that benefits of a comprehensive bilingual education program are manifold.

Non-English speaking students are placed at the start of their formal education in classrooms where teachers also speak their native tongue; textbooks are in their native language. Therefore, these children are learning necessary academic subjects, and also a new foriegn language. English is introduced to students slowly, and hopefully by sixth grade, students will be fluent enough in English so that they may function in a predominantly English-speaking society. Such an approach is preferable to forcing English upon the student who is unprepared, thus creating hostile and resentful feelings toward a mainstream culture.

Obviously, native language and culture is preserved. No longer would stigma be placed upon non-English speaking students. Self-esteem will naturally be greater because there is recognition of importance of another language.

This type program has proved successful in Canada and Switzerland. With the great diversity of heritages in the United States—Chicanos, blacks, Indians, Asian-Americans, and Puerto Ricans—we have a unique opportunity if we preserve these cultures.

I support this important amendment.

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

Very briefly let me say to the gentleman from Delaware, if he has a problem of funding bilingual education programs in his State, there is an opportunity under title I and title III of the ESEA which will fund these programs.

As a matter of fact, countrywide this is not the only item of bilingual education that is funded. We have $40 million in titles I and III throughout the country going specifically for bilingual education. If a State is not taking advantage of that opportunity, then that is their particular problem.

Mr. YATES. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. YATES. The point that the gentleman overlooks in connection with title I is they have to meet certain poverty standards and many of the Spanish-speaking people are above that and therefore they cannot qualify.

Mr. MICHEL. I would like to say further the gentleman said our own State of Illinois has been short-changed. I agree with him, but we have made some progress. There were times when this program was concentrated solely in the States of California and probably New York and Texas, as the gentleman implied.

I note also the up-to-date figures showing we are spending nearly $1 million in Colorado and in Florida and half a million in Louisiana, $800,000 in Massachusetts, $870,000 in New Jersey, $610,000 in Pennsylvania, and $1.4 million in New Mexico.

So the criticisms originally leveled at the problem being so geographically concentrated in one area are being met. It is being modified and rectified, but it takes a bit of time.

One last word of admonishment of our subcommittee chairman. We are here today for one reason. The bill got vetoed, and it was because there were so many individual people adding their little pet projects to this that it came to $1,762 million over the budget. We made a plea in our general debate to hold the line with the figures we have that are now a total of $835 million over the budget and get this bill disposed of and over to the other body before we adjourn, or you might be faced with a type of pocket veto. The sooner we get through with it and get it over to the other body and to conference the better off we are going to be.

I plead with the gentlemen here to enact this bill as we have brought it to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and on a division (demanded by Mr. BADILLO) there were—ayes 46, noes 65.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Messrs. BADILLO, MICHEL, FLOOD and DU PONT.

The Committee divided, and the tellers reported that there were—ayes 162, noes 207, not voting 61, as follows:

[Roll No. 371]

[Recorded Teller Vote]

AYES—162

Abourezk	du Pont	McCloskey
Abzug	Eckhardt	McFall
Addabbo	Edwards, Calif.	McKevitt
Anderson, Calif.	Eilberg	Madden
Annunzio	Esch	Mailliard
Archer	Evans, Colo.	Melcher
Ashley	Fascell	Metcalfe
Aspin	Foley	Minish
Badillo	Ford, William D.	Mink
Barrett	Fraser	Minshall
Begich	Frey	Mitchell
Bell	Garmatz	Mollohan
Bergland	Gaydos	Moorhead
Biaggi	Gonzalez	Morgan
Bingham	Grasso	Mosher
Blatnik	Green, Oreg.	Moss
Boggs	Green, Pa.	Murphy, Ill.
Boland	Griffiths	Murphy, N.Y.
Bolling	Gubser	Nedzi
Brademas	Gude	Obey
Brasco	Hamilton	O'Hara
Broomfield	Hanna	O'Konski
Brotzman	Hansen, Wash.	Patten
Burke, Mass.	Harrington	Pepper
Burton	Harvey	Perkins
Byrne, Pa.	Hathaway	Pettis
Carey, N.Y.	Hawkins	Pickle
Carney	Hechler, W. Va.	Podell
Chisholm	Helstoski	Price, Ill.
Clausen, Don H.	Hicks, Mass.	Pryor, Ark.
Clay	Holifield	Railsback
Collins, Ill.	Horton	Rangel
Collins, Tex.	Hosmer	Rees
Conyers	Howard	Reid
Corman	Hungate	Reuss
Cotter	Hunt	Rhodes
Culver	Jacobs	Robison, N.Y.
Danielson	Johnson, Calif.	Rodino
de la Garza	Karth	Roe
Dellums	Kazen	Roncalio
Derwinski	Keith	Rosenthal
Diggs	Kluczynski	Rostenkowski
Dingell	Koch	Roybal
Donohue	Leggett	Runnels
Dow	Long, La.	St Germain
Drinan	Lujan	Sarbanes
	McClory	Scheuer
		Seiberling
Sisk	Thompson, N.J.	Widnall
Staggers	Tiernan	Wilson, Bob
Stanton, James V.	Ullman	Wolff
Steele	Van Deerlin	Wydler
Symington	Vanik	Yates
Talcott	Veysey	Zablocki
Teague, Calif.	Waldie	
	White	

NOES—207

Abbitt	Forsythe	Pirnie
Abernethy	Fountain	Poage
Alexander	Frelinghuysen	Powell
Anderson, Ill.	Frenzel	Preyer, N.C.
Anderson, Tenn.	Fulton	Price, Tex.
Andrews, Ala.	Fuqua	Purcell
Andrews, N. Dak.	Gettys	Quie
Arends	Giaimo	Quillen
Ashbrook	Gibbons	Randall
Baker	Goodling	Rarick
Baring	Gray	Roberts
Bennett	Griffin	Robinson, Va.
Biester	Gross	Rogers
Blackburn	Grover	Rooney, Pa.
Bow	Haley	Roush
Bray	Hall	Rousselot
Brinkley	Hammer-schmidt	Roy
Brooks	Hanley	Ruppe
Brown, Mich.	Harsha	Ruth
Brown, Ohio	Hastings	Sandman
Broyhill, N.C.	Hays	Satterfield
Broyhill, Va.	Heinz	Scherle
Buchanan	Henderson	Schneebeli
Burke, Fla.	Hogan	Schwengel
Burleson, Tex.	Hull	Scott
Burlison, Mo.	Hutchinson	Sebelius
Byron	Ichord	Shipley
Cabell	Johnson, Pa.	Shoup
Camp	Jonas	Shriver
Carlson	Jones, Ala.	Sikes
Carter	Jones, N.C.	Slack
Casey, Tex.	Jones, Tenn.	Smith, Calif.
Cederberg	Kastenmeier	Smith, Iowa
Celler	Keating	Snyder
Chamberlain	Kemp	Spence
Chappell	King	Springer
Clancy	Kuykendall	Stanton, J. William
Clark	Landgrebe	Steed
Clawson, Del	Latta	Steiger, Wis.
Cleveland	Lennon	Stephens
Collier	Long, Md.	Stratton
Colmer	McClure	Stubblefield
Conable	McCollister	Stuckey
Conover	McEwen	Sullivan
Conte	McKay	Taylor
Coughlin	Macdonald, Mass.	Terry
Crane	Mahon	Thompson, Ga.
Daniel, Va.	Mallary	Thomson, Wis.
Davis, Ga.	Mann	Thone
Davis, S.C.	Martin	Vander Jagt
Davis, Wis.	Mathias, Calif.	Vigorito
Dellenback	Mathis, Ga.	Waggonner
Denholm	Mayne	Wampler
Dennis	Mazzoli	Ware
Dent	Michel	Whalen
Devine	Miller, Calif.	Whalley
Dickinson	Miller, Ohio	Whitehurst
Dorn	Mills, Ark.	Whitten
Downing	Mills, Md.	Wiggins
Dulski	Mizell	Williams
Duncan	Monagan	Winn
Edwards, Ala.	Montgomery	Wyatt
Erlenborn	Myers	Wylie
Eshleman	Natcher	Wyman
Evins, Tenn.	Nelsen	Yatron
Fisher	Passman	Young, Fla.
Flood	Patman	Young, Tex.
Flowers	Pelly	Zion
Ford, Gerald R.	Pike	Zwach

NOT VOTING—61

Adams	Halpern	Matsunaga
Aspinall	Hansen, Idaho	Meeds
Belcher	Hébert	Mikva
Betts	Heckler, Mass.	Nichols
Bevill	Hicks, Wash.	Nix
Blanton	Hillis	O'Neill
Byrnes, Wis.	Jarman	Peyser
Caffery	Kee	Pucinski
Curlin	Kyl	Riegle
Daniels, N.J.	Kyros	Rooney, N.Y.
Delaney	Landrum	Saylor
Dowdy	Lent	Schmitz
Dwyer	Link	Skubitz
Edmondson	Lloyd	Smith, N.Y.
Findley	McCormack	Steiger, Ariz.
Fish	McCulloch	Stokes
Flynt	McDade	Teague, Tex.
Galifianakis	McDonald, Mich.	Udall
Gallagher	McKinney	Wilson, Charles H.
Goldwater	McMillan	Wright
Hagan		

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HEINZ

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

The portion of the bill to which the amendment relates is as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $641,405,000, of which $615,495,000, including $41,450,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 73 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

The Clerk read as follows:

Amendment offered by Mr. HEINZ: On page 19, line 19, after the phrase "under section 6" insert the following:

"and $20,000,000 for complying with section 403(1)(c)"

Mr. HEINZ. Mr. Chairman, my amendment reserves $20 million of the $641 million proposed for aid to federally impacted areas for what we know as part C of Federal impact aid. Part C is for school districts with large concentrations of children whose parents live in public housing.

I offer this amendment not because I am a strong supporter of Federal impact aid but because, if we are going to have this kind of aid, it is a matter of equity that school districts, in similar circumstances be treated, as a matter of fairness, alike and in the same way. Whether a family lives on Federal property, or in public housing, as in the case with category C, neither group of families nor the "landlords" of those families, pay any school property taxes. Schools with children from military housing and public housing have to operate and educate each and every child, regardless of where the child's parents may live.

Yet, at the present time, we aid only those school districts with families who live or work on Federal property. We fail to aid those school districts with children whose families live in public housing. This is an unfair and unjustifiable practice, and I would like to provide a case in point. In my 18th Congressional District, in Pennsylvania, the school district known as the Stowe-Rox School District, nearly one-third of the students in that school district come from public housing. That means that neither their parents, nor the Housing Agency which operates this housing pay one penny of the school property tax which finances

the most important part of the educational budget in the school district. The burden placed on the school district is heavy, and falls upon all the homeowners and property owners in the district. These same people are also Federal income taxpayers. They pay for part of the Federal impact aid in this bill, yet this bill turns its back on them.

I would like to make one point especially clear, which is this. The amendment I have proposed does not add 1 cent to the appropriation we are considering. What it does do is reserve exactly $20 million of the $640 million proposed in impact aid for public housing for school districts affected with substantial public housing. Thus let me reemphasize there will be no increase in this appropriation because of this amendment.

I might also point out that I have chosen the amount of $20 million as a compromise between the $10 million put in the budget for impact aid by this House when it first considered this appropriation and the $30 million that was finally submitted as a conference report to the White House.

One final point: The President recommended to this House that $431 million in Federal impact aid be appropriated. In this bill we are appropriating $641 million, $210 million above the President's request, an increase of nearly 50 percent more than what was originally proposed.

In all equity and in all fairness, I really do not see how you or I can go back to our districts having voted an increase in impact aid of 50 percent, and at the same time not provide any of it for the children and the parents and the taxpayers living in school districts that are affected by public housing.

I urge my colleagues to support the amendment.

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

Mr. Chairman, all of you are parties of special interest. Almost all of you are concerned with what is going to happen to you. My friend from Pennsylvania—my friend from Pennsylvania wants to scatter your money about like ketchup—your money.

Now, listen. In this amendment he is earmarking $20 million for category C. He is adding no money to the bill. Very laudatory effort, but do you know what happens? It all comes out of the A's and it all comes out of the B's. The amount available for the A's and B's will be reduced to provide $20 million for the C's. That is what is going to happen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

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

The portion of the bill to which the amendment relates is as follows:

HEALTH SERVICES DELIVERY

For carrying out, except as otherwise provided, sections 301, 310, 311, 314(d), 314(e), 317, 321, 322, 324, 326, 328, 329, 331, 332, 502, 504, title X of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), and title V of the Social Security Act, $751,295,000, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of the Social Security Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That when the Health Services and Mental Health Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That in addition, $4,719,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all the trust funds referred to therein: *Provided further*, That amounts received for services rendered under section 329 of such Act shall be credited to this appropriation.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 10, line 1, strike out "$751,295,000." and insert "$754,295,000."

Mr. PICKLE. Mr. Chairman, my amendment would add $3 million to this entire bill, a very modest request for a program that I think is very, very important. I hope that the Members will hear me out for just a moment. I would add $3 million for the migrant workers' programs in the United States.

When this bill was before the House, the authorized level requested was $30 million. The Appropriations Committee had in it only $23.7 million. I had a colloquy with the gentleman from Pennsylvania at the time the bill was before us. He sympathized but said that we just could not break the line, and we could not put in any extra funds. The bill went over to the other body, and they did push the funds up to the $30 million for the migrant workers program. In conference, they settled on the sum of $26.3 million.

That was the amount that was finally agreed on, in the bill that was vetoed.

My amendment would restore the $3 million, which leaves it exactly at the level that the conference had agreed to. This is the reason for the request. There are over 1 million migrant workers in the United States. In my State alone, we have some 280,000 migrant workers.

There are two of these migrant headquarters in my district, so I am mindful of this problem. I have visited them, and I believe I understand the good accomplished by the program.

We should keep in mind that of the 1 million migrant workers, most migrants, because they have had no education, just do not know what services are available and do not know where to go. Consequently they do not take full advantage of the program.

We need these programs. They are vitally important. The U.S. Public Health Service indicated they were going to phase out or eliminate hospitalization for the migrant workers program if they do not have adequate funding. It is not right for us, just in the interest of holding the line, not to put in a little bit of money here. Just a little addition here will not hurt this great big bill.

I hope the Members will listen to these facts, for if they do they may mean something.

The average life expectancy of a migrant worker is 20 years shorter than that of the average citizen. His infant and maternal mortality rate is 125 percent higher than the national average, while his death rate from influenza and pneumonia is 200 percent higher than the national rate. He and his family are 17 times more likely to suffer from tuberculosis and 35 times more likely to have worms. If he survives infancy and does not die 20 years before his time, then he has a better chance than the average citizen still of suffering from high blood pressure, diabetes, anemia, rickets, and a dozen other major diseases.

If these funds are not provided these people will not get the health services they need. The very people who need them the worst are the ones who will not get them.

The per capita expenditure for the migrant worker is $9 nationally, compared to a national average of $250 per person.

Those figures ought to be staggering. I would hope they would be impressive to the committee.

I do not believe any Member of the Appropriations Committee does not want to see the program fully funded. I am mindful of the fact that if the full bill goes back and balloons up to where it was previously we might suffer another veto. but I am asking only $3 million.

I would ask for a lesser sum than that, but I do not believe the gentleman from Pennsylvania will want to put a "nickel for pickle," for migrant workers, in this bill, if it increases the total figure.

I do not believe holding the line is that important. When we pass this bill, it will have to go to the other body. We will have a conference.

Since the Senate did put in $6 million additional this summer, the conference agreed to the $3 million, and all I am asking is for the House to put in the same amount that was agreed to in the conference, $3 million for the migrant worker program.

I believe that is a reasonable request, and I hope the Members will support it.

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

I do not intend to take the full 5 minutes. I think the House has used sound judgment in rejecting all the amendments which have been offered up to now to add money to this bill.

There are 446 line items in this bill. If we had 447 requests just to add itsy-bitsy couples of millions, we would be, as my friend from Texas said, putting this back to where it was in conference, and we will put it back to where it was vetoed. That is why it was vetoed; because we added a few million here, and a few million there, until we were $1.8 billion over the budget request. We are going to be in trouble if we start doing that again, so I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, 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. 16654) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill (H.R. 16654) to the Committee on Appropriations.

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 324, nays 51, not voting 55, as follows:

[Roll No. 372]

YEAS—324

Abernethy	Begich	Brown, Ohio
Abourezk	Bell	Broyhill, N.C.
Abzug	Bennett	Broyhill, Va.
Addabbo	Bergland	Buchanan
Alexander	Biaggi	Burke, Fla.
Anderson, Calif.	Biester	Burke, Mass.
	Bingham	Burleson, Tex.
Anderson, Ill.	Blatnik	Burlison, Mo.
Anderson, Tenn.	Boggs	Burton
	Boland	Byrne, Pa.
Andrews, Ala.	Bolling	Byron
Andrews, N. Dak.	Brademas	Cabell
	Brasco	Carey, N.Y.
Annunzio	Brinkley	Carney
Badillo	Brooks	Carter
Baker	Broomfield	Casey, Tex.
Baring	Brotzman	Cederberg
Barrett	Brown, Mich.	Celler
Chamberlain	Hogan	Quie
Chappell	Holifield	Quillen
Chisholm	Horton	Railsback
Clancy	Hosmer	Randall
Clark	Howard	Rangel
Clausen, Don H.	Hull	Rees
	Hungate	Reid
Clay	Hunt	Reuss
Cleveland	Hutchinson	Rhodes
Collier	Ichord	Roberts
Collins, Ill.	Jacobs	Robison, N.Y.
Colmer	Jarman	Rodino
Conable	Johnson, Calif.	Roe
Conte	Johnson, Pa.	Rogers
Conyers	Jones, Ala.	Roncalio
Corman	Jones, N.C.	Rooney, Pa.
Cotter	Jones, Tenn.	Rosenthal
Coughlin	Karth	Rostenkowski
Culver	Kastenmeier	Roush
Danielson	Kazen	Roybal
Davis, Ga.	Keating	Runnels
Davis, S.C.	Keith	Ruppe
de la Garza	Kemp	St Germain
Dellenback	King	Sarbanes
Dellums	Kluczynski	Scheuer
Denholm	Kuykendall	Schwengel
Dent	Landrum	Sebelius
Derwinski	Leggett	Seiberling
Diggs	Lennon	Shipley
Dingell	Long, La.	Shoup
Donohue	Long, Md.	Shriver
Dorn	McClory	Sikes
Dow	McCloskey	Sisk
Downing	McClure	Slack
Drinan	McCollister	Smith, Iowa
Duiski	McCulloch	Smith, N.Y.
Duncan	McEwen	Snyder
du Pont	McFall	Spence
Eckhardt	McKay	Springer
Edwards, Calif.	McKevitt	Staggers
Eilberg	Macdonald, Mass.	Stanton, J. William
Erlenborn		
Esch	Madden	Stanton, James V.
Eshleman	Mahon	
Evans, Colo.	Mailliard	Steed
Evins, Tenn.	Mallary	Steele
Fascell	Mann	Stephens
Fisher	Mathias, Calif.	Stratton
Flood	Matsunaga	Stubblefield
Flowers	Mazzoli	Stuckey
Foley	Melcher	Sullivan
Ford, William D.	Metcalfe	Symington
	Michel	Talcott
Forsythe	Miller, Calif.	Taylor
Fountain	Miller, Ohio	Teague, Calif.
Fraser	Mills, Ark.	Thompson, N.J.
Frenzel	Mills, Md.	Thomson, Wis.
Frey	Minish	Thone
Fulton	Mink	Tiernan
Fuqua	Minshall	Ullman
Garmatz	Mitchell	Van Deerlin
Gaydos	Mollohan	Vander Jagt
Gettys	Monagan	Vanik
Giaimo	Montgomery	Veysey
Gibbons	Moorhead	Vigorito
Gonzalez	Morgan	Waggonner
Grasso	Mosher	Wampler
Gray	Moss	Ware
Green, Oreg.	Murphy, Ill.	Whalen
Green, Pa.	Murphy, N.Y.	Whalley
Griffiths	Myers	White
Gubser	Natcher	Whitehurst
Gude	Nedzi	Whitten
Hagan	Nelsen	Widnall
Haley	Obey	Wiggins
Hamilton	O'Hara	Williams
Hammer-schmidt	O'Konski	Wilson, Bob
	Passman	Wilson, Charles H.
Hanley	Patman	
Hanna	Patten	Winn
Hansen, Wash.	Pelly	Wolff
Harrington	Pepper	Wright
Harsha	Perkins	Wyatt
Harvey	Pettis	Wydler
Hastings	Pickle	Wylie
Hathaway	Pike	Wyman
Hawkins	Pirnie	Yates
Hays	Poage	Yatron
Hechler, W. Va.	Podell	Young, Fla.
Heckler, Mass.	Preyer, N.C.	Young, Tex.
Heinz	Price, Ill.	Zablocki
Helstoski	Price, Tex.	Zwach
Henderson	Pryor, Ark.	
Hicks, Mass.	Purcell	

NAYS—51

Abbitt	Clawson, Del	Edwards, Ala.
Archer	Collins, Tex.	Fish
Arends	Conover	Ford, Gerald R.
Ashbrook	Crane	Frelinghuysen
Blackburn	Daniel, Va.	Goodling
Bow	Davis, Wis.	Griffin
Bray	Dennis	Gross
Camp	Devine	Grover
Carlson	Dickinson	Hall
Jonas	Powell	Schneebeli
Landgrebe	Rarick	Scott
Latta	Robinson, Va.	Smith, Calif.
Lujan	Rousselot	Steiger, Wis.
Martin	Ruth	Teague, Tex.
Mathis, Ga.	Sandman	Terry
Mayne	Satterfield	Thompson, Ga.
Mizell	Scherle	Zion

NOT VOTING—55

Adams	Gallagher	McMillan
Ashley	Goldwater	Meeds
Aspin	Halpern	Mikva
Aspinall	Hansen, Idaho	Nichols
Belcher	Hébert	Nix
Betts	Hicks, Wash.	O'Neill
Bevill	Hillis	Peyser
Blanton	Kee	Pucinski
Byrnes, Wis.	Koch	Riegle
Caffery	Kyl	Rooney, N.Y.
Curlin	Kyros	Roy
Daniels, N.J.	Lent	Saylor
Delaney	Link	Schmitz
Dowdy	Lloyd	Skubitz
Dwyer	McCormack	Steiger, Ariz.
Edmondson	McDade	Stokes
Findley	McDonald, Mich.	Udall
Flynt		Waldie
Galifianakis	McKinney	

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. McKinney.
Mr. Rooney of New York with Mr. Lent.
Mr. Koch with Mr. Stokes.
Mr. Hébert with Mr. Saylor.
Mr. Adams with Mr. Riegle.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Delaney with Mr. Peyser.
Mr. Roy with Mr. Skubitz.
Mr. Waldie wtih Mr. Goldwater.
Mr. Blanton with Mr. Belcher.
Mr. McCormack with Mr. Byrnes of Wisconsin.
Mr. Mikva with Mr. Halpern.
Mr. Nix with Mr. Pucinski.
Mr. Udall with Mr. Steiger of Arizona.
Mr. Ashley with Mr. Hillis.
Mr. Curlin with Mr. Schmitz.
Mr. Nichols with Mr. Betts.
Mr. Meeds with Mr. McDonald of Michigan.
Mr. Hicks of Washington with Mr. McDade.
Mr. Bevill with Mr. Lloyd.
Mr. Caffery with Mr. Hansen of Idaho.
Mr. Kyros with Mr. Kyl.
Mr. Kee with Mr. Findley.
Mr. Aspin with Mr. McMillan.
Mr. Edmondson with Mr. Galifianakis.
Mr. Flynt with Mr. Dowdy.
Mr. Aspinall with Mr. Link.

Mr. BAKER 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.

GENERAL LEAVE

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

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

There was no objection.

THE LATE HONORABLE WILLIAM FITTS RYAN

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint 14 additional Members to the committee to attend the

funeral of our late colleague, the Honorable William F. Ryan.

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

There was no objection.

The SPEAKER. The Chair appoints as additional Members to the committee to attend the funeral of our late colleague, the Honorable William F. Ryan, the following: Messrs. KASTENMEIER, ROSENTHAL, EDWARDS of California, FRASER, BURTON, CONYERS, HELSTOSKI, PODELL, BIAGGI, Mrs. CHISHOLM, Messrs. FISH, KOCH, Mrs. ABZUG, and Mr. DRINAN.

HON. WILLIAM F. RYAN

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

Mr. SEIBERLING. Mr. Speaker, I feel a particular affinity to our late and beloved colleague, William Fitts Ryan. He happens to have been a classmate of mine at Columbia Law School. During this Congress, I sat next to him and worked closely with him in the Subcommittee No. 1 of the Judiciary Committee.

Bill Ryan, as we all know, was a valiant fighter for peace, for a people-oriented government, for justice; and against dishonesty and corruption in government.

He is a man who has left his mark on Congress, a man who was ahead of his time, and a man who lived to see many of his goals fulfilled in legislation and in our national institutions.

We shall all miss him. We all loved him. I simply wish to add my own personal remarks to a beloved friend and a great and noble colleague.

REQUEST FOR APPOINTMENT OF CONFEREES ON S. 976

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to appoint two conferees on the bill S. 976.

Mr. BAKER. Mr. Speaker, reserving the right to object, to what point is this bill addressed?

Mr. STAGGERS. This is the head tax bill on the airlines. I have asked for one Republican and one Democrat to go off the committee.

Mr. BAKER. Mr. Speaker, I respectfully object.

The SPEAKER. Objection is heard.

PERSONAL ANNOUNCEMENT

Mr. ROY. Mr. Speaker, I was unavoidably detained on rollcall No. 372. If I had been present I would have voted "yea."

WILLIAM F. RYAN

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, I rise to pay tribute to an outstanding leader in the cause of peace and social reform, Congressman William F. Ryan. His premature death is a great loss to the Congress, to the people in his district and to the people of New York City.

Bill Ryan was a courageous idealist who represented a constituency that, like him, was far ahead of the rest of the Nation in opposing our tragic involvement in Indochina. The fact that his early appeals for peace fell on deaf ears never weakened his determination to end that terrible war. He lived to see a majority of the American people share his views and favor U.S. withdrawal from Indochina. In this House, he was among the first to vote against the war. He lived to see the antiwar strength here grow to almost 200 times that number.

I think it is significant that the last vote he cast in this body was a vote against continuation of the war. The fact that he left a hospital bed to journey here to do so was a measure of the strength of his feelings and conviction that this war must be ended. I know he would feel that the greatest tribute this House could pay to him would be to act decisively at last to cut off financial support for a war that has besmirched the honor of our country and caused inconceivable suffering.

As the first Congressman elected from the New York reform Democratic movement, Bill was a dedicated and consistent spokesman for civil liberties, democratic rights, and social justice. Early in his first year in office, he was one of only six Members to vote against appropriations for the House Un-American Activities Committee. He sponsored an amendment to the Voting Rights Act of 1964 which enfranchised the Puerto Rican citizens of New York State, and his long fight against the dangers of lead-based paint led to enactment of the Lead-Based Paint Poisoning Prevention Act in 1971. Here again I think that the greatest tribute this body could pay to what Bill Ryan stood for would be to insist that the administration release the impounded funds that we appropriated for an effective program to combat lead poisoning among young children, most of whom live in slums.

As a member of the House Interior Committee, Bill Ryan proposed and saw, almost to completion, the New York Gateway proposal. I join with my colleagues in asking that the Gateway be finally approved and named in memory of Congressman William Fitts Ryan.

I was proud to serve with him and to work with him for peace and a better life for all Americans. He was a man of great personal courage and kindness, and we shall not forget him.

WAR AGAINST DRUGS

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

Mr. WOLFF. Mr. Speaker, I applaud the President's statement of yesterday when he warned that he would suspend all economic and military assistance to regimes failing to cooperate with efforts by the United States to end once and for all this monstrous evil. But the fact is the administration has not chosen to use the power Congress gave them for that purpose.

That is why I introduced my amendment in order to force the administration to end all aid to Thailand, making it a congressional mandate.

The administration can under my amendment resume aid, but first it must prove to the Congress that Thailand has indeed taken all necessary measures to end this deadly traffic—no such proof now exists.

I have said repeatedly that the Thai regime has engaged in nothing more than a cosmetic operation in stopping the heroin traffic, contrary to administration protestations that a serious effort is underway to halt this infamous business.

I make that charge again and ask the administration to move now to end aid to the Thais.

The matter of heroin and Thailand is not a new problem. It was not discovered yesterday, although some administration officials act as if it was. Nelson Gross of the State Department testified at one of our hearings on June 9 that—

> We have no evidence that there is any present heroin refinery working in either Laos or Thailand in the northern area or in the area of Bangkok in the south.

Three days later the State Department issued a report detailing the seizure of such refineries in the very areas where Gross said none existed. The problem has been there and no one will benefit by trying to cover it up.

Cabinet level task force report which says:

> The most basic problem, and the one that unfortunately appears least likely of any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place.

The President said yesterday he "considers keeping dangerous drugs out of the United States just as important as keeping armed enemy forces from landing in the United States." I agree and that is why I want him to do more than just issue statements as to what he may do if his warnings go unheeded.

This Nation has no more important business then ending the drug traffic and it is time this desperate issue was taken out of the political arena and made a matter of national commitment.

It is more important to save the lives of young Americans here at home then it is to prop up corrupt Asian regimes who refuse to aid us in the war against drugs.

CONSTITUTION WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, September 17 marks the 185th anniversary of the signing of the Constitution of the United States of America and, appropriately, the week of September 17 to 23 has been designated by the Congress and proclaimed by the President as "Constitution Week."

During the period September 17 to 23, 1787, the Constitution was written in Philadelphia. It was ratified on June 21, 1788. It went into effect on March 4, 1789. The first President of the United States, George Washington, presided over the historic Constitutional Convention. James Madison was the principal architect of the document while Benjamin Franklin lent his wisdom to the creation of what has become one of our most cherished symbols of freedom and democracy.

I want to take this occasion—the beginning of Constitution Week, 1972—to urge all Americans to give thoughtful consideration to the ideals of democracy contained in this document.

"We the people" it begins. In essence, those three words found in the Preamble of the Constitution tell the story of the American way as it has thrived for nearly 200 years. The courageous Americans who authorized this document 185 years ago first established the foundation of a system of government which would work to the best interests of every citizen—a government of, by and for the people. It is most fitting this week to renew our pledge of allegiance to that ideal and to express—as Members of the body charged with writing the laws of this land—our united support for the principles of freedom and democracy exemplified in the Constitution.

Credit must be given to the organization responsible for this national observance—the National Society, Daughters of the American Revolution—DAR. The DAR was founded on October 11, 1890, and was incorporated by an Act of Congress in 1896. The national headquarters of the organization is in Washington, D.C.

The president general and 11 executive officers, elected for 3-year terms, direct the business affairs of the society.

The annual meeting of the National Society is the Continental Congress, which convenes in Washington during the week of April 19—anniversary of the Battle of Lexington—and is attended by approximately 4,000 officers and delegates.

DAR membership as of February 1, 1972 is 194,364 in 2,939 chapteres in the 50 States, the District of Columbia, and overseas units in England, France, and Mexico.

The society functions through 24 national and a number of special and standing committees, under the direction of the executive committee, to further its threefold objectives: historic preservation, promotion of education, and patriotic endeavor.

In 1955, at the 64th annual continental congress of the national society, Daughters of the American Revolution, the following resolution was adopted:

Resolved: That the National Society, Daughters of the American Revolution, in every locality study and publicize the Constitution during its 168th Anniversary Week of September 17-23, 1955; request their Mayors and Governors to proclaim Constitution Week; and sponsor Chapter, school and public programs on the Constitution, especially emphasizing the primary purposes of good government as set forth in the Preamble to the Constitution and the duty of citizens in our Republic to protect the Constitution and the freedoms as set forth in its Bill of Rights, so that it may continue to protect us and our posterity in "This Nation under God."

The society's efforts to commemorate Constitution Week resulted in proclamations by Governors of 45 States and the District of Columbia, Hawaii and the Canal Zone. The observance of Constitution Week in 1955 by the Daughters of the American Revolution was so outstanding that in February 1956 the national society received one of the five top special Awards from Freedoms Foundation at Valley Forge: "For meritorious dedication to American constitutional freedom and liberty, particularly for the 1955 program on the significance of Constitution Day."

At their Continental Congress in 1956, the Daughters of the American Revolution resolved to "petition the President of the United States to proclaim this week—Constitution Week, from September 17 to 23—annually and that the society ask the Congress of the United States to designate September 17 as Constitution Day."

On February 29, 1952, the Congress of the United States approved a joint resolution setting aside the 17th day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all who, by coming of age or by naturalization, had attained citizenship during the year. On August 2, 1956, the Congress approved a second joint resolution, requesting the President to designate the week beginning September 17 of each year as Constitution Week.

On August 5, 1972, the President of the United States, by Proclamation, directed "the appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1972" and also designated "the period beginning September 17 and ending September 23, 1972, as Constitution Week."

Personally, Mr. Speaker, I consider it an honor to take this opportunity to underscore the advantages guaranteed to us by the Constitution—the guarantee of religious freedom, of free speech, of free press and the right to peaceful assembly. The Constitution established a responsive government—a government giving every citizen a voice in the conduct of his government through elected officials.

It is our obligation—as ones who have inherited the responsibility to uphold the Constitution—to see to it that the rights provided by this document are safeguarded now, and for years to come.

CORPORATE SURTAX EXEMPTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is appropriate that during this session of Congress much has been said concerning the small business community. I have recently introduced legislation in the field of occupational safety whose sole purpose is designed to aid this all-important sector of our economy.

Small business, the historical backbone of our economic system, still accounts for more than 98 percent of all business-reporting units in the country. In my own State of Wisconsin, we have a total of 76,813 reporting business units—excluding the self-employed; 75,164 of these reporting units employ 50 or fewer people. This ratio is true not only in Wisconsin but throughout the country as well.

While comprising the aggregate majority, small businesses find themselves to be individual minorities in the marketplace. They are unable to benefit from operating economies of scale available to their larger competitors. Likewise, they are often unable to take advantage of tax incentives now on the books due to their intricate nature and the need for sophisticated interpretation.

There is an area, however, which requires no great deal of expertise in interpretation and utilization, Mr. Speaker, and that area is found in the simple computation of normal tax and surtax rates. For this reason I am introducing legislation which will increase the present surtax exemption from $25,000 to $100,000. The original amount was established in 1938 and in today's market is worth only $8,400. This then is no creation of yet another tax loophole, but merely a matter of equity. Maximum savings under this bill would come to $19,500 per business if it had an annual taxable income of $100,000 or more.

A great amount of time and effort has been put into small business tax proposals by many groups throughout the country. I know that most of us are aware of the effort being made by the National Small Business Association and its National Committee for Small Business Tax Reform. I compliment the association and the committee for their work in this area, and at this point would like to insert a portion of their legislative policy recommendations which deal with the subject of the bill I am introducing today:

TAX

To remain competitive with big business in this period of rapidly advancing technology, small business must keep current. Small business must find the capital for investment either through money withheld in the form of profits or by borrowing. For all practical purposes, the credit now available to small business is either too little or too expensive. Sources of funds for small business modernization or expansion—except for money generated by the business itself—have just about dried up.

As a matter of tax equity and long-range social and economic policy. NSB believes that Congress must make it possible for small business to generate sufficient capital from income to be able to continue to make investments in new plant and equipment.

Senator Alan Bible (D-Nev.), Chairman of the Senate Small Business Committee, spelled out the basic issue most clearly in a recent speech on the Senate floor. He said:

". . . small business can be the safety valve of the young, the innovative, the creative, the ambitious, and the economically frustrated. It is also a constructive vehicle by which less advantaged people, including minority groups of all races and national

origins, can work their way into the mainstreams of American life—that is, if the Federal Government gives them a reasonable and realistic chance.

"During the past year it seems to me that the policies and actions of the Federal Government have had just the reverse effect. The screws have been tightened on existing and prospective small business entrepreneurs. Profits have fallen. Life has been made harsher instead of easier for small businessmen. The frustration of these energetic elements of society have been increased by talking much and doing less than nothing, that is by actually undermining small business profitability and prospects for success."

Small business in this time of economic readjustment must be given incentives for economic growth, efficiency, and modernization.

Therefore, NBS recommends that Congress consider as one of its top priorities the stimulation of the small business sector of the economy through adjustments to our tax system.

NSB URGES THAT THE CORPORATE SURTAX EXEMPTION BE INCREASED FROM $25,000 TO $100,000

The concept of permitting small business to retain a larger proportion of its income to be reinvested for growth is neither new nor a subsidy to small business.

The concept of a "normal" corporation income tax on profits of $25,000 or less, with a surtax on corporate profits of over $25,000, goes back to the "Thirties."

Congress in increasing the corporate surtax exemption from $25,000 to $100,000 would tend to restore the balance originally intended by the $25,000 exemption when it was first set in 1938. The subsequent erosions of inflation have reduced its worth to only about $9,500 in 1938 dollars. However, today's technology requires proportionately larger investments by small business in plant and equipment.

The depreciation of the value of money coupled with the added capital requirements of small business makes clear why the surtax should not apply until the $100,000 level is reached.

The following table reveals that 101,040 corporations with taxable income of $100,000 or less would be affected by the adjustment in the surtax schedule with $19,500 the maximum tax savings available to any of these corporations. Available for growth in the small business community would be approximately $600 million. Unaffected by the adjustment in the corporate surtax would be approximately 545,000 corporations whose taxable income is $25,000 and under.

Size of corporate taxable income	Number of corporations in size groupings	Maximum savings (dollars) per corporation	Total (dollars) stimulation of economy
$26,000 to $30,000	19,733	$1,300	$11,750,180
$30,000 to $35,000	15,910	2,600	28,246,920
$35,000 to $40,000	12,603	3,900	58,095,180
$40,000 to $45,000	9,842	5,200	56,913,480
$45,000 to $50,000	8,041	6,500	45,903,260
$50,000 to $60,000	11,464	9,100	86,740,420
$60,000 to $70,000	8,538	11,700	86,856,900
$70,000 to $80,000	6,044	14,300	77,270,440
$80,000 to $90,000	4,995	16,900	77,025,260
$90,000 to $100,000[1]	3,870	19,500	69,580,680
	101,040		598,382,720

[1] Approximately 39,857 corporations with taxable income of $100,000 or more would also each realize a saving of $19,500.

Source: Data in first 2 columns from Department of the Treasury, Internal Revenue Service, Statistics of Income: 1965 Corporation Income Tax (1969), table 20, p. 195, "Active Corporation Returns Other Than Form 1120-S." Calculations in last column were prepared by National Small Business Association, based on figures available in the above-referred-to Department of the Treasury report.

THE LATE JOHN F. GRIFFIN

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise today in this House with a profound sense of sorrow to announce the death, Friday, September 16, 1972, of John F. Griffin, a member of my staff in New Jersey for the past 14 years.

John Griffin was the perfect staff assistant: Thoughtful, loyal, honest, and his passing leaves a void which I can never fill. Only rarely do we meet someone like John Griffin, whose whole life was spent helping people. Before joining my staff, John was a teacher in the Jersey City school system and at St. Michael's High School and St. Peter's Preparatory School in Jersey City.

A distinguished athlete at Seton Hall University, John was widely known in athletic circles in Hudson County and throughout the State of New Jersey. For a quarter century he coached basketball teams at St. Michael's High School and on five occasions his teams won the State championship.

John Griffin was one of the best known personalities in the 14th District and generations of Hudson County residents knew him simply as "Big John."

Mr. Speaker, John Griffin was a giant of a man in a physical, mental, and moral way. I do not expect that I shall see his like again.

PANAMA CANAL—HEART OF AMERICAN SECURITY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, during recent years there has been a spate of books and magazine articles concerning interoceanic canal questions, but few of them have dealt in a realistic manner with the crucial issues involved. At last, on July 10, 1972, there was published by Robert Speller and Sons, 10 East 23d St., New York, N.Y., a highly informative book by Jon P. Speller, under the title of "The Panama Canal: Heart of America's Security."

So far as is known, this is the first recent volume that really comes to grips with the decisive problems in the canal situation—sovereignty and modernization. In addition, it offers a solution to these problems in the way of a plan of action for the Congress.

What is required in the present situation at Panama is an act of sovereignty. That act would be authorization of completion of the authorized 1939 third lock project for the Panama Canal as modified in pending legislation, introduced by Senator THURMOND and myself. Such action would serve notice on the world that the United States intends to meet its treaty obligations at Panama. Moreover, it would provide much employment for Panamanians and be in the best interests of the users of the canal.

Recently there appeared in the Hartford, Conn., Courant, a most interesting book review of the Speller volume by Cmdr. Eugene E. Wilson, U.S. Navy, retired, distinguished naval officer, aircraft industrialist, author, and student of world strategy. His knowledge of the Panama Canal gained through his studies for U.S. Fleet exercises in 1929 off Panama and experience as a navigator enable him to speak with considerable authority.

As the indicated review should be of interest to all Members of the Congress concerned with the canal problem, I quote it as part of my remarks and invite attention to the sources upon which the book reviewed is based:

[From the Hartford (Conn.) Courant, Aug. 13, 1972]

HOPE OF OUR SURVIVAL

While all American eyes remain centered on Southeast Asia, to the virtual exclusion of the Gulf of Panama, the fact still remains that the latter is the bottleneck of United States' communications and transportation and hence its hope for survival.

For, just as the wily Muscovite has pulled the strings in the Gulf of Suez for lo these many years, so does he seek to manipulate his pawns in the Gulf of Panama.

Indeed, while the chess game going on in Iceland between Bobby Fischer and his opponent Spassky may appear favorable to the United States, that being played in Panama takes on some of the character of Russian Roulette.

By infiltrating key positions of decisive strength in both the Eastern and Western Hemispheres, the wily Muscovite acquires strangle holds and headlocks upon critical areas of maritime communications and transportation, the lifeblood of western survival.

Jon P. Speller's meaty little book capsulizes the major issues connected with the Panama Canal during the 1970s. It covers all the moot points regarding the current political battle between advocates of major modernization of the present canal and proponents of the multi-billion dollar boondoggle plan for a new sea-level canal. It covers the question of our treaty relationship with Panama, and the absolute necessity for continued U.S. sovereignty over the Panama Canal Zone, without pulling punches.

Shortsighted men in high places have been trying to give away U.S. sovereignty over the Panama Canal for many years. Such as they have been responsible for many U.S. defeats around the globe, and this book puts a compelling fingers on the culprits.

As one of the original founders of the United States Carrier Task Force Doctrine of 1928 which was conceived during aircraft carrier exercises over the Panama Canal, this reviewer is constrained to recommend it highly to all American readers.

DEALING WITH THE INTERNATIONAL DRUG TRAFFIC

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, I was pleased to learn that President Nixon has decided to answer the call put out by the Congress in this year's amendments to the Foreign Assistance Act to bring to an end the death-dealing international drug flow. The termination of all American aid to countries which are unwilling to clamp down on illegal drug traffic is an appropriate expression of U.S. policy regarding this atrocious trade.

The House Foreign Affairs Committee and the House membership in general is

to be commended for providing the President with this congressional mandate that international drug traffic must be met with all of the available diplomatic and political measures available.

We can pass all of the drug abuse education bills and drug treatment bills we like but we will never be able to adequately eliminate the threat of narcotic addiction until measures are taken to keep dangerous drugs from entering this country. For years we have seen that it is virtually impossible to control our borders to the extent necessary to stop this trade, and we must now go to the producers and transporters of drugs who enjoy the protection of apathetic governments.

It is the height of arrogance for members of the international community to accept American aid and at the same time allow persons in their countries to produce and transport drugs into our country to wreak havoc on our citizens.

The International Drug Conference which is being held presently at the Department of State is an important forum for dealing with this dramatic problem. I am most hopeful that the participants at the conference will take the President's message back to their governments and express the firm resolve of the Congress as well as the American people to eliminate dangerous drugs from our society.

AMERICAN RICE DESERVES FAIR TREATMENT FROM THE EUROPEAN ECONOMIC COMMUNITY

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 20 minutes.

Mr. ALEXANDER. Mr. Speaker, since my election to the Congress I have worked with Arkansas producers in efforts to improve the domestic and international markets for U.S. agricultural products. Without a healthy, growing and vigorous farming industry our Nation would not have attained the greatness she has nor can we maintain it.

The problems of American agriculture—particularly of Arkansas' rice farmers—were very much on my mind when I visited Brussels, Belgium, this spring at the invitation of officials of the European Economic Community. I accepted the invitation because I wanted to learn, first hand, more about the operations of the EEC and because I wanted to urge that it take a more open attitude toward importation of agricultural products from the United States.

Of special concern to me was the treatment which has been given to the products of the rice farmers of Arkansas. In connection with this problem, I conferred with Ambassador J. Robert Schaetzel, the U.S. representative to the EEC, and with Common Market Commissioners Albert Borschette and Albert Coppe. The Commissioners assured me that the EEC is willing to make rice a subject for discussion during trade negotiations which are scheduled this fall.

As a result, I wrote to Secretary of State William P. Rogers on June 9 requesting that he actively work to insure that rice is included on the agenda for discussion and renegotiation of trade restrictions during the forthcoming bilateral United States-European Economic Community trade discussion, and the global trade negotiations scheduled for 1973 under the GATT.

In addition I asked that he instruct the U.S. delegation to the GATT Agriculture Committee Working Group meeting in Geneva to focus its attention on the problems of the U.S. rice producers.

As a result, the State Department has assured me that the United States will be seeking a liberalization of the European Community attitude toward imports of rice from the United States.

Because I believe that this rice problem will be of significant interest to many of our colleagues, I would like to place into the RECORD at this time my correspondence with the Department of State on this matter. American rice deserves fair treatment from the European Economic Community.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1972.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: During a recent trip to Europe, I met with Ambassador J. Robert Schaetzel, U.S. Representative to the European Economic Community, and with E.E.C. Commissioners Albert Borschette and Albert Coppe, concerning the erosion, particularly since 1969, of the United States position in rice exports to the European Common Market.

Since the formation of the E.E.C., the duties on U.S. rice have increased substantially. The latest import duties for different types of long grain rice published on May 5, 1972 were as follows:

	Per Cwt.
Rough rice	$4.67
Brown rice	5.83
Semimilled rice	9.11
Fully milled rice	9.77
Broken rice	2.09

These duties represent as much as 75% of the delivered price of U.S. rice. The variable levies represent the highest import duties applied to rice anywhere in the world. By comparison, United States import duties for rice are as follows:

	Per Cwt.
Rough rice	$1.50
Milled rice	2.50
Broken rice	0.32
Brown rice	1.50

The long-range effect of the high E.E.C. duties is that they have virtually eliminated sales of U.S. middle grain and short grain rices to that market. However, sales of long grain rice, a type which is not produced by any of the E.E.C. member countries, have not as yet been affected.

Compounding the difficulties created by the high levies is the extremely high export subsidy which the E.E.C. provides for rice produced by member countries. That subsidy is as much as three times higher than the subsidies granted by the United States to U.S. rice exports. The E.E.C. subsidy averages approximately $6 per cwt. while United States export subsidies range from $1.95 on medium and short grain rice to $2.95 on long grain rice.

It is my feeling that the E.E.C. export subsidy weakens the world market for rice, forcing competitive countries to lower prices and requiring some less-developed countries, such as Uruguay and Argentina, to suspend production of middle grain and short grain rices that are produced within the European Common Market.

Another factor that has placed United States rice producers in a difficult position arises from the fact that the E.E.C. does not impose acreage controls or other restrictions on rice producers. As a consequence, and with the stimulus of the high import duties and export subsidies, the E.E.C. has greatly expanded its rice production in the past few years. I am advised that export supplies from the E.E.C. have more than doubled during the past three years and now total about 500,000 tons annually.

In brief, it seems to me that the United States, with its fixed import duty, restricted export subsidy and strict acreage allotment controls, is not receiving fair treatment for its rice producers and exporters from the E.E.C. This must be remedied.

Accordingly, I request that you direct the United States Delegation to the G.A.T.T. Agriculture Committee Working Group, which is meeting presently in Geneva, to focus its attention on the problems of United States rice producers.

Moreover, I ask that you do all you can to include rice on the agenda for discussion and renegotiation of trade restrictions both in the forthcoming bilateral U.S.–E.E.C. trade discussions, and in the new round of global trade negotiations which are expected to begin next year under G.A.T.T. auspices.

With best wishes, I am

Sincerely yours,

BILL ALEXANDER,
Congressman from Arkansas, First District.

SOCIAL SECURITY INCREASE SHOULD NOT LIMIT OR DISQUALIFY RECIPIENTS' PARTICIPATION IN OTHER PROGRAMS

The SPEAKER. Under a previous order of the House the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, the social security checks for October will reflect the 20-percent increase in benefits recently enacted by Congress. This increase is primarily intended to cover increases in the cost of living, and as such is long overdue, but ironically, it will end up hurting some social security recipients unless additional legislation is enacted. The reason for this paradox is the fact that such programs as food stamps and medicaid have a fixed eligibility level; anyone whose income rises above that level loses his or her eligibility for the program. In addition, old age assistance benefits are reduced by a dollar for every additional dollar of social security benefits received.

An example of what this can mean in terms of individuals is as follows: in New York, $2,190 is the income limit for the medicaid program; an individual receiving a present social security benefit of $1,860—about $35 per week—will rise above the medicaid ceiling and lose his eligibility for the full program. He would still qualify for the coinsurance portion of the program, under which he must pay 20 percent of his medical bills, but what that means is that if he sustains medical expenses of $1,000 in a year—not uncommon for elderly people—he will be hit for $200 of his $372 Social Security increase—which, you must keep in mind, is supposed to reflect cost-of-living increases which have already occurred.

A similar situation exists with regard to food stamps, where an eligible individual gets more than $1 worth of food

for each $1 spent on stamps. While it is unlikely that the modest premium in this program will leave anyone worse off when his 20 percent lifts him above the maximum income level for food stamps, it will cut into that 20 percent—which is intended to reflect cost-of-living increases.

The situation with regard to old age assistance is slightly different, as there is no premium factor here. However, an individual receiving old age assistance who gets a $20 a month social security increase will immediately lose the equivalent amount from his old age assistance.

The inequity of this situation is obvious, and on August 17, I introduced legislation, H.R. 16442, which would prevent State and local officials from reducing or cutting off benefits under such programs as food stamps, Medicaid, and old age assistance due to the 20 percent social security increase. Simple justice requires that it be enacted before the effective date of the social security increase—October 1—and I have been pleased to learn that the Committee on Ways and Means is considering either acting on this legislation or asking the Department of Health, Education, and Welfare to act administratively to correct this unfortunate oversight.

The text of my bill follows:

H.R. 16442

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 medicaid programs (and recipients of assistance under the food stamp and surplus commodity programs) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a)(10)(A) of the Social Security Act is amended by inserting "(I)" immediately after "(i)", by striking out "(ii)" and inserting in lieu thereof "(II)", and by inserting immediately before the semicolon at the end thereof the following: ", and (ii) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215 of this Act".

(b) Section 402(a)(8)(A) of such Act is amended by striking out "and" at the end of clause (i), by striking out "; and" at the end of clause (ii) and inserting in lieu thereof ", and", and by adding after clause (ii) the following new clause:

"(iii) in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215 of this Act; and".

(c) Section 1002(a)(8) of such Act is amended by striking out "and" at the end of clause (B), and by inserting immediately before the semicolon at the end thereof the following: ", and (D) shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215 of this Act".

(d) Section 1402(a)(8) of such Act is amended by striking out "and" at the end of clause (B), and by inserting immediately before the semicolon at the end thereof the following: "; and (D) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215 of this Act".

(e) Section 1602(a)(14) of such Act is amended by striking out "and" at the end of subparagraph (C), by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof "; and", and by adding at the end thereof the following new subparagraph:

"(E) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215 of this Act;".

SEC. 2. Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly benefit under the insurance program established by title II of the Social Security Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336, or which results from (and would not be payable but for) any cost-of-living increase in such benefits subsequently occurring pursuant to section 215(1) of the Social Security Act—

(1) shall not be considered as income or resources for purposes of determining the eligibility of such individual or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964; and

(2) shall not be taken into account in determining the eligibility of such individual or his or her family for surplus agricultural commodities under any Federal program providing for the donation or distribution of such commodities to low-income persons.

SEC. 3. The amendments made by the first section of this Act shall be effective with respect to calendar quarters ending on or after September 30, 1972. The amendments made by section 2 of this Act shall be effective with respect to items furnished after August 1972.

DISTRICT OF COLUMBIA DRUG TESTING

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a memorandum written by District of Columbia Corrections Commission Kenneth Hardy, charging that for at least the past 3 months Dr. Robert DuPont, Narcotics Treatment Administrator, has made "no positive response to improve" the "deplorable state" of the city's drug testing program.

Apparently Dr. DuPont has been dragging his feet for 3 months by not making much needed improvements in the drug testing program. Mr. Hardy, chief of District of Columbia Corrections told Joseph Yeldell, Director of the District of Columbia Department of Human Resources, that the basis of the problem is the poor performance of a local firm—Washington Reference Laboratory—which analyzes the urinalysis tests. Washington Reference Laboratory's record of performance is nothing less than deplorable.

This company holds contracts not only with the District of Columbia but with the Army and the National Institute of Mental Health.

According to Mr. Hardy, Washington Reference takes 2 to 5 weeks to analyze urine tests and commits "many errors or omissions." Test results to determine whether a prison inmate at Lorton Prison is using heroin or not are needed in hours instead of 2 to 5 weeks.

It is also important to note, Mr. Speaker, that Washington Reference Laboratory's record on military drug testing is equally miserable. According to the most recent statistics provided to me by the Department of Defense, Washington Reference Laboratory is correctly identifying only 79 percent of the samples tested as part of the quality control program.

The Pentagon requires 90 percent accuracy and despite Washington Reference Laboratory's poor performance, the Army has given the company a new contract at a higher price. In effect, the Army is rewarding Washington Reference Laboratory for its totally inadequate performance of earlier contracts. This contract award to Washington Reference Laboratory is being protested by other contractors at the present time before the General Accounting Office.

Mr. Speaker, I am calling today upon Dr. DuPont and Mr. Yeldell to publicly explain why nothing has been done to improve the drug testing program. In July apparently an agreement was made to dump Washington Reference Laboratory but no action has yet been taken.

Mr. Speaker, I am highly suspicious that for some unexplained political reason Washington Reference is winning a new contract worth hundreds of thousands of dollars from the Army and has not been replaced by NTA in Washington.

I am also publicly calling upon Mr. Yeldell to publicly release a staff report which is highly critical of Washington Reference Laboratory.

Mr. Speaker it is my intention to continue to investigate why a firm with such a pathetic record like Washington Reference Laboratory continues to win hundreds of thousands of dollars of Government work.

The memo to Mr. Yeldell follows:

SEPTEMBER 11, 1972.

Memorandum to: Mr. Joseph P. Yeldell, Director, Department of Human Resources.

Subject: Urine Surveillance Program.

For the past few months, we have approached Dr. Robert DuPont, Administrator, Narcotics Treatment Administration, concerning the deplorable state of the Urine

Surveillance Program for the Department. As of this date, there has been no positive response to improve the Program.

The basis of the problem stems around the performance of the Washington Reference Laboratory in that the reporting procedure and handling process are in such a poor state they cannot be relied upon. These factors have been brought to the attention of the NTA Staff on numerous occasions; and in a July meeting with NTA and DCDC Staff Representatives, it was decided that the Washington Reference Laboratory could not meet the Department's needs. It was recommended that the Urine Analysis Program be transferred to the B&W Statistical Laboratory. So far, nothing has happened; even though the requirements for the use of B&W Laboratory would be an extension of the current contract agreement with NTA. NTA continues to send our samples to the Washington Reference Laboratory which has not sent a urine analysis report to the Department in the last two months. Previous reports from the Washington Reference Laboratory were always 2–5 weeks late with many errors or omissions. For the most part, reconciliation was virtually impossible.

We ask that the Department Urine Analysis Program be changed to the B&W Statistical Laboratory to gain assurance in promptness and accuracy. Staff members at NTA agree that this laboratory can capably serve our needs.

We further ask that immediate action be taken to effect this change due to the Department's urgent need for a creditable Urine Surveillance Program.

KENNETH L. HARDY, *Director.*

STRAINED RELATIONS BETWEEN LEBANON AND ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. KAZEN), is recognized for 10 minutes.

Mr. KAZEN. Mr. Speaker, I rise because I share the deep concern over the current strained relations between Lebanon and Israel, and to urge that the times demand cool, somber thinking on the problems there.

Last week our former colleague, the U.S. Ambassador to the United Nations, George Bush, used the veto to halt a United Nations resolution calling for an end to military operations in the Middle East. I am much disturbed that he said the proposal was one sided against Israel and would encourage terrorists to believe they can escape world censure.

Let me point out that Lebanon is a tiny nation of 4,000 square miles. Of all our States, only Rhode Island and Delaware are smaller than Lebanon. Its population is less than 3 million—about the same as Iowa or Oklahoma, or the city of Los Angeles. Indeed, there is a reasonable parallel with Connecticut, which has 5,000 square miles and 3 million people.

Lebanon stands as one of our few true friends in its part of the world. It has always demonstrated its friendship for the United States, and is one of the few nations in the Middle East that has never broken diplomatic relations with us.

Yet, Lebanon has over 300,000 Palestinian refugees that have settled there because it is a relatively weak nation, because its people are peaceful, because its government is democratic. These, I suggest, are commendable qualities in the scale of human values, but they make Lebanon vulnerable to militant refugee groups and their activist leaders in and out of the country.

We have all seen and been angered by the terrorist activities of these militants. Certainly the machinegunning of innocents at the Lod Airport and the tragic events at the Olympic games in Munich are inhuman acts—so inhuman as to support the analysis that they are the actions of desperate, fanatic, and irresponsible people, and whose condemnation should be joined in by the entire world. However, I believe it is not right for Israel or any other country to accuse Lebanon of condoning such acts of violence.

We have seen violence much closer to home—the bombing of this Capitol, the blasting and ransacking of public buildings, the burning of homes and stores in street riots, all acts of little groups of fanatics. We have also known, to our sorrow, the gunning down of national leaders by killers who showed no regard for men or laws. Certainly we would resent any charge that our Government condoned such actions. I do not believe we should make equally unsupportable charges against Lebanon.

I contend, after careful study of the situation, that Lebanon is doing all it can to contain and discourage the militants that it cannot force to leave its borders. In the first place, where would Lebanon get the force to expel the refugees? And second, what good would expulsion do? As long as the refugees have no hope of having their problems settled, they will be cancers on Mideast harmony wherever they may settle.

But I am saddened and must protest that innocent men, women, and children are being killed in quiet Lebanon villages with equipment furnished by the United States. Certainly our purpose in sending planes and munitions was to maintain peace, and I believe that we have a vested interest in maintaining that peace.

Our Government has again renewed its official position recognizing the importance of fair and impartial treatment for all peoples of the Middle East and our insistence on the territorial integrity of their nations. This is a start toward peace in this troubled region, but peace can only be achieved if the refugee problem is solved. I know it has been a problem so large, so diverse that the nations of that area and indeed the world powers have been reluctant to demand and reach solution. But I also believe that the United States should now take the lead in seeking that solution.

Terror begets terror, and its stain spreads widely. Men can have no finer hour than if they can help bring peace to that part of the world.

PROBLEMS IN THE MIDDLE EAST

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

Mr. KAZEN. I will be glad to yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, I rise to associate myself with the gentleman's remarks.

Mr. Speaker, I speak to you on a matter of great concern and urgency. The tragic events of Munich, Germany, are fresh in our minds, but even more recently the tragic events of the situation in the Middle East are before us once again.

The world and all rational individuals are grief-stricken over the death of 11 Israeli athletes in Munich, Germany. However, these events must be placed in perspective and cannot be used as justification for other tragic events justified on the basis of retaliation. To equate the actions of a few frustrated fanatical individuals to the actions of any country of the Middle East is not only without logic, but it is unjust and unfair. All of us must condemn in the strongest possible terms actions of individual terrorists. This is not to say, however, that we can condone the reaction of the state of Israel in the events of this power against the country of Lebanon. To encourage any escalation of the conflict in the Middle East invites disaster.

Sadly, members of both major political parties have escalated their rhetoric in an effort to blame nations not responsible for the Munich massacre. We have all worked so hard to bring to a conclusion the war in Vietnam and, gentlemen, I am concerned that unless the United States takes an even-handed policy for all countries in the Middle East, we may be bringing the troops home from Vietnam only to send them to the Middle East. I know this is not the desire of any of us and I urge that all action be taken to bring about peace in this troubled area of the world. Lebanon has always been a true ally and a democratic country in the Middle East. The problems of the Middle East are complex but it appears to me that before peace and stability can be brought to this part of the world that the basic problem of the Palestinian refugee must be resolved.

I urge we do everything possible as soon as we can to provide a just settlement of the refugee question. By doing so, one of the root problems of the Middle East will be resolved, bringing some semblance of peace and stability to this vital area of the world. U.S. interests in the Middle East demand that the United States not condone any violation of the territorial integrity of all nations of the Middle East, whether it be Israel or Lebanon. Innocent civilians in either country become the victims of whatever escalation takes place. It cannot continue because of the danger of drawing the United States into such an escalation.

THE FORT WORTH FIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 10 minutes.

Mr. TIERNAN. Thank you, Mr. Speaker.

Just a few minutes ago on the wire appeared a story relating the fact that the U.S. district judge Leo Brewster, today set bail of $100,000 for each of the five New York Irishmen jailed in Texas without bail.

These men have been held in a county jail in Texas since mid-June of this year without bail. Only last Thursday Justice Douglas ordered that bail be set.

These men are very common working Americans who live in the city of New York. The bail has been set at $100,000. It seems to me that this is no bail at all, because it is impossible for these men to raise this kind of money.

I quote the judge when he says:

I want the bail to make it well worthwhile to be here rather than somewhere else.

Let me tell you, today that these men were requested to appear in Texas at a grand jury investigation. They went there voluntarily and testified before that grand jury and refused to answer questions on certain grounds. They returned to New York and were summoned back to Texas to be charged with contempt of court. They voluntarily returned to that court, and the judge found them in contempt of the grand jury and sentenced them to jail without bail.

These are five American citizens, and I do not think this is the kind of justice we expect our Federal courts to grant.

I also say that this action was taken by the Department of Justice at the insistence of the British Government. They are using the provisions of the Safe Streets Act which we had put into it, but it was certainly not the intent of Congress to take American citizens down to Texas away from their families.

Mr. Speaker, today I received a letter dated September 17 from one of these men, which I will read:

DEAR CONGRESSMAN TIERNAN: We, the Fort Worth Five, wish again to thank you sincerely for all of your efforts on our behalf. On Thursday Justice Douglas ordered that we be granted bail. We hope to be out on Monday. We feel your letters and personal interest was very helpful.

I say to you, we cannot allow this to happen to our own citizens.

Mr. BIAGGI. Will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman.

Mr. BIAGGI. Mr. Speaker, I rise to commend the gentleman from Rhode Island for requesting this special order and wish to associate myself with his remarks.

I would like for a moment to place myself in the position of those people, the families of those who are incarcerated at Fort Worth, Tex., in terms of their reactions.

Their husbands and fathers have been incarcerated under the organized crime section, which had never had this intent frankly. Finally, after much effort on our part as the entire community, Justice Douglas ruled that bail should be granted. It would seem to be in light of that ruling that Federal Judge Brewster should recognize full well that $100,000 a person bail is a denial of rights and a refutation of Justice Douglas' ruling, because the requirement of $100,000 is no bail at all.

Over the weekend I joined my colleagues and sent a wire to Judge Brewster asking him to consider in his deliberations on the setting of bail, rather than setting a sum of money, to parole the five men in Fort Worth to our custody. That is not an extraordinary request; it has been made countless numbers of times in the New York State courts. People who committed heinous crimes have been granted this particular privilege.

Let us look at what we are doing. We are getting five men who are average American working men, who went, as Mr. TIERNAN said, voluntarily to Texas and removed them from a site which is their home in New York, a site which could well serve the same purpose of the Department of Justice and the ends of justice.

We had hoped that justice was to rule, and come into full bloom, but instead they were taken to Texas, a State that neither of these five men had ever been in in their lives. They were taken far away from their families and friends. They were not put into a Federal institution where there were some accommodations for personal comfort, they were put into a local county jail which is substandard and that we would not even tolerate incarcerating the perpetrator of a murder in the State of New York at least.

And now we come to this stage where we talk in terms of law and order, due process, full justice, and a Supreme Court ruling, which is a representation of law and order being denied by a Federal judge.

Mr. TIERNAN. I want to thank my colleague from New York, and I want to point out to him that the judge said that he also wanted the bail to be large enough so as to discourage these men from jumping bail, and yet you know, as I know, that in my State—and I am sure also in New York State, that a man charged with murder would not have bail set at $100,000.

Mr. BIAGGI. That is correct.

Mr. TIERNAN. It is just unconscionable to me to have to go to the Supreme Court and have Justice Douglas say, "Set bail," and then have this district court judge say that bail would be $100,000 for one man, who is a bus driver. There is no way he can get bail, and it is, in fact, not bail at all.

I now yield to my colleague, the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, I want to thank the gentleman for yielding, and to congratulate the gentleman for taking this special order.

I would like to also add two facts to those the gentleman has already given us. It so happens that Justice Douglas made this decision over a week ago, the mails took at least 3 or 4 days to arrive in Washington. Judge Brewster was unavailable since because he was dove hunting, and, therefore, these men had to languish in jail more than a week to even await the setting of bail—such as it was. So excessive as to really be prohibitive.

Actually, these men are being held as hostages. They have had no charges leveled against them whatsoever.

It was difficult for all of us who have been attempting to secure justice for these men to get bail set for them; even for Justice to consider it. You will recall that the judge said he would not set bail for them. He said that they should sit in jail until they answered the grand jury questions which could mean 18 months.

We must also consider the fact that the immunity that was offered to them did not extend beyond the continental United States. It could have, in fact, opened them up to extradition to Britain.

Did Judge Brewster simply act out of pique because he had to give up dove hunting? Who is violating the law and in whose name?

As I understand it, the judge also said something about—I think that perhaps the gentleman has his quotation there—that this group seems to be well financed.

Tom Laffey, who is my constituent, is a real estate salesman. His wife has been living off contributions people have made to her in order to pay her mortgage and to see to it that their three children have something to eat.

That hardly sounds like being well financed.

How long can the Justice Department be permitted to use grand jury proceedings as a means of holding political hostages in jurisdictions of their own choosing before judges of their own persuasion?

I shall ask Chairman CELLER of the House Judiciary Committee tomorrow to investigate this entire matter for it pleads for an impartial review.

Mr. TIERNAN. I thank my colleague, the gentleman from New York (Mr. WOLFF) for his addition to these remarks. I certainly know that he is not going to drop his fight in behalf of his constituent and these other gentlemen who are involved from New York.

I now yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to my colleague, the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my colleague, the gentleman from Rhode Island, my colleague from New York (Mr. BIAGGI) and the gentleman from New York (Mr. WOLFF). You gentlemen have brought the attention of this House to one of the most unconscionable acts in the history of this country. It is shocking when you stop and realize what this Federal judge has done—to place a bail of $100,000 on men who have not been charged.

We are all concerned about the problems of Northern Ireland. It seems to me that this country of ours—this great Government of ours could do something over there to try to stop the bloodshed that is taking place there. But this is no way to do it. The British Government has already taken people in Northern Ireland and placed them in jail or internment and have not charged them. This is a throwback of over 200 years—something that is unheard of today. With the advances we have made and that we claim in this country—to think for one moment that a Federal judge would place bail of $100,000—something that is unattainable. This is a cruel act on his part and the Department of Justice has a responsibility of going before that Federal judge and asking that the bail be reduced to a reasonable sum.

Mr. TIERNAN. Mr. Speaker, I thank my colleague from Massachusetts.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Rhode Island (Mr. TIERNAN) has expired.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for another additional 5 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

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

Mr. TIERNAN. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, I want to thank my colleague not only for yielding but for having taken this great leadership as he has. I want to join my colleague, the gentleman from Massachusetts (Mr. BURKE), the gentleman from New York (Mr. WOLFF), and the gentleman from New York (Mr. BIAGGI) for their remarks.

I was in Ireland last January and was shocked as all of us on the floor of this House have been shocked by the British policy of internment without trial. The Members of this House have spoken out time and again with shock and horror and bitter resentment at the British to whom we all look for the civilized standards of life and whom we have admired for so many years and who have been the fountainhead of our Anglo-Saxon system of justice for the basic standards of equity and fairplay and dignity of the individual that we have lived with for centuries. We have been shocked at this British example of despotism, pure and simple.

Here we have a Federal court judge of the United States of America, in effect, adopting the policy in this country, our own beloved United States of internment without trial. There is very little substantive difference with the horrifying policy of the British Government.

Mr. TIERNAN. I appreciate the remarks of the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, the gentleman from New York (Mr. WOLFF) has in his possession here a missile that is used in Northern Ireland to break up disturbances. It has cost the lives of mothers, old people, and little children. I would like him to present it here today just to show it to you, to show you what is going on in this world and what is going on here in the United States as well.

Mr. WOLFF. This is a rubber bullet that is being used now in Northern Ireland by the British.

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

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I would make one comment in connection with Judge Brewster's evaluation of the conduct of these five men on whom he placed $100,000 bail in order to make certain that they will return or remain on the premises.

The fact of the matter is that I, and several other colleagues, have offered to take these five men and be charged with the responsibility for them. Our appraisal of them is far more accurate than Judge Brewster. His appraisal is a highly insensible and arbitrary position.

Mr. TIERNAN. Mr. Speaker, I thank my colleague, the gentleman from New York, for his remarks.

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

Mr. TIERNAN. I yield to the gentleman.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentleman and wish to add my voice in expression of agreement with and joining with him in the sentiments he has already expressed as well as those of our other colleagues.

I think this whole proceeding in Texas resulted from an interpretation of the Safe Streets Act, so-called antiorganized crime bill, and particularly that section having to do with special grand juries. Am I not correct in that statement?

Mr. TIERNAN. That is correct—this was a special grand jury convened in Texas.

Mr. GONZALEZ. That is right.

Now at the time we debated that, some of us got up in the well of this House and protested and anticipated that this very thing would happen.

I would like to bring to the attention of the Members of the House that this is not the only case. In fact, in my congressional district which is a part of the southern judicial district—and the gentleman from Rhode Island is speaking of another section, the northern district—in the southern district there has been going on now for about 10 days a purely political star chamber procedure—all within the sanction of this provision which was so smugly passed by the Congress despite the warnings and despite the protests that we were really initiating a new period in Anglo-American jurisprudence.

I think it is a shame. I think it is so violative of the basic principles of freedom, and it is so tragic that these five men are being literally sacrificed in this assertion of improper and un-American conduct that I am just wondering if we should not also have in mind not only trying to do something to relieve these five men but doing something to rectify the obvious error by the Congress in the passage of this type of legislation.

Mr. TIERNAN. I join my colleague in his observations. I think we have to do one of two things. I think probably here in the House the easiest method would be to clearly pass an amendment to the language of the Safe Streets Act. My colleague has clearly pointed out this was not intended for political investigations or investigations of the nature of which you spoke in your own judicial district—also the investigation which involved the Fort Worth Five, which apparently was instigated at the suggestion of the British Government. The State Department requested that the Justice Department investigate an alleged conspiracy to run guns to Northern Ireland, and to take these five gentleman from New York and have them go to a Grand Jury in Texas where the political climate was conducive.

The SPEAKER pro tempore. The time of the gentleman has expired.

(On request of Mrs. ABZUG, and by unanimous consent, Mr. TIERNAN was allowed to proceed for 1 additional minute.)

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. TIERNAN. I yield to my colleague, the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, I want to commend the gentleman for bringing on this special order. It is very clear that this bail is one of the further steps in a case which is clearly a political case on the part of the U.S. Government and on the part of the Department of Justice that brought this case in a venue so many thousands of miles away, only because there was a judge that was favorable there, and an attorney. I think that the whole question of the immunity statutes should also be reviewed. I think the incarceration of these men, poor men taken away from their families for these many months, without any charges having been filed, violates the very essence of democracy. I think it reflects a serious violation of the eighth amendment of cruel and inhuman punishment, and I think we ought to bring this matter before the Congress.

Mr. TIERNAN. I thank the gentlewoman for her kind remarks.

REPAIR AND PROTECT OUR NATURAL ENVIRONMENT

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

Mr. MONAGAN. Mr. Speaker, as our Nation developed our economic capabilities, we did not sufficiently recognize that man has environmental rights, just as he has social and economic rights. These include, but are not limited to: The right to breathe uncontaminated air; the right to have clean, healthy water for consumption and recreation; and the right to insist upon a state of nature conducive to the continued existence of all forms of plant and animal life.

While disregarding these rights in the guise of progress, we have become a nation of consumers, polluting our waters, contaminating the air, depleting our natural resources, and littering our countryside with the byproducts of economic growth.

Although general recognition of the threat to our environment is relatively recent, our activities in preserving our natural resources are not of recent origin. I have been especially concerned with water quality, primarily because of its danger to human health. In 1963, I chaired hearings of the Natural Resources and Power Subcommittee of the House Government Operations Committee which pioneered studies on the pollution of our national water supply. Included in the study were the Connecticut River Basin, the Delaware River Basin, lower Lake Michigan, and various other water supplies in the Southwest and Midwest.

The hearings produced startling evidence of a deteriorating water supply

which heightened the awareness of the problem on the part of Government officials and served as a mandate for pollution control legislation. Recognizing this potential threat to our health, I proposed an amendment to the Federal Water Pollution Control Act of 1963 to substantially increase grants for the construction of municipal sewage treatment works. This amendment was approved in 1965 but it was clear that it would not alone solve the problems of degenerating water quality.

In 1965, I recommended that existing grant limitations for sewage treatment works of $600,000 and $2.4 million for single and combined sewage projects be doubled.

Although the building of more and better sewage treatment plants with Federal funds is an area where we can well afford sizable appropriations, I feel that it is only a corrective measure and we should spend more time and money developing preventive measures. Our waterways would not be facing the "now or never" situation of the 1970's had we been able to control polluters 10 years ago.

For this reason, I introduced legislation in 1964 to amend the Refuse Act of 1899 to provide penalties against boat owners in instances of negligence substantially endangering desirable marine life of navigable waters. Since occurrences of environmental tragedies have increased at an alarming rate, by bill, by setting forth clear and precise terms of liability for causing an environmental disaster, would insure that wrongdoers pay for their negligence.

I have always felt that large business and industry must share the responsibilities of pollution abatement. Our Government should not allow private corporations to ignore the public's right to clean and healthy water by freely discharging wastes. To encourage the construction and installation of water and air pollution control equipment by industry, I introduced legislation in 1965 to provide tax write-offs to cooperating businesses.

Congress has begun to realize that its failure to adequately support suggestions for pollution control in the past has produced waters that are unsafe for swimming, boating, and fishing, let alone drinking, so we are attempting to restore these waters to the quality the public has a right to. In the first session of the 91st Congress, I supported the full funding for programs under the Clean Water Restoration Act, an amount substantially above the figure which the Nixon administration requested.

One of the most comprehensive pieces of legislation to date, the Federal Water Pollution Control Act, provides movement toward a national goal of eliminating discharges of pollutants into the waters of the United States and insuring the quality of our water. The Federal Water Pollution Act Amendments of 1972 establish the goal of water quality to insure the protection and propagation of aquatic life and recreation in and and on the water.

This bill received my strong support, as well as that of many Members of the House. It was referred to a conference committee to reconcile differing provisions between the House and Senate versions and the conferees have completed that task. Action is expected in the immediate future.

In the bill substantial funding is provided to carry out the stated national goals of achieving quality water through increased research, grants for construction of treatment works, the reduction of redtape in the administration of water pollution control programs, and better standards and enforcement.

An essential section of the bill provides for loans to small business concerns for water pollution control facilities to assist them in meeting water pollution requirements established by law and to insure that they will not suffer substantial economic injury.

Assistance is also provided to the States and local municipalities to increase their participation in attaining our national goals.

Unfortunately, the Federal Pollution Control Act lacks provisions for standards for the quality of drinking water. The quality of the Nation's drinking water supply has not received the attention from environmentalists it demands. Public assumption that our drinking water will always remain clean and healthy has proved unfounded. An official of the Environmental Protection Agency recently reported to the Senate Subcommittee on the Environment that—

> Eight million people are served water that is potentially dangerous in that it fails to meet the mandatory standards set by the Federal Government. These 8 million people receive unsafe water from an estimated 5,000 of the Nation's community water supply systems.

To remedy this alarming situation, I have cosponsored the Safe Drinking Water Act to establish national water quality standards under the administration of the Environmental Protection Agency. Hearings have been held on this subject in both the House and Senate, and I am hopeful that a national water quality program will soon become law.

Recently incorporated into this bill is a measure I proposed to insure the safety of a product which is the direct result of our deteriorating municipal water supplies—bottled drinking water. The eroding public confidence in the Nation's drinking water has caused bottled water sales to soar, with each new pollution report, increasing the demand. Bottled water is no longer just a health cure or luxury item and consumers deserve the protection of minimum health and safety standards.

Another threat to our water resources has materialized with the confirmation of substantial offshore oil reserves along the Atlantic coastline. An oil spill similar to that which occurred off Santa Barbara, Calif., would be a devastating environmental and economic blow to the eastern half of our Nation. To minimize such a possibility, I submitted a bill in December 1971 to establish a moratorium on all oceanic drilling until the Secretary of the Interior, in conjunction with the Council of Environmental Quality, determines the requirements of our Nation's resources. Our sources of energy have not been sufficiently studied and compared, and the environmental impact of drilling has not been adequately determined. This bill also provides for the establishment of marine sanctuaries in the Atlantic, permanently free from the threat of drilling.

Environmental tragedies and their adverse effects on human health have caused Congress to legislate to combat pollution in other areas, such as air, noise, strip mining, and pesticides. Although I have sponsored or supported legislation in all of these areas, as with the legislation dealing with water pollution, there are two flaws in the course of action we are pursuing.

The Nation's pollution control efforts have all too often consisted of programs which divide the environment into separate components of air, water, land, and others which are geared to specific environmental crises. While programs dealing with these components were good starts in reversing the threat to our ecosystem, we must develop programs which approach the environment as one integrated unit. Why create forest preserves or clean lakes for recreation, if our daily living environment impairs our health to the extent that we cannot enjoy them.

Second, we can no longer limit environmental legislation to crisis-oriented programs. We must develop an anticipatory capability to prevent environmental tragedies before they get started and to effectively treat a pollution hazard before it develops into a pollution disaster.

I have introduced legislation to develop a more comprehensive program for the environment so that our Nation's resources will be adequate for the tremendous demands to be made in the future.

In 1969 I introduced H.R. 13826, a bill to provide for the creation of a Council on Environmental Quality. I was pleased that the substance of this bill was included in the bill to provide for the establishment of a permanent Presidential Council on the Environment, which passed the House with my support, and was signed into law on January 1, 1970. Upon introducing H.R. 13826 I stated that just as in the case of social and economic rights, duties flow from the assertion of environmental rights. It is to insure that citizens and the Nation fulfill their duties to each other and to the land that I will continue to initiate and support all necessary antipollution legislation. Our antipollution laws must be as stringent as the extent to which our environment is ravaged.

In October 1964 I had the honor to give the keynote address at the Fourth Annual Bioenvironmental Engineering Symposium at the U.S. Air Force School of Aerospace Medicine, Brooks Air Force Base, Tex., and at that time I insisted that everyone has the responsibility to deal with the problem of pollution. I stated that while we are conducting research on pollution control, we must always keep aware that endeavors to halt pollution cannot wait upon the develop-

ment of all the answers. We must proceed to implement solutions with what we have.

While I was gratified that a Presidential Council on the Environment as recommended by my bill has now been established, there are other sections of my bill designed to achieve an anticipatory capability that I still hope will be the subject of future legislation.

I have proposed that the Secretary of the Interior be authorized to conduct studies of natural environmental systems to document and define changes in the systems, and to develop and maintain an inventory of natural resource development projects which may make significant modifications in the natural environment. Further, I recommended that the Secretary of the Interior be directed to establish a clearinghouse for information on ecological problems and to disseminate information about programs related to those problems. Also, I recommended that the Secretary of Health, Education, and Welfare be authorized to establish a comprehensive solid waste management program which would coordinate all such research now being done under a number of different Federal programs. Another recommendation of mine directed the Secretary of HEW to compile a national inventory of solid waste management technology, and establish a clearinghouse for information on all aspects of air, water, and soil pollution, and solid waste disposal. This information would be made available to business, industry, municipalities, and the general public. All of these are the kind of provisions which would help to develop an anticipatory capability.

I also cosponsored House Joint Resolution 3, which passed the House July 20, 1971. This bill was to establish a Joint Congressional Committee on the Environment which would constantly study and review the type and extent of environmental changes which occur, and observe the effect of these changes upon population, communities, and industry.

A thorough analysis of the environment is essential to an adequate understanding of the problems and necessary to take measures to cure the ills that exist around us. It is time for us to not only realize and cope with the problems that exist, but also to anticipate and prevent their occurrence.

If we are to begin to protect our environment through anticipatory legislation, we should act now to prevent an environmental tragedy caused by misuse of toxic substances. Unless constructive action is taken to reduce the environmental contamination, a very large percentage of the world's remaining plant and animal life faces extinction during the next 20 years, and human life may be endangered as well. Each year hundreds of new chemical substances are made available to the general public without having been adequately tested for their impact upon human health or the environment. It is chilling to realize that certain chemical residues which we ingest may kill, cause cancer, create fetal deformities in animal life and also be hazardous to humans. I have criticized the Department of Agriculture for consistently ignoring the potential health hazards in freely allowing the use of pesticide compounds dangerous to human health. I have recommended that the Secretary of HEW be given the legal authority to ban or limit the use of pesticides wherever the use of such substances is hazardous to public health. I also recommended that the Secretary of the Interior be given greater statutory authority to participate in decisions regarding danger to fish and wildlife and contamination of the environment.

To protect the public from exposure to hazardous products, I introduced the Toxic Substances Control Act on September 30, 1971. This legislation would subject all new organic and inorganic chemical substances to pretesting and registration before they are placed on the market. The highest priority in the registration of pesticide compounds should be the potential hazard to human life and the environment, rather than the Department of Agriculture's priority on the benefit to food and fiber.

Another threat to our environment that deserves more planning is population growth. On December 10, 1969, I cosponsored a bill to establish a Commission on Population Growth and the American Future. The Commission has conducted studies and research, and made recommendations to all levels of government in the United States regarding a broad range of problems associated with population growth and their implications for America's future. Besides dealing with the population explosion, we must begin to consider the effects on our environment of two other population problems, implosion, the increasing movement from rural to urban areas, and displosition, the increasing complexity and specialization of social, economic, and political organizations which parallel population increases, and may lead to the mismanagement of our resources.

The recent agreement on cooperation in the field of environmental protection between the United States and the Soviet Union indicates a realization that this problem transcends politics; it is neither capitalist nor Communist, and recognizes no political boundaries. I consider this agreement a step toward developing the anticipatory capability which will become increasingly important as cooperation between our nations continues to expand.

While I still believe that environmental pollution can be controlled through legislative activity, increased citizen participation through the judicial system would help to resolve environmental problems. But, at the present time, private citizens lack the power to initiate court action in the name of the public interest. We should recognize the public's right to a decent environment, enforceable by law by opening up the courts to the public.

I support a bill introduced by Senators HART and MCGOVERN and Representative UDALL, modeled after a Michigan law, which allows citizens to plead environmental grievances. The bill purposely does not define pollution, environmental quality, or the public interest, so that a wide range of future problems which are uncertain today, can be considered under this act. The bill is not an attempt to supplant the legislative process or the power of administrative regulation, but to allow for the necessary review that our system of checks and balances calls for.

Conquering environmental pollution is an immense task and we should not expect overnight miracles or anything more than a gradual turn in the right direction. The costs will be formidable, and we must consider what effects on our industries this abnormal expense would have on their viability and their capacity to provide jobs and pay taxes. We are just beginning to comprehend that the physical well-being of our people is inextricably related to the ecological integrity of the Nation and that if we are to break the cycle of depletion, consumption, and pollution we must choose some delicate balance between consumption and environmentalism that will produce a healthy, happy society that can endure the elements of time.

I stand ready to support all necessary and proper legislation which will repair and protect the natural environment for the present population and for all generations to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. DERWINSKI (at the request of Mr. GERALD R. FORD), for the remainder of this week and next week, on account of official business as U.S. delegate to Interparliamentary Conference.

Mr. KYROS, for September 19, 1972, on account of official business.

Mr. MCDADE (at the request of Mr. GERALD R. FORD), for today through September 21, 1972, on account of official business.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for the remainder of this week and next, on account of official business as U.S. delegate to Interparliamentary Conference.

Mr. PUCINSKI (at the request of Mr. BOGGS), for today and Wednesday, September 20, on account of serious illness in family.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), for balance of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAKER) and to revise and extend their remarks and include extraneous matter:)

Mr. GUBSER, for 1 hour, on September 20.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. STEIGER of Wisconsin, for 10 minutes, today.

Mr. QUIE, for 30 minutes, on September 20.

(The following Members (at the request of Mr. MAZZOLI) to revise and

extend their remarks and include extraneous material:)

Mr. DANIELS of New Jersey, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. ALEXANDER, for 20 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. KAZEN, for 10 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. CELLER, for 60 minutes, September 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD.

Mr. COLMER to revise and extend remarks made earlier today.

Mr. HECHLER of West Virginia to revise and extend his remarks in connection with the bill just passed.

Mr. REID to include an article from the National Review entitled "Is It True What They Say About the New York Times," notwithstanding the fact that it exceeds 3 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $552.50.

(The following Members (at the request of Mr. BAKER) and to include extraneous material:)

Mr. SPRINGER in two instances.

Mr. ESCH.

Mr. DERWINSKI in three instances.

Mr. WYMAN in two instances.

Mr. ANDERSON of Illinois.

Mr. STEIGER of Wisconsin in two instances.

Mr. FRELINGHUYSEN.

Mr. SCHERLE.

Mr. KING in two instances.

Mr. RAILSBACK.

Mr. FREY.

Mr. CRANE in five instances.

Mr. PEYSER in five instances.

Mr. KEITH.

Mr. WILLIAMS in two instances.

Mr. CLANCY.

Mr. BROYHILL of Virginia.

Mr. COLLINS of Texas.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous material:)

Mr. ROY.

Mr. PEPPER.

Mr. CONYERS in 10 instances.

Mr. STOKES.

Mr. ANNUNZIO in three instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. PATTEN in three instances.

Mr. WALDIE.

Mr. BURKE of Massachusetts.

Mrs. GRIFFITHS in two instances.

Mr. ROSTENKOWSKI.

Mr. HANNA in two instances.

Mr. ASPIN in 10 instances.

Mr. ROE.

Mr. MIKVA in eight instances.

Mr. ANDERSON of California in three instances.

Mr. HELSTOSKI in five instances.

Mr. GALLAGHER.

Mr. BRASCO in two instances.

Mr. HANLEY.

Mr. ROGERS.

Mr. CULVER.

Mr. GAYDOS.

Mr. REID.

Mr. SMITH of Iowa.

Mr. HAGAN in five 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. 33. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group insurance programs for public safety officers and to assist State and local governments to provide such insurance; to the Committee on Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3442. An act to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 18, 1972 present to the President, for his approval, bills of the House of the following titles:

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property and wildlife conservation purposes;

H.R. 15495. An act 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

H.R. 15577. An act to give the consent of Congress to the construction of certain international bridges, and for other purposes.

ADJOURNMENT

Mr. TIERNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 20, 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:

2349. A letter from the Secretary of Transportation, transmitting the fifth annual report on activities carried out under the High Speed Ground Transportation Act of 1965, as amended, pursuant to 49 U.S.C. 1640(a); to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2350. A letter from the Acting Comptroller General of the United States transmitting a report on military assistance and commitments in the Philippines administered by the Department of State and Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTICNS

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. EVINS of Tennessee: Select Committee on Small Business. Report on concentration by competing raw fuel industries in the energy market and its impact on small business, volume 3—National Gas Survey and Synthetic Fuel Development; with amendment (Rept. No. 92–1404). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9859. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes; with amendment (Rept. No. 92–1405) Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1121. Resolution providing for the consideration of H.R. 9128. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce (Rept. No. 92–1407). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 1122. Resolution waiving all points of order against H.R. 16705. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1408). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act (Rept. No. 92–14099). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. 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; with amendment (Rept. No. 92–1410). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1123. Resolution to amend the Rules of the House of Representatives to provide for the use of electronic equipment, and for other purposes (Rept. No. 92–1411). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 14128. A bill for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar (Rept. No. 92–1406). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16706. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hill-Burton Act make available to persons entitled to benefits under the medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 16707. 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 medicaid 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. BOLAND:

H.R. 16708. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRASSO:

H.R. 16709. A bill to amend title 38, United States Code, in order to permit certain veterans up to 15 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. HÉBERT:

H.R. 16710. A bill to provide for the conveyance of certain real property of the United States to the State of Louisiana; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H.R. 16711. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 16712. A bill to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 16713. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 16714. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 16715. A bill to amend section 203 of the Social Security Act to provide that an individual who devotes 45 hours or less a month to his or her trade or business shall not be considered to have rendered substantial services in self-employment for purposes of the retirement test; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 16716. A bill to require States to disregard the amount of any increase in social security cash benefits in determining eligibility of social security beneficiaries for medicaid; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 16717. 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 medicaid 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. TERRY:

H.R. 16718. A bill to amend title 5 of the National Housing Act to extend the definition of veteran to include persons who serve in the military forces of the United States during the Vietnam era to enable any such veteran to receive financial assistance for rural housing on a preferred basis, and for other purposes; to the Committee on Banking and Currency.

By Mr. YOUNG of Florida:

H.R. 16719. A bill to make displaying the flag of certain hostile countries treasonable; to the Committee on the Judiciary.

H.R. 16720. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 16721. A bill to amend the National School Lunch Act; to the Committee on Education and Labor.

By Mr. BERGLAND:

H.R. 16722. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territoral arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 16723. A bill to amend the Social Security Act to make certain that recipients of aid for assistance under the various Federal-State public assistance and medicaid 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. CABELL (for himself and Mr. BROYHILL of Virginia):

H.R. 16724. A bill to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes; to the Committee on the District of Columbia.

By Mr. ESCH (for himself, Mr. STEIGER of Wisconsin, Mr. QUIE, Mr. BELL, Mr. DELLENBACK, Mr. FORSYTHE, Mr. KEMP, Mr. PEYSER, and Mr. CARLSON):

H.R. 16725. A bill Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 16726. A bill to amend title 39, United States Code, to establish the eligibility of neighborhood improvement organizations and parent-teacher associations for special third-class bulk mail rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 16727. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under titles I, X, XIV, XVI, and XIX of such act; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. MCMILLAN, Mr. BROYHILL of Virginia, Mr. ABERNETHY, Mr. THOMSON of Wisconsin, Mr. CABELL, Mr. STUCKEY, Mr. HARSHA, Mr. SPRINGER, Mr. O'KONSKI, Mr. HAGAN, Mr. HAYS, and Mr. SCHERLE):

H.R. 16728. A bill to provide home rule to inhabitants of the District of Columbia by retroceding a portion of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEGGETT:

H.R. 16729. A bill to amend title 5, United States Code, to remove the prohibition on the concurrent payment of compensation for disability on account of a civilian work injury and of retired pay for a different disability incurred in service with the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RONCALIO:

H.R. 16730. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 16731. A bill relating to the corporate surtax exemption; to the Committee on Ways and Means.

By Mr. STEPHENS (for himself and Mr. J. WILLIAM STANTON):

H.R. 16732. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 16733. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.J. Res. 1302. Joint resolution to provide for a monument to the dead of the 1st Infantry Division, U.S. forces, in Vietnam; to the Committee on House Administration.

By Mr. SEIBERLING:

H.J. Res. 1303. Joint resolution to authorize and request the President to proclaim the period November 5, 1972, through November 12, 1972, as Myasthenia Gravis Week; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 1304. Joint resolution authorizing the President to proclaim October 1, 1972, as National Heritage Day; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. Con. Res. 707. Concurrent resolution to provide a flood control study of the Green Brook Basin in New Jersey; to the Committee on Public Works.

By Mr. COLMER (for himself, Mr. MADDEN, Mr. DELANEY, Mr. BOLLING, Mr. O'NEILL, Mr. SISK, Mr. YOUNG of Texas, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. SMITH of California, Mr. ANDERSON of Illinois, Mr. MARTIN, Mr. QUILLEN, and Mr. LATTA):

H. Res. 1123. A resolution to amend the Rules of the House of Representatives to provide for the use of electronic equipment, and for other purposes.

By Mr. PERKINS (for himself and Mr. QUIE):

H. Res. 1124. Resolution to authorize additional investigative authority to the Committee on Education and Labor; 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. HOSMER:

H.R. 16734. A bill for the relief of Kendall Gordon Parker; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 16735. A bill for the relief of William Allen, and Marie Allen, his wife, Rock Springs, Wyo.; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 16736. A bill for the relief of Robert M. Owings; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 16737. A bill for the relief of Ramakrishna Rao Palepu; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

284. The SPEAKER presented a petition of the city council, Oak Park, Mich., relative to murder at the Olympic games; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

OUR SENIOR CITIZENS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1972

Mr. ANNUNZIO. Mr. Speaker, our Nation has yet to face up to the challenge of our older Americans. Too many live out their later years in poverty—helpless and alone—feeling that they are a burden on their children and society. Surely a nation as great as ours can meet this challenge.

What are the basic needs of our senior citizens? Adequate income, adequate transportation, the best possible nursing home care, and expert medical attention.

Adequate income must be provided through both adequate employment opportunities for our senior citizens and through adequate social security and retirement benefits. Recently, I supported the 20 percent social security benefits increase, and during 8 years in the Congress, I have supported all of the measures which have come before the House of Representatives to increase social security benefits, as well as the proposal to adjust social security benefits automatically according to changes in the cost-of-living index. This proposal is part of H.R. 1, which passed the House of Representatives, and is presently awaiting action in the Senate. Additionally, I supported a 20-percent increase in railroad retirement benefits, effective September 1—the date that the newly enacted 20 percent social security boost became effective.

As a member of the Banking and Currency Committee, I have consistently supported urban mass transit subsidies which will help our local authorities improve our transportation services and make it feasible for them to authorize reduced fares for elderly individuals. Just last week in the Banking Committee I was successful in adding an amendment to the 1972 housing bill which provides that elderly and handicapped persons riding on a public transportation system, such as the Chicago Transit Authority, pay only half fare during nonpeak hours. The 1972 housing bill, with my half-fare amendment for senior citizens, is expected to pass the House this week.

As the general chairman for the Villa Scalabrini Development Fund, I was one of those in the Chicago community responsible for establishing Villa Scalabrini, the old people's home in Melrose Park, Ill. I know firsthand what can be accomplished with a little thought, effort, and imagination in the area of nursing home care. Villa Scalabrini stands today as an outstanding example of a modern facility which provides compassionate care for its residents. It has provided not only physical care, but spiritual comfort and a refuge of peace and happiness for elderly persons. Last Sunday, I was at the old people's home in Melrose Park and participated in the 20th anniversary celebration of its establishment.

It was a moment of pride for me to see so many old people well cared for and happy in their surroundings. With the application of uniform standards, this can be accomplished in nursing homes across our Nation.

In 1954, there were only 6,539 nursing homes in the United States—today, that number has jumped to 24,000. Through medicare and medicaid programs, the Federal Government annually pays approximately 40 percent of the cost of operating this industry. Sadly enough, although the industry has grown, standards and regulations for nursing homes have not kept up with this growth. It is essential that we provide rewards to those nursing homes offering exemplary care, that we encourage better training and better pay for nursing home personnel, and that we provide Federal inspectors if State inspectors cannot adequately do the job.

Mr. Speaker, I have proposed establishment of a Select Committee on Aging which would provide the permanent, full-time, day-to-day compassionate interest and concern which more than 20 million older Americans—one-tenth of our population—fully deserve.

The Older Americans Act, which I sponsored and supported, established an Administration on Aging within the Department of Health, Education, and Welfare to deal specifically with problems of the aged and aging.

I am also one of those who supported legislation to establish a National Institute of Aging within the National Institutes of Health. The National Institute of Aging will conduct and support research on the aging process and on the prevention, treatment, and cures for special health problems of the aged.

Medicare became a reality during the first year that I served in the Congress—1965—and I was one of the stanch supporters of this landmark program. It provided—for the first time in the history of our country—health and medical care for our senior citizens.

During the 92d Congress, I introduced legislation to provide outpatient prescription drug coverage for certain specific illnesses under medicare. This proposal has already been approved by the House of Representatives and is now part of H.R. 1, which is receiving the consideration of the Senate.

All of this is not enough, however, as many of our senior citizens are still unable to provide adequate health care for themselves or to meet the high cost of prescription drugs on the meager incomes which they now receive.

Although H.R. 1 does include my proposal to provide outpatient prescription drug coverage under medicare for certain specific illnesses, such as arthritis, cancer, chronic cardiovascular disease, chronic respiratory disease, rheumatism, thyroid disease, diabetes, and tuberculosis, I do feel this should be supplemented by permitting medicare participants to purchase from the Public Health Service, Veterans' Administration, and Hill-Burton assisted hospitals and clinics, at wholesale prices, all prescription drugs not already covered by medicare, as well as hearing aids and eyeglasses.

I therefore introduce in the Congress a bill which will go a long way toward helping our senior citizens bear the financial cost of illness which so often accompanies advancing age. My bill provides that all prescription drugs not covered by medicare be made available at cost to persons on either part A or part B of medicare. In addition, it provides that hearing aids and eyeglasses be made available on the same wholesale basis by hospital dispensaries. Finally, the bill provides that drugs for medicare patients be prescribed on a generic rather than brand name basis. Making these drugs, hearing aids, and eyeglasses available to senior citizens at wholesale cost and at generic medicine cost rather than brand name medicine cost will help substantially to reduce the total cost of drugs for the elderly.

Mr. Speaker, the number of senior American citizens over age 65 is expected to exceed 25 million by 1985. In my own city of Chicago over the past decade the percentage of elderly persons in the 60-and-over category has grown from 15 percent in 1960 to 15.3 percent in 1970. Today almost 10 percent of our population is elderly, and there are 20 million Americans in the senior citizen category. Of these, 17 million have no private pro-