HOUSE OF REPRESENTATIVES—*Monday, October 2, 1972*

The House met at 12 o'clock noon.

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

I will trust and will not be afraid; for the Lord God is my strength, my song, and my salvation.—Isaiah 12: 2.

Eternal Father of us all, in this quiet moment of prayer we come to dedicate ourselves anew to Thee and to the service of our country. Warm our hearts with such love for Thee that we may love our fellowmen as ourselves—a love that leaps over the boundaries of race, color, and creed and extends to all mankind.

Teach us to serve Thee and our Nation fully and faithfully, "to give and not to count the cost, to fight and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for any reward—save that of knowing that we do Thy will."

"O master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret, help me bear
The strain of toil, the fret of care."

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 2895. An act to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated;

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 14537. An act to amend section 703 (b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects or trailers, of those members in such a status for more than one year.

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. 9463. An act to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes;

H.R. 11032. An act to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia;

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status;

H.R. 16705. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16705) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PROXMIRE, Mr. MAGEE, Mr. MCCLELLAN, Mr. FONG, Mr. BROOKE, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 56) entitled "An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System."

The message also announced that the Senate insists on its amendments numbered 1, 2, 16, 21, 44, 65, 66, 67, and to the title amendment to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7378) entitled "An act to establish a Commission on Revision of the Judicial Circuits of the United States."

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

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 16029) entitled "An act to amend the Foreign Assistance Act of 1961, 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. FULBRIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 8395) entitled "An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, 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. CRANSTON, Mr. RANDOLPH, Mr. WILLIAMS, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. STEVENSON, Mr. STAFFORD, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 984) entitled "Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property," 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. FULBRIGHT, Mr. SPARKMAN, and Mr. AIKEN to be the conferees on the part of the Senate.

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

S. 3358. An act to prohibit the use of certain small vessels in U.S. fisheries;

S. 3994. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; and

S. Con. Res. 100. Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists.

THE LATE HONORABLE KARL MILES LE COMPTE

The SPEAKER. Without objection, the Chair is going to recognize the gentleman from Iowa (Mr. SMITH) ahead of the call of the Consent Calendar, to announce the death of a former Member of the Congress.

Mr. SMITH of Iowa. Mr. Speaker, Karl Miles Le Compte was a Member of Congress from Iowa from 1939 through 1958. He did not run for reelection in 1958 and retired to his home in Iowa where he had been a newspaper publisher at Corydon and lived until last Saturday. On Saturday, Centerville held its 24th Annual Pancake Day Festival including one of the best parades one can witness anywhere, including 21 bands and many floats. While I was walking down the street near the curb, Karl called to me. He was sitting on the curb in his folding chair enjoying a very beautiful fall day with a front row seat for the parade. I sat beside him and visited with him for 15 or 20 minutes. He told me he had passed his 85th birthday and was thoroughly enjoying his retirement. He men-

tioned having recently received a letter from our Speaker CARL ALBERT and inquired about several other Members of Congress. He was very keen and alert, recalled many details of events and was obviously enjoying himself.

A few minutes later, he walked to his automobile where he suffered a heart attack. Karl earned and maintained a very good reputation as an honest, conscientious, and diligent public servant and he will be missed by his many friends both in Iowa and Washington. While it is some consolation to know that he enjoyed life to the very end and did not suffer, I am sure all my colleagues who knew him are sorry to hear of his passing and join me in extending our condolences to his loved ones.

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

Mr. SMITH of Iowa. I am glad to yield to the distinguished Speaker.

Mr. ALBERT. I thank the gentleman for yielding, and I thank him for the beautiful tribute he has paid to an old friend, Karl Le Compte, who served with great distinction here in the House.

It was my privilege as a young Member to know him, who at that time was a senior Member. I am happy he has been able to live such a long and useful life both in public service and in retirement.

I am happy that I have had recent correspondence with my old friend, Karl Le Compte.

I join with my colleague, the gentleman from Iowa (Mr. SMITH) in extending my sympathy to his loved ones. He was a fine, decent, and wonderful man.

Mr. ARENDS. Mr. Speaker, I was saddened to learn of the death of my good friend, the Honorable Karl Le Compte, formerly a Member of Congress from Iowa.

I had the privilege of serving with Karl for several years and we became warm friends. I can attest to what a fine gentleman he was. He was a dedicated public servant; he served his district and his State and the Nation extremely well.

Karl was one of those individuals with whom it was always a pleasure to sit down and visit. He was indeed friendly and helpful to any Member, regardless of which side of the aisle he was on.

I am sorry to learn of his death, and I extend to his family my most heartfelt sympathy.

Mr. ZABLOCKI. Mr. Speaker, it is with sadness that we receive the news of the passing away of our former colleague from Iowa, the late Honorable Karl Le Compte.

It was my privilege to serve with him on the Committee on Foreign Affairs and, for a time, on the Subcommittee on Europe, of which I was then chairman.

I always had high regard for Congressman Le Compte. He was a sincere, quiet, gentle man, whose modest demeanor clothed considerable strength of character, and far-ranging knowledge of national and international affairs.

I remember his particular interest in Europe and issues relating to the then new organization, the North Atlantic Treaty Organization. In addition, he seemed to have a special concern for our country's position in the Pacific—both in the Pacific territories which came under United States control after World War II, and in the independent nations of that area, including Australia, New Zealand, and the Philippines.

Mr. Le Compte was a conscientious, hard worker who always had something of value to contribute to our committee's deliberations.

In addition, of course, he served on other House committees and played a leading part in their affairs.

Although some years have passed since Congressman Le Compte served in the Congress, he is warmly remembered in these halls.

His State and country have lost an important and valued citizen in his death.

To Congressman Le Compte's family, I wish to convey my sincere condolences.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of the late Honorable Karl Le Compte.

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

There was no objection.

CONSENT CALENDAR

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

USE OF HEALTH MAINTENANCE ORGANIZATIONS IN PROVIDING HEALTH CARE

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, I would like to repeat the statements that I made in the RECORD last September 18, when we put this bill over without prejudice simply on the basis that it was premature, and that at that time the Department of Health, Education, and Welfare and this Congress had not effectuated any action authorizing HMO's as either a pilot or experimental project. There has apparently been much misunderstanding of this action as well as how the Consent Calendar works. If, and when, HMO's become a way of health care, I will be among the leaders for entitlement of CHAMPUS. As of now I predict no HMO pilot project bill in this Congress. To say the least, it is "old wine in new bottles," and a costly, controversial experiment.

If and when there are such existing organizations, in fact, that could be tested under the CHAMPUS organization, which cares for, in service and out, the dependents of active—and even retired—military personnel; this would be apt but expensive legislation for consideration under the consent or any appropriate calendar.

Pending that, 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.

JUDGMENT FUNDS OF 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 Nos. 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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. 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. 392]

Abourezk	Galifianakis	Pelly
Abzug	Gallagher	Pepper
Anderson, Tenn.	Giaimo	Peyser
Baker	Goldwater	Price, Tex.
Baring	Gray	Pryor, Ark.
Bell	Green, Oreg.	Pucinski
Bevill	Gross	Purcell
Biaggi	Hagan	Rees
Blatnik	Halpern	Rodino
Bolling	Hanna	Roe
Brown, Mich.	Harvey	Rooney, N.Y.
Broyhill, Va.	Hébert	Runnels
Buchanan	Helstoski	Scheuer
Byron	Hogan	Schmitz
Cabell	Hull	Schwengel
Caffery	Kastenmeier	Scott
Casey, Tex.	Landgrebe	Sebelius
Chisholm	Link	Seiberling
Clark	Lujan	Shipley
Clay	McCloskey	Shriver
Collins, Ill.	McClure	Stanton, James V.
Conte	McCormack	Stokes
Corman	McDonald, Mich.	Talcott
Culver	McKinney	Taylor
Dennis	McMillan	Teague, Calif.
Dingell	Mallary	Teague, Tex.
Dow	Metcalfe	Thompson, N.J.
Dowdy	Mikva	Van Deerlin
Dwyer	Mink	Vander Jagt
Edmondson	Minshall	Waldie
Erlenborn	Mollohan	Winn
Evans, Colo.	Moorhead	
Fish	Murphy, N.Y.	
Flynt	Nichols	
Ford, William D.	O'Hara	
	Passman	

The SPEAKER. On this rollcall, 328 Members have answered to their names, a quorum.

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

CONVEYING TRUST TITLE TO 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. Govern-

ment 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, on the last occasion of the call of the Consent Calendar, September 18, 1972, I asked that this bill be put over without prejudice, on the basis that it was difficult to understand why we should first convey this land to the Indian tribe, as deserving as it might be; secondly, provide from taxpayers' funds sufficient money with which to build a building on the land thus conveyed; third, of all things, pay $55,000 a year rent, which will more than amortize it in a very short time.

Since that time, Mr. Speaker, I am delighted to say I have had a letter explaining the situation from the distinguished chairman of the Committee on Interior and Insular Affairs, except that it still leaves unresolved in my mind, even though fair market value may be recouped in the form of taxes, as the letter explains, the logic of another agency of the Government, which also uses taxpayers' fund, providing the building—which the letter states will be built in any event—and then paying rent for the Government offices using the building.

Mr. Speaker, I would be delighted to yield to my friend from Colorado (Mr. ASPINALL) the chairman of the committee, to explain further the import of this bill.

Mr. ASPINALL. Mr. Speaker, H.R. 9294 conveys to the Devils Lake Sioux Tribe a trust title to 5.3 acres of Federal land which the United States purchased from the tribe in 1904 for $3.25 per acre, a total of about $17. The land is now worth $2,500.

The tribe is in the process of constructing a community center on the land, at a cost in excess of $1,000,000, with loan and grant funds from OEO and HUD. After the building is completed, the tribe expects to rent space in the building to the Bureau of Indian Affairs and to the Indian Health Service. The annual rent that has been negotiated is $55,554. Under the terms of the bill as amended by the Committee, the value of the land will be deducted from the first year's rental.

The tribe will therefore pay the United States the full market value of the land conveyed to it by this bill.

The construction of the community center is being handled under other Federal programs, and the financial assistance extended under those programs should have no relevance to this bill, which sells the Federal land at its full market value.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement. He has finger-pointed the area of our disagreement forthrightly. Even though another agency of Government without the jurisdiction of the Committee on Interior and Insular Affairs is furnishing the money for building the building, it is from the taxpayers' pockets.

This is my area of concern, plus the fact they then are planning on paying rent. I quite agree we should not be judge and jury as to the amount of rent, and I compliment the committee on getting back the fair market value.

Now, did the gentleman tell me in a personal conversation that our Government had originally given this land to this Indian tribe, and that they would build in any event?

Mr. ASPINALL. Will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. ASPINALL. Our Government bought this land from the Indian tribe, and it was originally their land, and with their consent we purchased it, and now we are selling it back to them, and that is the reason why we feel we should recover at least the value of the land at the present time, which is $2,500.

Mr. HALL, Certainly, I think this is true, and although I believe OEO is giving the taxpayers' money to them, and that perhaps it is going to the "chieftains" and not necessarily getting down to the "braves" in this as in other instances.

With the gentleman's letter and with his personal intercession, Mr. Speaker, I withdraw my reservation.

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

H.R. 9294

A bill to authorize the Secretary of the Interior to convey trust title of United States Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey trust title to the Devils Lake Sioux Tribe on the following described property now held by the United States Government within the Devils Lake Sioux Reservation:

Commencing at the southwest corner of section 16–T152N, R65W, thence east along the section line a distance of 396.4 feet, thence north 1 degree 25 minutes 35 seconds east a distance of 2064.2 feet to the point of beginning, thence north 1 degree 30 minutes 25 seconds west a distance of 540 feet more or less to the intersection with the north side of the southwest quarter of section 16, thence east along the quarter line to the intersection with the meander line of Devils Lake, thence southeasterly along said meander line to the intersection with a line bearing north 83 degrees 04 minutes 35 seconds east of the point of beginning, thence south 83 degrees 04 minutes 35 seconds west to the point of beginning. All of the above tract is located in the southwest quarter of section 16–T152N, R65W.

With the following committee amendments:

Page 1, strike out all of lines 3 through 6 and insert in lieu thereof "That subject to valid existing rights all right, title, and interest of the United States in and to the following described land are hereby declared to be held by the United States in trust for the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation:".

Page 2, line 11, strike out "the southwest quarter of section 16—T152N." and insert in lieu thereof " Lots 2 of the southwest quarter of section 16–T152N,".

Page 2, following line 12, insert a new section 2 as follows:

"SEC. 2. The current market value of the beneficial interest conveyed by this Act, which is hereby determined to be $2,500, shall be deduced from the rental payable by the United States under any lease of space in the building constructed on the land by the Tribe: *Provided,* That the deduction shall not exceed one-fifth of the rental payable in any 1 year."

The committee amendments were agreed to.

The title was amended so as to read: "To declare that the United States holds certain federally owned land in trust for the Devils Lake Sioux Tribe, North Dakota."

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.

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.

Mr. HALL. Mr. Speaker, for the same reason that I stated on September 18, plus the fact that the sponsor of this legislation and the committee have listed it under suspension of the rules today, 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.

DECLARING CERTAIN FEDERALLY OWNED LAND HELD BY UNITED STATES IN TRUST FOR STOCKBRIDGE-MUNSEE COMMUNITY

The Clerk called the bill (H.R. 4865) to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved.

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask why it is stated that there is no Federal expenditure involved in the cost of this bill, inasmuch as it was bought or purchased from private owners and given to the Indian tribes listed, and inasmuch as the bill and the report specifically state that hereafter they will benefit from all the timber rights which prior to this time have been recovered to the Treasury or at least to the Department.

Mr. ASPINALL. If the gentleman would yield, I will reply.

Mr. HALL. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker and Members of the House, the land was purchased by the United States for $69,346 and was purchased from non-Indians during the depression under a program to remove some marginal land from production and to be devoted to conservational purposes.

Under the contract under which the land is acquired the Administrator does not authorize the land to be reconveyed to private ownership, so what has happened, I may say to my friend from Missouri, is that the Indians have been using this land throughout these years; most or some of it they live upon, and having lived upon it, it now seems to them and to the Bureau of Indian Affairs and to our committee the best thing we can do

for this land is to permit them to have it in trust as a part of their tribal operations, thereby making it at least an economic unit for this particular group of Indians which tribe is comprised of a very small number.

The reason we say, of course, it does not cost the Federal Government any money is because the Federal Government has already spent the money and the Indians are not in position to purchase the land, and neither is anybody else going to take the land, because it is submarginal.

On the other hand, it does appear to me, my colleagues, that the Federal Government does have an investment although it was under the Depression days that this was done to help non-Indians. This is not really an investment, as such, of the Federal Government in any lands, and we are really not giving value to compare at all with what we paid for it in those Depression days.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman's explanation, and I withdraw my reservation of objection.

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

A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the 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), and that are now under the jurisdiction of the Department of Interior for administration for the benefit of the Stockbridge Munsee community are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for the tribe.

SEC. 2. Nothing in this Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

With the following committee amendment:

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

"That, subject to valid existing rights, all the rights, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the recreation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States 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), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. 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."

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 4865 is to donate to the Stockbridge Munsee Indian Community, Wis., approximately 13,077 acres of Federal land. The land was purchased by the United States for $69,346 from non-Indians during the depression of the 1930's under a program to remove submarginal land from production and devote it to conservation purposes. The statute under which the land was acquired and is administered does not authorize the land to be reconveyed into private ownership.

At the same time this land was purchased for conservation purposes, the Secretary of the Interior purchased 1,250 acres of land under the Indian Reorganization Act, and he declared that land to be a new Indian reservation for the Stockbridge Munsee Community.

The 13,077 acres of submarginal land, and the 1,250 acres of land purchased for the Indians, are intermingled, and the Secretary has administered the submarginal land as though it were a part of the reservation.

The Indian use of the land for the past 35 years, the improvements made, the relationship of the submarginal lands to the tribal lands, the low economic status of the Indians, and the economic benefits that will accrue to the Indians warrant the enactment of this bill. The Department of the Interior, in its report said:

The most logical use of this submarginal land is in conjunction with the tribal land. Conversely, proper planning and development of the tribal land is dependent upon the submarginal land, and the planning that has taken place heretofore has been on the basis of the integrated use of submarginal and tribal lands. In view of the Indian improvements that have already been placed on this land, and the many advantages that the Stockbridge-Munsee Community will derive from this transfer of the submarginal land to it, we urge that these lands be held in trust for the Community.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4865. This bill would authorize the Federal Government to hold some 13,077 acres of what the U.S. Department of Agriculture calls submarginal timber land in permanent trust for the Stockbridge-Munsee Community in Wisconsin. Passage of this legislation would insure that the land would be reserved for the Indians for as long as the tribe exists.

The Stockbridge Indians hold a unique place in the history of this country. The original inhabitants of the Stockbridge area in my district in Massachusetts, they were the only tribe to serve with the colonists in both the French and Indian and Revolutionary Wars. They also were the first Indians to be granted U.S. citizenship.

Despite their contributions, they were unfortunately forced out of the Berkshires by the influx of white settlers. They then migrated to central New York in the 1780's. Continued pressure from white immigrants forced the Indians to settle eventually in central Wisconsin.

The land which this legislation deals with is adjacent to the 2,250-acre reservation set aside for the Stockbridge Munsee Community, Inc., the corporate name for the Stockbridge tribe. The Agriculture Department acquired title to this land during the 1930's when the Farm Security Administration went out of existence. Administrative jurisdiction of the lands has since been transferred from the Secretary of Agriculture to the Secretary of the Interior.

The Indian community is heavily dependent upon this submarginal land, even more so than its tribal land.

Still, not all the receipts from the lumbering business benefit the tribe. Stumpage fees which the Agriculture Department receives from the Indians for cutting operations have totaled more than $70,000 since 1960. According to Aught Coyhis, Stockbridge Tribal Council president, this is more than the value of the land. Should this legislation be passed, the stumpage fees would be paid to the tribe. Considering the dire economic straits of the Indians, these funds are desperately needed.

Moreover, development and real estate plans for each of the tracts have been held up because of uncertainties as to the status of the 13,000-acre tract. Because of the uncertainties, the Bureau of Indian Affairs discouraged the Indians from building on the land or using it for nontimber purposes.

To permit the coordinated development of both tracts and to allow the Stockbridge Munsee Community to reap the economic benefits from land which is morally theirs, I would urge the Members of the House to endorse this vitally needed legislation.

My friend and colleague, Mr. OBEY, the distinguished gentleman from Wisconsin, has worked diligently on behalf of the tribe's legitimate claim to these lands. I have been pleased to join him in this effort. Passage of this legislation would be an affirmation of the contributions this tribe has made to our country and a small measure of atonement for the many hardships that the white settlers of the United States have imposed upon their Indian brothers. Thank you, Mr. Speaker.

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: "A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin."

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 722) to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wis.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 722

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 the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States 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), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. 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.

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. 4865) was laid on the table.

DESIGNATING CERTAIN LANDS IN THE LAVA BEDS NATIONAL MONUMENT, CALIF., AS WILDERNESS

The clerk called the bill (H.R. 5838) to designate certain lands in the Lava Beds National Monument in California as wilderness.

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

H.R. 5838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890; 892; 16 U.S.C. 1132(e)), certain lands in the Lava Beds National Monument which comprise about nine thousand one hundred and ninety-seven acres and which are depicted on a map entitled "Recommended Wilderness, Lava Beds National Monument, California", numbered NM LB 3227E and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. (a) The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the applicable provisions of the Wilderness Act.

(b) Only those commercial services may be authorized and performed within the wilderness area designated by this Act as are necessary for activities which are proper for realizing the recreational or other wilderness purpose thereof. There shall be no permanent road therein and, except as necessary to meet minimum management requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment, or other form of mechanical transport, no structure or installation and no landing of aircraft within the area designated as wilderness by this Act.

With the following committee amendments:

Page 1, strike out all of lines 3 through the period on line 10 and insert in lieu thereof:

"That in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about ten thousand acres, as depicted on the map entitled 'Wilderness Plan, Lava Beds National Monument, California', numbered NM–LB–3227 H and dated August, 1972, and those lands within the area generally known as the Schonchin Lava Flow comprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness."

Page 2, lines 3 through 20 strike out all of Section 2 and insert in lieu thereof the following:

"SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided however*, That correction of clerical and typographical errors in such map and description may be made."

Page 2, following line 20, insert a new section 3 as follows:

"SEC. 3. The area designated by this Act as wilderness shall be known as the 'Lava Beds Wilderness' and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 5838 which was introduced by our colleague from the State of California provides for the establishment of the Lava Beds Wilderness Area in the State of California.

LEGISLATIVE BACKGROUND

This proposed new wilderness area would comprise 28,460 acres of land within the Lava Beds National Monument which is located in northeastern California. Originally, it was suggested that this area should be limited to a single 9,179 acre unit; however, during the hearings on this subject testimony revealed that the basic reason for excluding another large roadless area from the wilderness designation involved the existence of a lifetime grazing permit which is held by an elderly permittee. Since grazing is not an adverse activity in wilderness areas within our national forests, the committee agreed that this activity should not preclude an area from being designated as wilderness in our national park units; consequently, the committee amended the bill to include a second unit totaling 18,460 acres.

In addition, the committee recommendation includes amendments which require the final boundary map and description to be filed with the House and Senate Committee on Interior and Insular Affairs and which require this wilderness area to be administered in accordance with the statutory rules applicable to other wilderness areas.

COST

Mr. Speaker, all of the lands involved in the proposal are already federally owned and they are already administered by the National Park Service. It is not anticipated that any new development will be undertaken that would add to the cost of maintaining or administering this wilderness area.

RECOMMENDATION

In conclusion, let me say that the Subcommittee on National Parks and Recreation examined this matter thoroughly both in public hearings and during its markup sessions. We feel that this area qualifies under the standards of the Wilderness Act for wilderness designation. H.R. 5838, as amended, is sound legislation and I commend it to my colleagues and urge its adoption by the House.

Mr. TAYLOR. Mr. Speaker, H.R. 5838 was introduced by Representative HAROLD "BIZZ" JOHNSON—our friend and colleague from California. It provides for the establishment of a new wilderness area in the Lava Beds National Monument in the State of California.

LAVA BEDS AREA

The Lava Beds National Monument is primarily a scientific area containing significant volcanic features which are of interest to students, scientists, and the general public. In addition to its scientific values, it features natural, wildlife, and historical resources which provide interpretative opportunities for the National Park Service and add to public enjoyment of the area.

WILDERNESS PROPOSALS GENERALLY

While this is only one of several wilderness proposals before the Congress, it demonstrates the importance of carefully reviewing each proposal on its own merits. In this case, the recommendation of the committee expands this proposed wilderness area from 9,179 acres to 28,460 acres. This expansion was undertaken after careful review of the circumstances involved and after public hearings were conducted on the subject.

Under the terms of the Wilderness Act, the National Park Service is responsible for examining roadless areas in the various units of the national park system in order to formulate recommendations concerning the suitability or nonsuitability of designating all or part of such areas as wilderness. The Wilderness Act requires these reviews to be undertaken systematically and reported on a periodic schedule to the Congress. For various reasons, it has been difficult to comply with the procedural requirements and

the recommendations have not been routinely forwarded to the Congress. In fact, in just the last few days a large number of recommendations were transmitted with an urgent appeal that they be promptly approved.

It will not be possible for the Subcommittee on National Parks and Recreation to begin the consideration of these matters in these last few days of this session, because time does not permit them to be adequately considered. There is no intent on the part of any member of the committee to unduly delay any of these proposals, but it is difficult to perceive how any emergency could exist since all of these areas are already under the protective custody of the National Park Service and are not likely to be violated in any way.

In my opinion, the Members of the House deserve to have the advantage of careful committee review and complete legislative consideration of each of these proposals. Each proposed wilderness area should be as carefully reviewed as the bill now before the House, because it is conceivable that some of them might require some alterations or amendments before they should be approved. In the case at hand, Mr. Speaker, the proposed Lava Beds Wilderness Area will be expanded from a single unit totaling 9,197 to a double unit totaling 28,460 acres, if enacted as recommended. This is the purpose of the legislative process—to review these proposals constructively and thoroughly in an effort to assure the protection of the public interest.

CONCLUSION

Mr. Speaker, H.R. 5838, as amended, recognizes the inherent wilderness values of certain portions of the Lava Beds National Monument. At the same time, it leaves an adequate amount of land available for use by those visitors who may not have the time, the stamina, or the desire to walk into some of the remote areas of the monument. In other words, we think that the committee recommendation serves the total public—the weak and the strong, the young and the old, the casual visitor, the picnicker, and the ardent backpacker.

I am pleased to join my colleague in support of H.R. 5838, as amended, and I urge its approval by the Members of the House.

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.

DESIGNATING CERTAIN LANDS IN LASSEN VOLCANIC NATIONAL PARK, CALIF., AS WILDERNESS

The Clerk called the bill (H.R. 10655) to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness.

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

H.R. 10655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-three thousand three hundred and thirty-three acres, and which are depicted on the map entitled "Wilderness Plan, Lassen Volcanic National Park, Californa", numbered 111–20,002 EPD–WSC, and dated September 1971, are hereby designated as wilderness. The map and the description of the boundaries of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be known as the "Lassen Volcanic Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

With the following committee amendments:

Page 1, strike out all of lines 6 through 9 and insert in lieu thereof: "seventy-eight thousand nine hundred eighty-two acres, and which are depicted on the map entitled "Recommended Wilderness, Lassen Volcanic National Park, California" numbered NP–LV–9013C and dated August, 1972, are".

Page 2, following line 20, insert a new section as follows:

"SEC. 4. Section 1 of the Act of August 9, 1916 (39 Stat. 443; 16 U.S.C. 201) is amended by deleting the words "that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project" and the semicolon appearing thereafter."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the next bill on the calendar is also one which was introduced by our colleague from California (Mr. JOHNSON). As recommended by the committee, H.R. 10655 provides for the establishment of a two-unit wilderness area in the Lassen Volcanic National Park in northern California.

DESCRIPTION AND BACKGROUND

The Lassen Volcanic National Park is an interesting natural area consisting of many forms of active and inactive volcanism and containing some outstanding scenic areas. Because of its location and general attractiveness for a variety of outdoor recreation uses, it draws about 500,000 days of visitor use annually at the present time. While hikers and backpackers benefit from about 150 miles of developed trails, the area also provides opportunities for skiing, picnicking, and driving for pleasure.

Pursuant to the provisions of the Wilderness Act, the roadless areas of the park were reviewed for possible designation as wilderness. The committee considered the recommendations of the Secretary of the Interior and concurred with his basic proposal; however, a few boundary modifications are recommended in conformity with testimony taken by the Subcommittee on National Parks and Recreation.

Basically the committee amendment adds slightly more than 5,000 acres to the wilderness area originally proposed in the legislation. This includes the so-called buffer zones and certain lands in the vicinity of the Old Emigrant Trail which seemed suitable for wilderness designation. The committee also agreed to a recommended departmental amendment which would repeal an obsolete provision of the original authorizing statute for the park providing for the use of parklands for a future reclamation project. The committee was advised by the witness for the Interior Department that there are no active or potential reclamation projects planned which would affect this area.

RECOMMENDATION

Mr. Speaker, this area, like the one we have just considered, meets the standards required for wilderness designation. It provides adequate space for those seeking a backcountry experience and it reserves the remainder of the park for the large number of visitors who come to see, experience, and enjoy a reasonably pleasant and simple park experience.

As chairman of the Committee on Interior and Insular Affairs, I am pleased to recommend the enactment of H.R. 10655 by my colleagues in the House.

Mr. TAYLOR. Mr. Speaker, the Lassen Volcanic National Park features a variety of outdoor values of interest to the general public—hiking, picnicking, driving for pleasure, skiing, ice skating, camping, and backpacking are all activities generally enjoyed by the visiting public during various seasons of the year.

For this reason, the members of the Committee on Interior and Insular Affairs wanted to give the proposal to establish a wilderness area in the park its careful consideration. Our colleague on the committee and the sponsor of the legislation—the Hon. HAROLD "BIZZ" JOHNSON—recommended its approval and advised us of the character and use of the area.

The terrain contains an interesting diversity of features including old volcanoes, cinder cones and many active forms of volcanism—including boiling lakes, hot springs, steam vents, and mud pots. Part of the area is undoubtedly suitable for wilderness designation, and part of it should remain under the normal rules for park administration which will protect it in perpetuity for the use and enjoyment of the public.

COMMITTEE RECOMMENDATION

The committee recommendation expands the original proposal by designating an additional 5,000 acres of land as wilderness. The revised boundaries recognize that buffer zones should not be arbitrarily established around wilderness areas, but in future instances, where circumstances warrant them and where the need can be substantiated, buffer zones will not be automatically foreclosed.

CONCLUSION

Mr. Speaker, H.R. 10655 will establish a 78,982 acre wilderness area in the Lassen Volcanic National Park if it is ap-

proved in the form recommended by the committee. This will constitute a significant addition to the national wilderness system and it will assure the future protection of the area indefinitely. As recommended by the committee, I believe that H.R. 10655 merits the favorable consideration of the Members of the House.

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 SECRETARY OF THE INTERIOR TO CONDUCT A STUDY CONCERNING THE GREAT DISMAL SWAMP

The Clerk called the bill (H.R. 11369) to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2441) be considered in lieu of the House bill.

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

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

S. 2441

An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to conduct an investigation and study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in the States of North Carolina and Virginia. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region. Such investigation and study shall be carried out for the purposes of determining (1) the desirability and feasibility of protecting and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Dismal Swamp Canal for recreational boating purposes, (2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the type of Federal, State, or local program, if any, that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means.

SEC. 2. Upon the completion of the investigation and study authorized by this Act, but in no event later than two years following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress the results of such investigation and study, together with his recommendations with respect thereto.

SEC. 3. There is authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

Mr. ASPINALL. Mr. Speaker, the legislation now before the House—H.R. 11369—by our colleagues from the State of Virginia (Messrs. DOWNING, WHITEHURST, SATTERFIELD, ABBITT, DANIEL, POFF, ROBINSON, SCOTT, WAMPLER, and BROYHILL)—provides for a study of the possible recreation uses of the area known as the Great Dismal Swamp in the States of Virginia and North Carolina.

OBJECTIVES OF THE LEGISLATION

Under the terms of the bill, the Secretary of the Interior would conduct a study of the area involved in order to determine the desirability and feasibility of protecting and preserving the Great Dismal Swamp for recreational purposes. In making this study, the Secretary would also undertake an examination of the alternative uses of the area prior to forwarding his recommendations to the Congress. The bill requires the study to be completed and forwarded no later than 2 years after the date of enactment of the act.

As everyone knows, the Secretary has general authority to study the areas for potential consideration as a part of the national park or wildlife refuge systems. More often than not, he exercises that authority without regard to the areas which the Congress might wish to consider. The only meaningful way that the Congress can anticipate in the initiation of a project of this kind is to authorize and direct the Secretary to make such a study. This we have done on previous occasions—the Lake Tahoe and Cherokee Strip studies are presently underway pursuant to specific legislative authorization. Until the Congress has the specific data which is developed in a study of this kind, it is impossible to properly consider any authorization for a potential project.

COST

Mr. Speaker, the estimated cost of the study involved in H.R. 11369 is $50,000 and the legislation limits the authorization for appropriations to that amount.

CONCLUSION

The committee amendment brings the bill into conformity with the Senate approved bill so that if this legislation is approved, the Senate bill, S. 2441, can be considered and forwarded to the President for his approval.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I am pleased to support this legislation and I commend it to my colleagues for their favorable consideration.

Mr. TAYLOR. Mr. Speaker, H.R. 11369 by our friend from Virginia (Mr. DOWNING) and the other Members of the Virginia delegation provides for a study of the Great Dismal Swamp Area to determine whether this area contains adequate outdoor values to merit its protection and preservation.

Under the terms of the bill, as amended, this study is to be made under the auspices of the Secretary of the Interior. He is to take into consideration all of the relative values and needs—including alternative beneficial uses—before submitting his report and recommendations to the Congress.

The report is to be completed within 2 years after the date of enactment of this legislation and the options available to the Secretary are unlimited. He may recommend that some part of the area be preserved as a part of the National Park System or as a wildlife refuge or he may recommend that no Federal action be taken. In any event, the Congress is in no position at this time, without the detailed background data which will be developed by this study, to make any determination with respect to the ultimate use of this area.

COST

Mr. Speaker, the Secretary could conduct this study without specific authority, but this legislation expresses the interest of Congress in this area and will result in the development of the data which we need within a reasonable period of time. Appropriations to cover the cost of the study are limited by the bill to no more than $50,000.

RECOMMENDATION

Mr. Speaker, I recommend this approval of H.R. 11369 by my colleagues in the House.

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. 11369) was laid on the table.

AUTHORIZING CERTAIN ADDITIONS TO THE SITKA NATIONAL MONUMENT, ALASKA

The Clerk called the bill (S. 1497) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian mission, as generally depicted on the map entitled "Proposed Additions, Sitka National Monument, Sitka, Alaska" numbered 314–20,010–A, in two sheets, and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation.

SEC. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected, and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and

the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated not to exceed $140,000 for land acquisition and $691,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

With the following committee amendments:

Page 1, lines 9 and 10, delete "purchase with donated or appropriated funds," and insert "purchase,".

Page 2, line 9, after the period insert: "Notwithstanding any other provision of law, the Secretary may erect permanent improvements on lands acquired by him from the State of Alaska for the purposes of this Act."

The committee amendments were agreed to.

INTRODUCTION AND BACKGROUND

Mr. ASPINALL. Mr. Speaker, S. 1497 is comparable to legislation sponsored by our colleague from Alaska (Mr. BEGICH), which provides for the addition of certain lands to the area presently known as the Sitka National Monument and which redesignates the area as a national historical park.

The Sitka site is one of the most historically significant areas in the State of Alaska. It was here that the Tlingit Indians stood their ground and attempted to retain control of their lands against the Russian colonizers in 1804. Following the battle, this area became the center of Russian influence on this continent until 1867 when the United States purchased Alaska from the Russian Government.

OBJECTIVES OF THE LEGISLATION

Presently, the Sitka site does not include the tidelands where the actual combat took place, because the Alaska Statehood Act transferred jurisdiction to almost all of the tidelands to the State of Alaska. It is now felt that these lands should be administered in conjunction with the historical park complex so that they could contribute to the interpretation of the events which took place there at the turn of the 19th century.

Another parcel of land which this legislation would add to the existing park unit is located along the present boundary. It is considered important to the protection and security of present facilities during nonvisitor-use hours.

The most important addition to the area, however, is the inclusion of a noncontiguous property which contains the Old Russian Mission School and Orphanage. Constructed in 1842, the Russian Mission is the oldest surviving building associated with the Russian dominance of Alaska. It was continuously occupied by the Russian Orthodox Greek Catholic Church until 1969, but since that time it has not been used. It is recognized as an authentic example of Russian architecture of the period and it has been designated as a national historic landmark by the Secretary of the Interior upon the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

No other site exists which could better illustrate the period of Russian control of Alaska and certainly no other unit of the national park system offers an opportunity to interpret this phase of our history for the American people. To aid in the interpretive value of this property, the church has agreed to make available on a long-term arrangement some of the original furnishings which were used in the building. It has also offered to assist the Park Service in obtaining other furnishings and artifacts which will enhance this component of the historical park.

COST

Mr. Speaker, most of the lands involved in the proposal are publicly owned lands. All of the city lands are to be donated and the fee or a leasehold interest in the State lands is expected to be conveyed without cost; however, the acquisition of the church property is contemplated. The estimated value of the land and improvements involved totals $140,000.

Development costs are estimated at $691,000. Most of this money, when appropriated, will be used to rehabilitate and restore the mission and associated buildings, to remove nonhistoric structures from the scene, to obliterate existing city streets within the grounds, and to landscape the area. Of the total amount authorized, about $60,000 is to be used for the construction of a seawall in front of the existing visitor center.

COMMITTEE AMENDMENTS

Two relatively technical amendments are recommended by the committee. The first deletes language in the bill which the Parliamentarian of the House has advised constitutes a direct appropriation. The other provides authority for the Secretary to construct the seawall on lands in which the Federal Government has less than a fee interest. This language is required, because present State law precludes the conveyance of fee title and existing rulings of the Department of Justice preclude the construction of permanent improvements on any lands in which the United States has less than a fee interest, unless specifically excepted by act of Congress. We expect this problem to resolve itself if the commitment to seek legislative action to donate the State lands is approved.

CONCLUSION

Mr. Speaker, that concludes my remarks on this legislation. I am in full support of S. 1497, as amended, and I urge its approval by the House.

Mr. BEGICH. Mr. Speaker, it is a pleasure to rise in support of S. 1497, the amended version of my own bill, H.R. 8270, which makes certain additions to the Sitka National Monument and redesignates it as the Sitka National Historical Park. More precisely, the legislation would extend the boundaries of the new park to afford protection against commercial encroachment and would add a new segment which contains the old Russian Mission, including the Russian School and Orphanage. This structure, dating from 1842, is thought by many to be the most important remaining Russian structure in Alaska.

Allow me to place this legislation in its proper historical perspective. Sitka, besides being one of the most beautiful scenic areas in the world, is a historical site of major importance. It was Sitka where Vitus Bering first came in 1841, and where ships from France, Spain, and England followed in later years to seek the rich resources of Alaska. In 1799, the Russians came to Sitka, led by Alexander Baranof, to establish a fort and a center for fur trading.

This early Russian settlement was contested by the Tlingit Indians of southeastern Alaska, a proud people having a rich and valuable culture for 8,000 years. After a series of battles in which the Russians were at one time driven from the area, a final settlement was established at Sitka in 1805. This was the beginning of a unique period in American history—the period of Russian America.

That period saw the struggle of Russian and Tlingit cultures, the establishment of the Russian Orthodox Church in North America, and finally in 1867, the purchase of Alaska from Russia for $7,200,000. The bargain was closed in Sitka on October 18, 1867, and Sitka was the territorial capital until 1906.

During the period of Russian America, many important buildings and sites were established in Sitka. Among them were the old Sitka townsite—1799; St. Michael's Cathedral—1844; the Russian Mission School and Orphanage—1842; and the Castle Hill area, site of Lord Baranof's castle, which was the headquarters of the Russian American Co. and the site of the transfer of Alaska to the United States.

The Sitka National Monument was established some years ago to preserve the site of the 1804 Battle of Alaska in which the Tlingits fought a last battle to forestall foreign domination of Alaska. Protection of all the other sites I have mentioned has been done by the city of Sitka, the Russian Orthodox Church, the State of Alaska, private citizens, and other individual efforts. Now, the time is at hand where action must be taken immediately just to save what is left of some of these historical sites.

This bill protects the most valuable and the most immediately threatened of these sites—the old Russian Mission, which was the location of the Russian School and Orphanage. In recent years this building has deteriorated since it is no longer used by the members of the Russian Orthodoxy clergy in Sitka. This deterioration now threatens the structure seriously, and it is essential that action be taken quickly, as the building cannot survive without immediate help.

I might add here that the people of Sitka have sad memories of unprotected historical sites, as the original St. Michael's Cathedral, built in 1844, was destroyed by fire in January of 1966. This loss can never be replaced, and it must not be repeated.

The legislation at hand is a crucial step in offering full protection to what is left of Russian Alaska. As the Interior Committee was aware, this bill has been considered carefully by all parties concerned, and it is unanimously endorsed.

The endorsement includes the Park Service, the State of Alaska, the city and borough of Sitka, in addition to others. To these endorsements, I enthusias-

tically add my own as the sponsor of the legislation.

Mr. TAYLOR. I want to take a moment to express my support for the enactment of S. 1497, as amended. This legislation, which has the same objective as H.R. 8270 by our colleague from Alaska (Mr. BEGICH), would enlarge and improve the historical value of the Sitka National Monument in the State of Alaska. The bill would also redesignate the area as an historical park.

HISTORICAL SIGNIFICANCE

The city of Sitka has played an extremely important role in Alaskan history. At the beginning of the 19th century, this city was the scene of the first Russian colony in North America. When the Russians came, the Tlingit Indians fought valiantly to retain control of their land, but ultimately the power of the colonizers prevailed. After Russian dominance was established, Sitka—or New Archangel as it was called—became the capital of Russian America and, through it, Russian control of all of Alaska was maintained.

In 1867, the Russian flag was lowered in Alaska for the last time and Alaskans proudly became Americans. The site of the raising of the American flag was the Russian Governor's Mansion which burned in 1894 so that only a bronze plaque now marks this historic spot. Another important Russian-built structure—the St. Michael's Cathedral—was destroyed by fire in 1966. The oldest and most important remaining building associated with this phase of the history of this part of the Nation is the Old Russian Mission and Orphanage which would be included in the Sitka National Historical Park if S. 1497 is enacted.

The architectural integrity of this building is unquestioned and its historical significance has been recognized by the National Parks Advisory Board, but it remains a privately owned property under the control of the Russian Orthodox Greek Catholic Church. The church needs to dispose of the property and needs the proceeds for its church functions, but sale to any nongovernmental entity would undoubtedly result in its destruction since it is located on a valuable parcel of land.

The members of the committee generally agreed that the loss of this remnant of early Alaskan history should be avoided because it is the only place where the period of Russian influence can be explained and interpreted for the public.

COST

Mr. Speaker, S. 1497 authorizes $140,000 for the acquisition of lands. This money, when appropriated would be used to acquire the Russian Mission and associated properties and scenic easements which are needed for protection of the integrity of the area.

Development costs attributable to this legislation total $691,000. Most of this—$631,000—would be used to restore, rehabilitate, and protect the historical structures at the Old Russian Mission location, but a portion of the authorization—$60,000—would be used to construct a seawall in front of the present visitor center.

CONCLUSION AND RECOMMENDATION

Mr. Speaker, S. 1497 adds two other parcels to the existing monument area which contribute to the values found there, but no additional land acquisition costs are anticipated with respect to them and their importance is fully explained in the Committee report.

I am pleased to join my colleague from Alaska in supporting the enactment of S. 1497 and urge its approval by the Members of the House.

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.

A similar House bill (H.R. 8270) was laid on the table.

LONGFELLOW NATIONAL HISTORIC SITE, CAMBRIDGE, MASS.

The Clerk called the bill (H.R. 3986) to authorize the establishment of the Longfellow National Historic Site in Cambridge, Mass., and for other purposes.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask my distinguished friend and colleague, the gentleman from Colorado, who is the chairman of the Committee on Interior and Insular Affairs, a question regarding the bill before us, which I regard as a worthwhile bill, and which, as I understand it, will consist of the United States accepting the donation of an historic site in Cambridge, Mass., the Henry Wadsworth Longfellow home; to the Department of the Interior and the United States, I nevertheless believe it is excessive in its development fund authorized herein.

I understand that there is nothing for acquisition, and my question is a simple one, and that is whether or not it might not be overlavish with the taxpayers' funds in the development and restoration of this historic site?

Mr. ASPINALL. Mr. Speaker, would the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Colorado.

Mr. ASPINALL. May I say in answer to the question asked by the gentleman from Missouri (Mr. HALL) that the organization that now has control of the property can see that in the not too far distant future that it is not going to be able to carry on with the handling of the property, and that it would be in the long-term public interest for the property to be operated immediately by the United States as a national shrine. As I understand, they do have some moneys in the trust that they have, and these moneys will come to the Department of the Interior.

So it seems to me, and to the committee, that this is the only way that we could keep this treasured home of one of the great American poets intact and in good condition, as we all desire. Our committee has spent considerable time in figuring out the necessary expenditures, and we feel that everything that is involved in this is necessary. This will be a place which will be visited by countless thousands of people.

Mr. HALL. Mr. Speaker, in view of the words of the distinguished chairman, the gentleman from Colorado, which are very reassuring to me, and in view of the fact that the father of our country used this home as his headquarters during the siege of Boston, and again occupied the home at a much later date, I withdraw my reservation of objection.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 3129) 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 Colorado?

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

S. 3129

An act to authorize the establishment of the Longfellow National Historic Site in Cambridge, Massachusetts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States, a site of national historic significance containing a dwelling which is an outstanding example of colonial architecture and which served as George Washington's headquarters during the siege of Boston in 1775–1776, and from 1837 to 1882 as the home of Henry Wadsworth Longfellow, the Secretary of the Interior is authorized to acquire by donation the fee simple title to the real property and improvements thereon together with furnishings and other personal property, situated at and known as 105 Brattle Street, Cambridge, Massachusetts, for establishment as the Longfellow National Historic Site.

SEC. 2. The Secretary of the Interior is further authorized to accept the donation of not less than $200,000, and such other sums of money as may be tendered from time to time by the Trustees of the Longfellow House Trust, established pursuant to indentures dated October 28, 1913, and November 18, 1914, and such funds or any part thereof and any interest thereon, may be used exclusively for the purposes of administration, maintenance, and operation of the Longfellow National Historic Site.

SEC. 3. The Longfellow National Historic Site shall be established when title to the real and personal property described in section 1 of this Act and the sum of $200,000 as set forth in section 2 of this Act have been accepted by the Secretary of the Interior, and upon such establishment, the Longfellow National Historic Site shall be administered by the Secretary of the Interior in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666).

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $586,600 (May 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Mr. ASPINALL. Mr. Speaker, it is a pleasure for me to bring to the floor of the House a bill sponsored by our friend and colleague from the State of Massa-

chusetts (Mr. O'NEILL). This legislation (H.R. 3986) provides for the establishment of the Longfellow National Historic Site.

HISTORICAL SIGNIFICANCE

Few places in the Nation would cover such a long span of significant and diversified historical events as this important Cambridge, Mass., mansion. Constructed in 1759, it is considered to be one of the best examples of late Georgian period architecture in the Nation. In addition to its architectural values, however, it has been the scene of many important historical events.

During the turbulent pre-Revolutionary War period, it served as a hospital for colonials wounded at Lexington, Concord, and Bunker Hill and later, in 1775, it became the headquarters of Gen. George Washington during the seige of Boston.

In the years after the conclusion of the war, ownership of the property shifted from family to family, but in 1837, the committee was told, Henry Wadsworth Longfellow rented a room there and later, after he was married, made it his family home until his death in 1882.

Presently, the property is owned and administered by the Longfellow House Trust and is open to the public; however, testimony indicated that it appears that it would be in the long-term public interest for the property to be operated and maintained by the United States as a national historic site. If accepted, the Longfellow trustees have agreed to donate the entire property, including all of the priceless furnishings and trust funds totaling $200,000. This disposal of the trust corpus has been adjudicated so that there is no question about the legality of the transfer of the property to the Government for this purpose.

COST AND RECOMMENDATION

Mr. Speaker, it would be difficult to estimate the value of this property to the American people, because a dollar amount cannot be placed on the intangible historical values involved. Its association with George Washington and Henry Wadsworth Longfellow alone make it an invaluable national treasure, because history was made there. Fortunately we need not try to evaluate this well-preserved, historic property since it will be donated to the Government and no land acquisition costs will be involved. It should also be noted that $200,000 in cash will be given with the property for the benefit of the house. These funds will help to offset some of the costs normally associated with operating and maintaining a property of this kind.

Estimates supplied to the committee suggested that $586,600 would be needed over the next several years to develop the property in a manner suitable for public use and enjoyment. It may seem that these costs are high, but it should be remembered that these development costs contemplate converting the property to a full-time public use facility. It will be necessary to provide the usual visitor-related necessities and the installation of interpretive facilities will help make a visit a meaningful experience. In addition, the property must be protected from potential hazards and some normal rehabilitation, restoration, and landscaping will be required.

Mr. Speaker, I believe that the value of this property to present and future generations of Americans far exceeds this modest investment, and I am happy to be associated with my friend from Massachusetts in support of this legislation. I urge my colleagues in the House to approve the enactment of H.R. 3986, as amended.

Mr. TAYLOR. Mr. Speaker, I want to take just a moment to add my voice to those who are speaking in behalf of H.R. 3986 by our colleague, the Honorable THOMAS P. O'NEILL, JR.

COMMITTEE CONSIDERATION

Public hearings were held on the legislation earlier this year by the Subcommittee on National Parks and Recreation. At that time, we learned about the historic events which occurred at this well-preserved mid-18th century structure.

I regret that it was impossible for members of the subcommittee to visit this site prior to its authorization, but I can assure the Members of the House that we were reliably informed that it is in basically sound condition and that it has been maintained without substantial alteration since it was occupied by Henry Wadsworth Longfellow.

CULTURAL IMPORTANCE

Mr. Speaker, this property is steeped in history. Not only is it significant because of its architectural integrity, but it is important because of those who used and occupied the residence. Here, George Washington established his headquarters during the siege of Boston in 1775–1776 and here Henry Wadsworth Longfellow wrote some of his best and most famous works about a century later.

Americans will be proud of the fact that the Congress has taken action to assure the integrity of this amazing property in perpetuity. I am convinced that we can all benefit by recognizing the contributions of our past. In this one small area, people can experience a real lesson in American history—they can develop a better understanding of the meaning of the Revolutionary War—and they can expand their appreciation of one of America's greatest—if not the greatest—poets. I believe that we need to encourage pride in our past and I think that proposals like H.R. 3986 helps us to accomplish that objective.

CONCLUSION

Mr. Speaker, it gives me a great deal of pleasure to rise in support of this legislation and I want to commend Congressman O'NEILL for bringing it to our attention.

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. 3986) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the RECORD on the various bills just passed on the Consent Calendar.

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

There was no objection.

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

Mr. ICHORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16742) to amend section 4 of the Internal Security Act of 1950, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783) is amended by adding immediately following subsection (c) of such section the following new subsection:

"(d) The President may restrict travel by citizens and nationals of the United States to, in, or through any country or area whose military forces are engaged in armed conflict with the military forces of the United States. Such restriction shall be announced by public notice which shall be published in the Federal Register. Travel to such restricted country or area by any person may be authorized by the President when he deems such travel to be in the national interest. It shall be unlawful for any citizen or national of the United States willfully and without such authorization to travel to, in, or through any country or area to which travel is restricted pursuant to this subsection."

(b) Section 4 of such Act is further amended by redesignating existing subsections (d) through (f) as (e) through (g).

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. 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. 393]

Abourezk	Giaimo	Murphy, N.Y.
Abzug	Gray	Nichols
Addabbo	Green, Oreg.	Passman
Baker	Green, Pa.	Pepper
Baring	Gross	Price, Tex.
Bell	Hagan	Pryor, Ark.
Bevill	Halpern	Pucinski
Blatnik	Hanna	Purcell
Bolling	Harvey	Rees
Cabell	Hawkins	Rodino
Caffery	Hébert	Rooney, N.Y.
Chisholm	Hull	Runnels
Clay	Jarman	Scheuer
Cleveland	Kastenmeier	Schmitz
Collins, Ill.	Kyl	Schwengel
Conte	Link	Scott
Culver	Lujan	Shipley
Dennis	McClure	Springer
Dingell	McCormack	Stanton,
Dow	McDonald,	James V.
Dowdy	Mich.	Stokes
Dwyer	McMillan	Talcott
Edmondson	Matsunaga	Teague, Calif.
Erlenborn	Metcalfe	Thompson, N.J.
Evans, Colo.	Mikva	Van Deerlin
Flowers	Miller, Calif.	Waldie
Flynt	Mink	Widnall
Fraser	Minshall	
Frenzel	Mollohan	
Gallagher	Moorhead	

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

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

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

The SPEAKER. Is a second demanded?

Mr. ASHBROOK. Mr. Speaker, I demand a second.

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

There was no objection.

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

Mr. Speaker, the bill under consideration (H.R. 16742) is direct and forthright in its provisions. It is moderate in its terms. It is in the national interest that the bill be enacted promptly, and I have accordingly sought to bring it before you under the expedited procedures so wisely provided by the Rules of the House.

The bill would amend section 4 of the Internal Security Act of 1950 by adding a new subsection by which the Congress would authorize the President to restrict travel to countries whose military forces are engaged in armed conflict with the military forces of the United States. It is expressly provided that travel to such restricted areas may be authorized by the President when he deems it to be in the national interest. Travel without authorization to restricted areas is made subject to the penal sanctions now provided by section 4(d) of the act which would make the offense punishable by a maximum fine of $10,000 and 10 years imprisonment. Moreover, persons violating the restraint shall thereafter be ineligible to hold any office created by the Constitution or laws of the United States.

I should at the outset emphasize that the bill does not in itself prohibit travel or impose any inflexible duties upon the President to restrict all travel. While he is authorized to restrict travel to the designated areas, the President is at the same time authorized to permit it when in the national interest. Hence the bill does not, as some have erroneously suggested, impose any blanket prohibition on travel of all members of the press or of other persons whose travel to any such restricted area will either serve or have the purpose of advancing the national interest.

I also want to make clear that the bill under consideration is not intended to limit, expressly or by implication, such constitutional power to restrict travel as the President may now possess in his capacity as Commander in Chief or as the principal organ for the conduct of the Nation's international affairs. His power, of course, is not without limitation. Whatever its full extent may be, it is now undeniable that he possesses the constitutional power to restrict travel to a country with which we are involved in armed conflict. By authorizing the President to impose such restrictions, it is understood that the Congress does not thereby implicitly assert any claim that only the Congress may authorize the exercise of such power. What the bill does is to give necessary support to the exercise of the President's authority by authorizing penal sanctions to be applied for violation of such restraints in the limited instance set forth in the bill.

The present inability of the President to enforce his authority to restrain travel to countries with which we are engaged in actual armed conflict has resulted in a situation where a number of our citizens, on an ever-increasing scale, are traveling to hostile areas, particularly North Vietnam, and there engaging in activities which obstruct the execution of the President's constitutional duties and cause great damage to the Nation's security interests. While thus abroad we must take note of the fact that a number of our citizens are giving aid and comfort to the enemy. They thus encourage the enemy and prolong the war.

Yet, in the face of all of this I have heard said in opposition to the measure, and you are likely to hear it said again, that nevertheless the bill is unconstitutional, that it violates first amendment and fifth amendment liberties, and that it should not therefore be passed. Very frequently, when all other arguments fail, such argument is made. Suffice to say that whatever vitality an argument of that sort may have in other circumstances, it has been laid to rest in the most recent decisions of the U.S. Supreme Court itself. They are noted in the committee's report which you have before you.

We share with all citizens their concern to retain liberty of action and the many liberties which the Constitution was adopted to insure, including freedom of travel. We must conclude, however, as has the court, that on the point of travel this liberty, like other forms of liberty, are in our concept of an ordered society subject to restrictions under some circumstances and for some reasons. The question is whether the liberty of travel, to North Vietnam for example, has been so abused, with consequences so harmful to our national interest, as to require some reasonable measures of limitation on its exercise.

The measure before us is not a new effort to restrict such travel. It is simply a measure to make existing restrictions effective in the limited area of travel to countries with which we are engaged in armed conflict. Legislation even more comprehensive than this has long been pending before the Congress. A number of bills which would authorize restrictions upon various grounds, independently even of the existence of a state of war, have been considered over the years. The urgency of the situation was early brought to our attention in a message of President Eisenhower to the 85th Congress following the June 1958 decisions of the court in *Kent* v. *Dulles* (357 U.S. 116) and *Dayton* v. *Dulles* (357 U.S. 144). In emphasizing the need for congressional action, he then told us that "each day and each week that passes without it exposes us to a great danger." He said he hoped the Congress would move promptly toward the enactment of supporting legislation.

I would like to say one final word in connection with our prisoners of war in light of the recent publicity attending the return of a selected three. I think this bill will also serve a useful purpose in contributing to the expeditious return, not of three of our captured personnel whom the enemy sought to break in body and spirit to do their bidding, but of all of our men in the service. Its passage will demonstrate to the enemy that this Government, the Congress, and this Nation stand united behind its military forces, that we have not abandoned them to destruction in the field of battle or as captives of the enemy, and that their comrades who have died with their faces turned toward the enemy shall not have died in vain. I, therefore, urge that the House enact this bill with such overwhelming support that this message will be conveyed to the North Vietnamese in clear terms.

Mr. Speaker, the bill we bring before you today is both precise and concise. The intent of the legislation is clear; it is very specific; it contains adequate standards.

It is moderate, and I have no doubt about its reasonableness and constitutionality.

As the distinguished Washington news correspondent, David Lawrence, has stated, this is a measure which is long overdue. The President's existing authority to impose area restrictions as an instrument to conduct foreign affairs is unenforceable because of the absence of penal sanctions.

H.R. 16742 would authorize penal sanctions for 10 years' imprisonment or a $10,000 fine or both fine and imprisonment. The bill would authorize the President to restrict travel to a country with which the United States is in armed conflict without prior authorization. Therefore, the measure, insofar as its penal sanctions are concerned, would apply presently only to the country of North Vietnam.

Let me make it clear, Mr. Speaker, that the power given to the President is intended to be delegable to the Secretary of State, pursuant to title III, United State Code, sections 301 and 303.

Presently, Mr. Speaker, under existing authority travel is restricted by the State Department for the countries of North Vietnam, Cuba, and North Korea. However, the restrictions are almost totally ineffective. The State Department may not validate a passport to North Vietnam, but this does not mean that the citizen may not travel to North Vietnam without fear of punishment, because, as the U.S. Court of Appeals held in *Lynd* v. *Rusk*, 398 Fed. 2d, page 940, travel restrictions are only on the passport. The Secretary is not given authority to control the travel of the person. Thus the person can obtain a passport validated for travel to France, to Sweden, to Russia, or some other country to which travel is not restricted, then obtain a visa from North Vietnam and travel then to North Vietnam without fear of penalty.

It might be possible to violate the law, the present law, if the passport itself was used. But it would indeed be a dense person who came under the present penal sanctions regardless of the intent and the purpose of the person so traveling.

The gentleman from Massachusetts, Mr. Speaker, contended that H.R. 16742 is unconstitutional. In my opinion, his contention is totally without merit.

CALL OF THE HOUSE

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

The SPEAKER. The Chair will count.

One hundred eighty-nine Members are present, not a quorum.

Mr. McFALL. 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. 394]

Abourezk	Fulton	Murphy, N.Y.
Abzug	Gallagher	Nichols
Baker	Giaimo	Price, Tex.
Baring	Gibbons	Pryor, Ark.
Bell	Green, Oreg.	Pucinski
Bevill	Gross	Purcell
Bolling	Hagan	Railsback
Bow	Halpern	Rees
Brotzman	Hanna	Reid
Cabell	Harvey	Riegle
Carey, N.Y.	Hastings	Rodino
Chisholm	Hawkins	Rooney, N.Y.
Clay	Hébert	Runnels
Collins, Ill.	Horton	Scheuer
Conte	Hull	Schmitz
Coughlin	Jarman	Schwengel
Culver	Kyl	Scott
Davis, Wis.	Landrum	Seiberling
Devine	Link	Shipley
Dickinson	Lujan	Springer
Dingell	McClure	Stokes
Dow	McCormack	Talcott
Dowdy	McMillan	Teague, Calif.
Dwyer	Metcalfe	Thompson, N.J.
Edmondson	Miller, Calif.	Van Deerlin
Erlenborn	Mink	Vander Jagt
Evans, Colo.	Minshall	Waldie
Flynt	Mollohan	Wilson,
Frey	Monagan	Charles H.

The SPEAKER. On this rollcall, 344 Members have answered to their names, a quorum.

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

RESTRAINTS ON TRAVEL TO HOSTILE AREAS

Mr. ICHORD. Mr. Speaker, if this is an attempt to filibuster H.R. 16742, I would announce to the Members that I consider this a serious imposition upon those who have bills upon the calendar which they would like to have considered.

Therefore, I would announce that if there is one more point of order made, my thinking would be, in fairness to all the Members, to yield back my time and proceed to a vote on this matter. However, many people have requested floor time, and I would like to acquiesce in yielding freely to the Members.

Before the last point of order, Mr. Speaker, I was making the point that the contention of unconstitutionality on the part of the gentleman from Massachusetts is totally without merit. In fact, the leading case cited by the gentleman from Massachusetts, *United States* v. *Laub*, 385 U.S. 475, a 1967 case, practically pleads for this legislation. At page 486 the Court had this to say:

> The Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

I would reiterate, Mr. Speaker, that this measure is very limited. It is approved by the Department of Justice, but it is more limited than that recommended by the Department of Justice under this and other administrations.

The measure is in line with the recommendation of a special committee of the Bar Association of New York City which was appointed in 1958 to study the matter.

David Lawrence was indeed right; this legislation is long overdue.

Some of the opponents to the measure, who I would hope are very few in number, have referred to the measure as the Fonda bill, because the bill was born out of, and I quote, "emotionalism surrounding the recent travel and the actions of Jane Fonda in North Vietnam."

Let me say I do not care what one calls the bill. As one of its authors, may I state that the measure is born out of sanity rather than emotionalism.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

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

Mr. GONZALEZ. According to the explanation, this would empower the President to restrict travel outside the continental United States?

Mr. ICHORD. I would say to the gentleman it gives the President no additional power, but it would add penal sections to the restrictions already in operation.

Mr. GONZALEZ. That is what I mean. It would empower the President to restrict subject to penal action.

Mr. ICHORD. Travel would be illegal without prior authorization, if the President issues an order or his representative issues an order restricting such travel.

Mr. GONZALEZ. The areas prohibited are defined as those areas in which we find ourselves in armed conflict?

Mr. ICHORD. In armed conflict.

I would state to the gentleman that presently this would only apply to the country of North Vietnam.

Mr. Speaker, I decline to yield further at this point until I finish my statement.

It is true, Mr. Speaker, Jane Fonda's recent travels to Vietnam underscored the necessity for this legislation, but Jane Fonda is not the first to travel to Hanoi and she is not the first to make radio propaganda broadcasts in Hanoi. Personally I feel very strongly that Miss Fonda violated existing law, but I am also equally confident that there will never be a prosecution.

I cannot fault the Department of Justice altogether, because there are very serious evidentiary difficulties involved. There is also the question of making a martyr out of a person who I believe does not deserve to be a martyr.

There is also the probability of bringing a trial into the political arena much as we had with the Chicago Seven trial.

So I contend, Mr. Speaker, that the only way to solve this problem is to specifically authorize area restriction, as proposed in this bill and recommended by the New York City Bar Association.

The gentleman from Massachusetts and a few others may vote against this bill in the name of liberty, but I say, my friends, that the true champions of liberty are among those who support this legislation.

In my opinion, it is one of the clear choices between freedom and anarchy if we are going to remain a free society. How we feel about the war in Vietnam should be immaterial. I would have grave doubts about the future of any nation as a free society that would hold that a private citizen shall have the unrestricted right of travel to a nation in armed conflict with the United States, for the purpose of negotiation, for the any purpose to serve the cause of the enemy.

This, I submit, Mr. Speaker, is the true purpose of propaganda broadcasts or for issue in this measure: A choice between liberty and anarchy.

Mr. GONZALEZ. Will the gentleman yield?

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

Mr. GONZALEZ. I thank the gentleman, because I do, of course, want to present one or two precedents.

First, as to your statement that at the present time under present conditions, as you visualize them, this would affect only Vietnam: Well, now we read in the newspaper that lately some of the assaults on American men and personnel have been made by virtue of airplanes that the Chinese have supplied the North Vietnamese.

But now we have the President visiting in China, and he wined and he dined with them and he was cheek-by-jowl with those who are supplying the North Vietnamese.

He did the same thing in Moscow. And now you are going to give the President the right to say who shall and shall not go under penalty for doing less. Would this include the members of the press?

Mr. ICHORD. Mr. Speaker, I would state to the gentleman that this would not enlarge the power of the President whatsoever; it would only provide a penal sanction.

Now specifically, in answer to the gentleman's question, as far as China is concerned, travel is not now restricted to the country of China.

Insofar as the travel of newsmen is concerned, they can still travel to North Vietnam if they obtain prior authorization. In fact, there are reporters in North Vietnam at the present time with validated passports to travel to North Vietnam, and the same situation would prevail.

Mr. GONZALEZ. Would the gentleman yield further?

Mr. ICHORD. I would be happy to yield further to the gentleman, but I promised other Members I would yield time, so I am limited in my time.

Mr. Speaker, at this time I yield 2 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, I really did not intend to use this time, but since it has been given to me, I want to endorse this proposed legislation to the fullest extent possible.

I think it has been nothing short of disgraceful that some of the people who differ with other people here about the justice and the injustice of this war over

there in Vietnam have gone to North Vietnam, the enemy, and have used that country as a platform to belittle and to besmirch and to castigate the majority of the people of the United States who are in favor of a position which is different from their own.

The case of this actress Jane Fonda going over there and castigating the people of the United States, not only the President of the United States and others responsible for the conduct of this war but everybody who differs with her on this situation, is a case in point.

If this had been in any previous war, it is likely that these people would have been charged and prosecuted for treason.

I think it would be a grave mistake if this bill did not pass, and I urge its adoption.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Speaker, during World War II, I guess we were amused a little by the antics of people like Tokyo Rose and Axis Sally who were trying to discredit our activities. Now such statements are much more vicious.

Several people who have long been associated with revolutionary activities and who have been working for a victory for the Communists in Southeast Asia have made statements which are much more inflammatory and much more help to the enemy and much more discouraging to our own fighting men.

When people like Jane Fonda, Ramsey Clark, David Dellinger, and Cora Weiss go to Vietnam and do these things, I think we have to take action. I have felt the sting of Cora Weiss' pen. A little over a year ago when I was calling on the nations of Europe to support the provisions of the Geneva Convention as it applies to prisoners of war, while we were working one side of the street trying to bring about an honorable victory these people worked the extreme left side of the street prolonging the war and demanding a Communist victory.

I would say that this bill is long overdue. I share the sentiment of many, that it would be quite all right to let these people go to North Vietnam if we can prevent their coming back.

The war has been going on for a long time. There is little question but much of its length has been as a result of these revolutionaries who are working for a Communist victory.

If this bill would prevent revolutionaries from going to those countries where our troops are in armed conflict, I hope that it will pass.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I am a cosponsor of legislation (H.R. 16866), which is companion to H.R. 16742, the bill now before us for consideration.

Simply put, this legislation prevents any American citizen and nationals of the United States from going into a country whose military forces are engaged in armed conflict with the military forces of the United States; that is, unless such individuals have the authorization of the President of the United States. The President would, of course, grant privilege if he thought such travel would be in the national interest.

Legislation like H.R. 16742 is essential because the Federal courts have invalidated the restrictions that have been placed by the State Department on travel by American citizens to certain foreign countries. If such a prohibition on travel is to become a fact, then, it has to be provided by law. Regulations will not be able to do the job.

The question arises as to why travel to countries engaged in conflict with the United States should be denied to American citizens and nationals. The answer resides in the realization that under the U.S. Constitution, the President is designated as the Commander in Chief. As an official elected by the people, he must deal with foreign complications in a manner he considers to be in our best national interest.

While private citizens have a right to express themselves in the American society with respect to their feelings on war or any other issue of government, they cannot very well establish themselves as authorities to deal with foreign officials in the conduct of complicated foreign affairs. They have neither the authority nor training experience to represent the interests of America in complicated international relations.

As a practical consideration, permitting citizens without authority or skill to carry on negotiations with foreign officials would only invite chaos. The United States has a population of approximately 205 million. It can readily be seen what confusion would result were the right to conduct foreign affairs extended to the general citizenry of the country. Theoretically, we could have as many foreign policies as we have mature people.

Another positive aspect associated with this legislation is that it will prevent American citizens who do not agree with the policy of the President from going abroad and pleading with American forces under the President's command to abandon their military efforts. This was manifested when Jane Fonda went to North Vietnam and over Radio Hanoi addressed American servicemen in the following manner:

I know that if you saw and if you knew the Vietnamese under peaceful conditions, you would hate the men who are sending you on bombing missions—if they told you the truth, you wouldn't fight, you wouldn't kill—you have been told lies so that it would be possible for you to kill.

Let us keep our foreign affairs in tune with the constitutional mandate. Let us not permit the popular "do-it-yourself" vogue to extend itself to the highly important and complicated area of foreign affairs. Let us support this bill, H.R. 16742.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to congratulate the chairman of the committee for the most responsible manner in which he has responded to my call to make an investigation of Jane Fonda's activities in North Vietnam. This legislation is in part a response to my request.

I truly believe, Mr. Speaker, that Jane Fonda has committed treason. After a very thorough and searching investigation and after having looked over a number of the transcripts and indeed listened to the recordings that have been sent to me by servicemen who recorded her messages on radios and tapes and sent them to me, I am convinced that her messages transmitted over Radio Hanoi do constitute treason.

After looking into some of these cases such as the Axis Sally case, and the Tokyo Rose case, it becomes evident that in order to obtain a conviction for treason there must be two eyewitnesses. That is required by the Constitution of the United States, because our Founding Fathers wanted to be very certain that no one was accused of treason, and then "railroaded" to the gallows without complete and adequate proof. In the Axis Sally and Tokyo Rose cases the courts held that eyewitness meant just exactly that, an eyewitness, and not an earwitness. We actually had to obtain witnesses who were in the studios at the time, and who saw the broadcasts.

It is obvious that the North Vietnamese are not about to provide two eyewitnesses to us who saw and listened to Jane Fonda make her broadcast.

This bill is a means whereby we can protect our own self-interest. We are a civilized society, one governed by rules, and we cannot allow license, whether it is in the international sphere or in the domestic sphere, to take place.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this legislation.

Mr. Speaker, I rise at this time to add my strong endorsement to the Internal Security Committee's bill forbidding travel by an American citizen to a country engaged in armed conflict with the United States, unless the President deems such travel in the national interest.

Legislation of this kind could not be more timely or more immediately needed, Mr. Speaker, in view of the recent exploits of Jane Fonda, or Hanoi Hanna as my colleague from Georgia (Mr. THOMPSON) has nicknamed her, and Ramsey Clark, both of whom have traveled to Hanoi and both of whose actions there have served to undermine the morale of the American soldier while implicitly condoning, perhaps even encouraging, acts of aggression and terror by the North Vietnamese.

These people's actions have not advanced the cause of peace in Vietnam, a cause they claim to espouse. Their actions have instead impeded the cause of peace, by giving aid and comfort to the enemy, by strengthening the enemy's will to fight, by endorsing the North Vietnamese propaganda line rather than condemning it.

Miss Fonda and Mr. Clark should be

held accountable for their actions, which only serve to prolong the war rather than end it.

But more to the point, Americans should not be engaged in this kind of amateurish and damaging personal "diplomacy" with an enemy nation in the first place.

This legislation before us today is designed to place just such prohibitions on those who have no business dealing with countries in armed conflict with the United States.

My preference is to permit travel if there is some way to keep these people from coming back. But while serious and substantive negotiations are being conducted by responsible emissaries of this country, those efforts should not be compromised or made any more difficult by a pernicious parade of irresponsible and traitorous people roaming at will in the enemy camp.

Mr. ICHORD. Mr. Speaker, I have only 5 minutes left, but I yield 2 of those minutes to the gentleman from Massachusetts (Mr. DRINAN), a member of the committee, and I understand that the gentleman from Ohio has very generously offered to yield some of his time to the gentleman.

Mr. ASHBROOK. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, and Members of the House, I thank the gentleman for yielding me this time.

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

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

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for yielding, and in the gentleman's explanation of the bill would he go into the censorship of the press?

Mr. DRINAN. I will.

Mr. ANNUNZIO. So that it would be clear to the Members of the House as to whether newspapermen need permission to travel to the Far East.

Mr. DRINAN. The gentleman from Illinois has asked me a question with regard to the freedom of the press, and freedom of newspapermen to travel, and I would state that this is restricted in this bill.

Mr. Speaker, on Friday, September 22, after I had left my office, my receptionist received a phone call at 5:43 p.m. to the effect that this bill would be acted upon the following Monday by the House Internal Security Committee, of which I am a member. On Monday, September 25, at 11 o'clock a 45-minute hearing was held, all the witnesses were favorable, and the vote was taken. The vote was 5 to 0. The other four members of the committee were absent.

The rules of this House say this, Mr. Speaker:

> Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If the committee makes that determination, the committee shall make such public announcement at the earliest date.

The taking up of this bill did not comply with that rule, and I urge the Members that a vote on procedural grounds can justify a vote of "no" on this bill.

This bill, furthermore, is not within the jurisdiction of the House Committee on Internal Security. The Committee on the Judiciary has had exclusive jurisdiction over passport legislation, and all matters related to that area.

Legislation similar if not identical to the bill before you today was referred to the Committee on the Judiciary in the 90th, 91st, and in this Congress.

This bill is unconstitutional on a number of grounds—perhaps most importantly because it restricts the right of Americans to travel. This bill applies to all Americans—including journalists—without any provision for substantive or procedural due process.

This bill is specifically contrary to a long series of Supreme Court decisions over the past 2 decades.

One of those decisions said:

> The right to travel is a part of that liberty of which citizens cannot be deprived without due process of law.

There are no procedural safeguards in this bill. There are no standards in this bill by which the President, or those whom he designates, can judge.

I would call this bill the Anthony Lewis bill. I would call it the Richard Dudman bill. I would call it the John Hart of CBS bill. Because if this were now the law none of those individuals would have been allowed to go to North Vietnam.

I think we have learned from the Pentagon papers that when the Government is the only source of news the people are not told the truth.

The United Nations' Universal Declaration of Human Rights sets forth very clearly that every person has a basic individual freedom to leave any country, including his own—and to return to that country.

Members of the House have rightly been outraged that the Soviet Union has denied that right of emigration to Soviet Jews. How can we be outraged at the performance of another nation and consistently say that we can delegate this power to the President, without any safeguards or without any procedural due process?

I suggest to you Members of the House that if any American citizen does in fact go to some other country freely utilizing his right, and there commits some act contrary to American law, he can be punished by the Department of Justice—and should be.

But this is not an antitreason bill. This is a bill which is contrary to the freedom of travel. It is a bill that fundamentally violates the right of speech of all American citizens.

This is a bill that is consistent with the view that the President and the State Department should be able to dictate foreign policy without the Congress or the people knowing what if any reasons are behind that policy.

I suggest too that the House should not act on this matter on a suspension. We should not act with virtually no hearings and without a rule—without going into this complex matter at length. We should not on this particular Monday shortly before an election, take up this matter and vote favorably.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. DRINAN. Mr. Speaker, I urge in conclusion that calm and reason and more than an hour and a half for consideration are essential.

None of the elements indispensable to the passage of sound legislation are present in the bill before this House today. The bill before us is not sound legislation, and I urge its defeat.

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

Mr. DRINAN. I yield to the gentleman.

Mr. ZION. Back in November of 1969 Jane Fonda in a speech at Michigan University said:

> I would think if you understood what communism was, you would hope, you would pray on your knees that we would some day become communist.

Would the gentleman feel that if we become Communist that many people would be permitted actually to pray on their knees?

Mr. DRINAN. I am not opposed to people praying on their knees or off their knees. But I am afraid that this question is not relevant to the matter before the House.

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

Mr. DRINAN. I yield to the gentleman.

Mr. BURTON. Mr. Speaker, I would like to commend the gentleman in the well.

I know it is election time when some time after Labor Day, in an even-numbered year, this committee brings before the House either a contempt citation that is going to be thrown out by the courts, because it exceeds our constitutional authority and mandate—or legislation that the Senate ignores. Once every 10 years a proposal of HISC becomes law, and the courts strike it down, because it violates the Bill of Rights.

This is another such folly. It simply ought to be rejected.

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

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

Mr. LONG of Maryland. I am appalled both by the procedural and the substantive aspects of this legislation. As an expert on foreign affairs Jane Fonda is a good actress. Outside of that the lady is a much misguided emotional person.

But I am beginning to wonder whether we in the Congress are not also misguided and emotional. More and more we are governed by fear, fear of a wretched little country of not more than 15 million, fear most of all that we will go back home in the next few weeks before election and be accused of being somehow disloyal to our own country if we vote against this abandonment of our own powers and the turning over of more war powers to the President, in a time when war has not even been declared.

Lest anybody accuse me of being tainted with Communists, let me point out

that my son was one of fewer than 2 dozen sons of Members of Congress in the 10 years of that war who fought in Vietnam, and the only one I believe who was wounded there. I am sick and tired of this type of legislation based on fear in an election year. I hope we can get enough votes to defeat it.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. ICHORD. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to this appalling bill.

Mr. Speaker, I find myself called upon as chairman of the Subcommittee on Civil Rights, as a Member of the House of Representatives, and as a concerned citizen to speak out against the actions of the House Internal Security Committee, specifically H.R. 16742. Over the years, I have repeatedly questioned the existence of HISC as a functionary of the legislative branch of a democratic government. I have also repeatedly opposed every attempt by the committee and the House to broaden its scope. I have found it necesary, too many times, to object to actions of the committee which threaten the first amendment and constitutional rights of Americans.

Characteristically, H.R. 16742, "Restrictions on Travel to Hostile Areas," is representative of the unacceptable manner in which HISC operates. In drafting this bill, HISC has gone beyond its scope. Jurisdictionally, according to the rules and traditions of the House, it has usurped the area of passport legislation which falls under the Judiciary Committee's jurisdiction. It has violated its own jurisdictional area of control which encompasses only matters of internal security, not those involving travel to foreign countries. In further violation of House procedures, this bill was heard—without critical witnesses—marked-up, discussed, and voted on in less than 2 hours—record time considering the significance of the problems involved and the questionable tone of the proceedings.

Additionally, H.R. 16742 is unconstitutional. The Supreme Court has stated in a number of cases that the right to travel is one of which a citizen of the United States cannot be deprived without due process of law. This very argument is the basis for the outraged opposition of most Americans to restrictions on emigration of Soviet Jews from Russia.

Typical of actions initiated by the committee, this bill allows HISC to crack down on those they do not like, the anti-war movement and its leaders, while at the same time endangering the rights of every American. H.R. 16742 would provide the President with a tool for control of citizen actions which is more usually associated with repressive governments. Clearly, the intention and the actions of HISC with respect to this bill are "un-American." I urge my colleagues to protest this violation of civil liberties and to vote against H.R. 16742.

Mr. ICHORD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina, a former Federal district judge and a great libertarian, Mr. PREYER.

Mr. PREYER of North Carolina. Mr. Speaker, I would like to put my remarks in the form of some questions and answers on H.R. 16742.

Question. Is not this bill just a peevish act of revenge against Jane Fonda?

Answer. Jane Fonda's trip was probably the last straw that prodded Congress into action. But it would be unfortunate to let the timing of the bill obscure the important and unresolved policy question that is involved.

Question. Did the committee only conduct 1 day of hearings on the bill? Is this sufficient consideration?

Answer. In the best of all legislative worlds, where adjournment time never approaches, there would have been more extensive hearings. But this bill did not come full-blown from the brow of the committee on the spur of the moment. The subject of travel restrictions has been discussed since 1950. There were a series of regulations by the Secretary of State as well as Supreme Court rulings on the subject from 1950–58. A special committee of the Association of the Bar of the City of New York filed a report in 1958 that concluded:

> That the authority to prohibit travel by all U.S. citizens in areas designated by the Secretary of State is a necessary instrument to advance the national interest, and it recommends legislation to clear up any doubts as to the possession by the Secretary of State of such authority.

Shortly thereafter President Eisenhower sent a message to the Congress requesting such legislation. He said:

> I wish to emphasize the urgency of the legislation I have recommended. Each day and week that passes without it exposes us to a great danger. I hope that Congress will move promptly toward its enactment.

This legislation was not enacted, nor were any of a number of bills submitted by subsequent administrations and supported by the State Department and the Justice Department. There have been numerous hearings on these bills before the House Foreign Affairs Committee, the Judiciary Committee, and the Internal Security Committee. Probably the reason none of these bills was reported out was because they were too sweeping in their scope. The present bill is much more limited in its reach.

Question. But Vietnam is an undeclared war and an unpopular war. Besides it is drawing to an end. Is not there a difference from World War II and the Korean war? Might there not be other more limited armed conflicts where we would not want to restrict travel?

Answer. This bill does not mandate that no U.S. citizen can travel to a country with which we are engaged in armed conflict. It delegates authority to the President—with the intention that he delegate it to the State Department to restrict such travel when he deems it in the national interest. In the case of the Vietnam conflict he might deem it to be a case of locking the barn door after the horse has gone and not invoke the restriction. Likewise, he is not compelled to invoke the restriction because of a minor skirmish.

Question. Is it constitutional to restrict travel?

Answer. The right to travel is a part of the "liberty" of which the citizen cannot be deprived without due process of law under the fifth amendment. But this does not mean that it can under no circumstances be restricted. Just as the right of free speech is not absolute—you cannot cry "fire" in a crowded theater—so travel can be prohibited within a country—areas quarantined because of flood, fire, or pestilence—and abroad, because of the interests of national security.

There can be little doubt about the constitutionality of the present bill. It is a reasonable delegation of authority to the President. It is based on an objective standard—armed conflict—and not on personal characteristics, beliefs, or associations of the would-be traveler. The present bill is far more limited in scope than the bills recommended by the State Department and the Justice Department. It is much less sweeping than the delegation of authority to the Secretary of State that was upheld by the Supreme Court in Zemel against Rusk, 1965.

Question. Would this not prevent the kind of valuable news reporting we have had from members of the press who have traveled in North Vietnam like Harrison Salisbury, Joe Kraft, and Richard Dudman?

Answer. No. All of these reporters traveled to North Vietnam under valid U.S. passports, even though under our present policy such passports could have been denied. It is established State Department policy to allow reputable and accredited newsmen to accompany our troops and to travel in countries with whom we are engaged in armed conflict. There is no intention to change our policy by this bill. Should the President attempt to change this understood policy or abuse it, he could expect prompt action from Congress, and prompt criticism from the press. As far as I know, there has been no complaint about the present policy. This bill makes no change in present policy but simply provides a sanction for its violation. As a practical matter the only significant restriction on the press' freedom to travel comes from the North Vietnam Government itself.

Question. If this is so, why do we not write into the bill an exception to exclude newsmen?

Answer. I am for it if a meaningful exception could be drafted. It is too easy to become "accredited" to a paper—as our recent national conventions showed—or to claim that one is a "reporter." The exception would end by eating up the rule.

Question. But should not the bill contain more definite standards for the formulation of travel controls by the executive?

Answer. Chief Justice Warren in Zemel against Rusk answered this:

> Finally, appellant challenges the 1926 act on the ground that it does not contain sufficiently definite standards for the formulation of travel controls by the Executive. It is important to bear in mind, in appraising this argument, that because of the changeable and explosive nature of contemporary international relations, and the fact that the Executive is immediately privy to information which cannot be swiftly presented to, evaluated by, and acted upon by the legislature, Congress—in giving the Executive authority over matters of foreign affairs—must of necessity paint with a brush broader

than that it customarily wields in domestic areas.

Practically every volume of the United States Statutes contains one or more acts or joint resolutions of Congress authorizing action by the President in respect of subjects affecting foreign relations, which either leave the exercise of the power to his unrestricted judgment, or provide a standard for more general than that which has always been considered requisite with regard to domestic affairs.

Question. Are not there existing laws on the books to deal with travelers who actually harm the interests of the United States?

Answer. None that are realistically enforceable. There has never been a successful prosecution under the Logan Act. The treason and sedition statutes are extraordinarily difficult of proof—and properly so. These laws are not designed to reach the kind of intermeddling that can seriously affect our national interests without being treasonous.

18 U.S.C. 1544—for use of a passport in violation of the restrictions contained therein—is, the Justice Department says, "as a practical matter, almost impossible to obtain sufficient evidence to sustain a prosecution." The statute is simply avoided by going to a country to which travel is not restricted and obtaining a separate visa to the restricted country. For example, Jane Fonda goes to France, Russia, then North Vietnam. Nothing on her passport when she returns indicates she has ever been to North Vietnam.

Question. If we restrict travel to North Vietnam, how can we complain about Russia restricting the travel of Jews to Israel? Is not it the same thing?

Answer. No. The Russian restriction on travel is based on belief and associations. It is applied only against Jews. Such a restriction would clearly be unconstitutional in the United States. The U.S. restriction is based on an objective consideration—armed conflict between the military forces of the United States and the country involved.

Question. Does not H.R. 16742 represent a major change in national policy?

Answer. No. It is our present policy, as expressed in our laws and regulations relating to passports, to forbid travel of U.S. citizens to Cuba, North Vietnam, and North Korea. But there are no realistic means of enforcing the policy. This bill does not introduce a sweeping new policy; it simply provides a sanction to enforce our existing policy. Actually the proposed sanction—since it applies only to those countries with which we are engaged in armed conflict, which would not include Cuba and North Korea—is more limited than our present policy.

Question. The sanction provides for 10 years in prison or a $10,000 fine. Is not this too severe?

Answer. It probably is. The State Department recommended 1 year in prison or a $1,000 fine.

Question. Is not the policy, whether old or new, of restricting travel in any way a bad policy? Do we have something to hide? We are an open society; why should not any citizen travel wherever he wishes? Has Jane Fonda really done any harm?

Answer. It depends on your view of the national interest. I personally would favor a reasonable and limited restriction on the freedom to travel where the national security is involved.

The matter of private citizens attempting unauthorized negotiations and transactions with a foreign power contrary to the national interest has caused serious problems since the founding of the Nation. Before the end of the 18th century, Congress passed the Logan Act to forbid such transactions.

In Vietnam the question has arisen again, with a stream of unauthorized U.S. citizens going to North Vietnam for a variety of purposes, such as POW negotiations, POW interviews, bombing inspections, and broadcasts to U.S. troops.

These trips can affect our national interests by misrepresenting American opinion to our adversaries; by providing misinformation to the American public; by providing propaganda opportunities for our adversaries; and by making the attainment of peace more difficult by interfering with private negotiations and other foreign policy activities.

Question. But should not that be balanced against information we obtain from these trips? Would we have been deprived of any information about Vietnam if none of these visits had been made?

Answer. Probably not. Our information—much of it highly critical of our policy—has come from authorized visitors to North Vietnam, especially our press corps.

S. L. A. Marshall, speaking of these unauthorized visitors, has said:

There is something about peace-seeking that too often is as corrupting to the mind of the self-starting peace seeker as any vice identified with war. It can justify willful and dangerous meddling . . . and it may even make a virtue out of the betrayal of one's country.

Because warmaking is evil does not mean that anything done in the name of peacemaking is necessarily good. Because we might feel, as I do, that the Vietnam war was a tragic mistake does not mean that intermeddling by amateurs will hasten its end.

Question. Is not this bill based on outmoded cold war thinking?

Answer. Some American intellectuals are arrogant toward all existing authority, as representing nothing but a petrified form of yesteryear's vital forces. They are more interested in the morality of their own actions, in purification of self in opposition to policy, rather than in analyzing the policy itself. These people feel that it is their constitutional right, as well as a matter of their life style, to be given a totally unrestricted forum from which to give Uncle Sam the elbow.

But the idea that Government has a right to protect its national interests abroad, and that this might involve some reasonable restrictions on travel, should not upset any well-balanced mind.

As a great and liberal judge, Chief Judge Barrett Prettyman said in Worthy against Herter:

Indeed it is quite clear that those who cry the loudest for unrestricted individual freedom of action would be the loudest in bemoaning their fate if their plea were granted.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from New York.

Mr. KING. Mr. Speaker, I rise in support of this legislation. I cosponsored similar legislation. I congratulate the committee for bringing it to the House today.

Mr. Speaker, this legislation is sorely needed. People who go abroad to deal with a country or government with which the United States is in armed conflict are giving aid and comfort to our enemies. No one should negotiate with our enemies except official representatives. There is nothing political in my position but if every Senator, every Congressman, every publicity seeker is permitted such latitude then we are lost. No wonder we are in such trouble today. Our divisiveness has encouraged the North Vietnamese to continue the war. They still hope to beat us not in Vietnam but Paris.

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

Mr. Speaker, there are approximately 10 minutes remaining on this side. I do not intend to take that time myself. I think everybody in this body has their mind made up. We have endeavored to give all the time requested to those who oppose the bill.

There are several points that were raised, however. I should like to point out to the gentleman from Massachusetts, who repeatedly referred to the theory that our passport legislation should go to the Committee on the Judiciary, if he would examine this bill very carefully, he would find that in no place does it mention passport. This deals with travel and not the issuance of passports. The Supreme Court has been brought into debate. The Supreme Court in the past has repeatedly struck down passport regulations issued by the State Department.

The gentleman from Missouri (Mr. ICHORD) stated that in their opinions Justices of the High Court have almost invited, urged indeed, the Congress to enact legislation. For that and many other good reasons I urge Members to support this legislation.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of Illinois. Mr. Speaker, I have not had an opportunity, and I regret it very much, to listen to all of this debate this afternoon because of the necessity of my attending another meeting, but I just heard the gentleman from Ohio say that some of the statements have referred not to Supreme Court decisions or to statutes but I think to regulations by the State Department.

I have been sitting here reading an opinion in the case of Aptheker et al. against the Secretary of State which was decided June 22, 1964. I would assume that the gentleman from Ohio is familiar with that case, which as I understand it did strike down on the grounds that it was unconstitutional section 6 of the Subversive Activities Control Act of 1950, which had provided that once a Com-

munist organization was registered or ordered to register, that it was unlawful for any person to apply for a passport to travel abroad. As I interpret the decision in that case the Supreme Court did strike down that particular section of the law. Am I correct?

Mr. ASHBROOK. The gentleman is correct. I think in that case the Congress did enact too broad a proscription. In this legislation, if the gentleman will look at the legislation, the President must have regulations placed in the Federal Register. Due process will be observed. I think in that particular case the gentleman is correct.

Mr. ANDERSON of Illinois. If the gentleman will yield further, there is one passage in that opinion of the Supreme Court to which I would like to call the gentleman's attention where the Court says this:

> Since this case involves a personal liberty protected by the Bill of Rights, we believe that the proper approach to legislation curtailing that liberty must be that adopted by this Court in *NAACP* v. *Button*, 371 U.S. 415, and *Thornhill* v. *Alabama*, 310 U.S. 88. In *NAACP* v. *Button* the Court stated that:
>
> "In appraising a statute's inhibitory effect upon such rights, this Court has not hesitated to take into account possible applications of the statute in other factual contexts besides that at bar."

What troubles me about the bill the gentleman has brought before the House this afternoon—I hold no brief for Jane Fonda and Ramsay Clark and others that I think have transcended not just the bounds of good taste but also commonsense in some of the trips they have taken and statements they have made—but again referring to the language of the Court we have to consider this as a general statute and the inhibitory effects of this statute certainly go far beyond the context of even our present involvement in a conflict with North Vietnam. This is what bothers me about the very broad sweep of this statute that is brought to us under those procedures of calling for a suspension of the rule.

Mr. ASHBROOK. If I may reply to the gentleman, I think the statute to which the gentleman referred did have a broad sweep. It referred to all Communists and all travel of all Communists. In this case we are not talking about all travel, we are not talking about prohibition. We are talking about restricting, which is clearly a different legal category.

I think the gentleman can be assured that due process will be followed. I think that decision clearly held that bill was too broad, too sweeping because it referred to all travel by all Communists. Here we are talking only about travel to an area where there is armed conflict. We are talking about restricting travel, not prohibiting.

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

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

Mr. ICHORD. Mr. Speaker, this can be distinguished from the Aptheker case because in that case the denial of issuance of passport was attempted upon the ground of a personal belief. I agree with that decision, but this calls for a restriction on the basis of objective consideration, that is, travel to a country with which the United States is in armed conflict. I do not know how we can be more specific in delegating this power to the President of the United States.

Mr. LEGGETT. Will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. LEGGETT. As I understand it, the Supreme Court has indicted those statutes which carry a criminal sanction, which have a broad, cutting swath at this time.

In this legislation we have here, I understand that this bill grants a criminal sanction. What you say is that any country whose forces are engaged in any armed conflict with the military forces of the United States, travel can be banned to those particular countries.

We have got a $800 million military loan program in Israel. Does that put us in the position, since it is handled by the Pentagon and the military forces, has that not put us then in some kind of direct armed conflict with the Arab nations? You do not have to answer that.

Are we in armed conflict with the Vietcong since they are in South Vietnam and they claim to own and occupy that country, to represent that country? Would this apply to South Vietnam as well as North Vietnam since we have got a massive program of military assistance?

Would this apply to Taiwan, and since the military assistance is aimed not at Taiwan, but indirectly at their conflict with mainland China, then does not that cover that situation?

Then, could we not be precluded from traveling to China under the same terms? I say that the bill is vague and creates a criminal sanction which is utterly meaningless as covered by the Atwood case. For that reason, I am going to vote against it.

Mr. ASHBROOK. I would say to my colleague that the answer to his question would be no. You are talking about defensive, multilateral security and aid programs. In no sense does that put us in a situation of armed conflict with those nations.

I can see no way in which these cases would be construed to be an armed conflict.

Mr. DRINAN. Will the gentleman yield?

Mr. ASHBROOK. Let me just make one last point.

It has been alluded to several times that the Supreme Court would find this legislation unconstitutional. The truth, I feel, is just exactly the opposite. The Court in at least three cases has urged the Congress to act in this area. In United States against Laub, in 1967, the Court said:

> The Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

I yield to the gentleman from Indiana.

Mr. JACOBS. I want to ask the gentleman, and I think I am in sympathy with the criticism of Miss Fonda and some of the activities which she carried on in North Vietnam, but my question is, why was not the bill drawn to that we can proscribe that kind of activity, to prevent that kind of activity?

It strikes me that we do not need news gatherers. I am rapidly coming to the conclusion that the Government is the biggest liar in the United States.

If you are going to restrict that, why not write that down? I do not like that at all. It applies to anyone as we have it, a restriction on travel. Why have that apply to anybody when you can write the law exactly?

Mr. ASHBROOK. I would say to the gentleman from Indiana that my friend from Massachusetts (Mr. DRINAN) indicated that this bill would prohibit newsmen from going to North Vietnam. This is not accurate. We are talking about restricting travel and it is stretching the truth to flatly say that newsmen would be prohibited travel in all cases.

Mr. ICHORD. Mr. Speaker, the point has been made by the gentleman from Massachusetts and others that this bill is unconstitutional, and the case of Zemel against Rusk has been cited as authority for that contention. Let me read from the case of Zemel against Rusk:

> The right to travel within the United States is, of course, also constitutionally protected. See Edwards v. Calif. 314 U.S. 160, 86 L. Ed. 119, 62 S. Ct. 164. But that freedom does not mean that areas ravaged by flood, fire or pestilence cannot be quarantined when it can be demonstrated that unlimited travel to the area would directly and materially interfere with the safety and welfare of the area or the nation as a whole.

My friends, if one can restrict travel to an area where there is a flood surely one can restrict travel to a country in armed conflict with the United States of America.

I would point out, Mr. Speaker, that the gentleman from New York, the distinguished chairman of the Judiciary Committee, has introduced a bill in past Congresses that would not only do what this bill would do but go much, much further. I renew my motion.

Mr. SIKES. Mr. Speaker, I fully support the bill now under consideration, H.R. 16742, which would place restraints on travel by Americans to hostile areas.

In recent weeks we have seen Americans wandering in and out of North Vietnam almost at will, some of them repeating Communist propanganda, negotiating for the release of prisoners, discussing peace terms with the leaders in Hanoi, and in general, acting as though they were official spokesmen for our Government. Statements have been made which must be called treasonable. This confusing situation muddles America's efforts toward a consistent foreign policy. It plays directly into the hands of the enemy, who invaraibly exploit the opportunity to portray a divided and confused America.

It is proper that travel to nations which are engaged in armed conflict with the United States be restricted to those whom the President or his designee believes will act in the best interests of this Nation.

At present, the President has the authority to restrict such travel, but this

provision is unenforceable. There is no penalty connected with violation of the law. H.R. 16742 rectifies that shortcoming and imposes a fine of up to $10,000 or a jail term of up to 10 years, or both. In addition, it would prohibit anyone convicted under this law from holding Federal office, place of trust, or place of honor in the Government.

This is as it should be. Only America would tolerate having citizens lend their voices to enemy propaganda efforts or their support to enemy objectives. It is time to stop it. The bill is necessary, because of recent Supreme Court decisions restricting the Secretary of State from limiting passports to matters spelled out in existing law. There is no enforceable existing law on this point now before us.

Mr. Speaker, we need to fill the hole in existing law. We need to make certain that those who forsake their native land and go to enemy nations to give aid and comfort to that enemy be punished. We need to make certain that only those persons acting on authority from the President of the United States are allowed to go abroad and appear to negotiate terms of peace and prisoner exchange.

It is clear that the North Vietnamese Communists used this loophole in the recent prisoner release when the Red leaders ignored the U.S. Government and negotiated instead with the likes of David Dellinger who has no official or unofficial standing in the U.S. Government.

When the laws of our Nation provide our enemies with the opportunity to do as they have done in this instance, it is time for Congress to act.

H.R. 16742 will do what is needed. I urge its speedy enactment into law and vigorous enforcement of its provisions.

Mr. PICKLE. Mr. Speaker, I think all of us here recognize the disservice done to our national policy by self-appointed diplomats. The conduct of international relations is not for amateurs. The world of diplomacy is complex and sometimes requires secret flexibility while a firm public stance is maintained.

So, Mr. Speaker, I do not support travel that could unnecessarily weaken our bargaining position with a nation with which we are engaged in hostilities.

A second point I make is that when this Nation is engaged in hostile activities, I cannot condone American citizens becoming voices for our foes' propaganda machine. I do not usually use personal names in debate, but all of us know that the trip of Miss Jane Fonda inspired the bill we are debating today. In principle, I would support legislation that could somehow stop self-proclaimed foreign policy experts from using enemy media facilities to smear American policy, American soldiers, and American citizens.

But, Mr. Speaker, H.R. 16742 goes beyond what I think would be good legislation in this area.

In fact, serious constitutional questions come to mind over the provisions of this bill.

Freedom of travel is a well-recognized freedom in our Constitution. Recent Supreme Court decisions have reemphasized that travel restrictions on individuals cannot be imposed without due process. The due process provisions of H.R. 16742 are nonexistent.

Second, this bill bothers me because it is so broad in its application. It could apply to newsmen and the innocent travelers who, with good intentions, may find himself in a country the President has declared off-limit. The limitation on newsmen also raises freedom of the press questions.

Third, I wonder how wise it is to give the President these far-reaching powers to restrict travel.

Mr. Speaker, no one can question my support for the President's prerogatives to make foreign policy decisions. At the same time, I do not see the prudence in hastily giving the President unilateral powers to restrict travel when constitutional questions are involved.

The 92d session of Congress is quickly coming to a close. This does not mean that next session further study and review cannot be made in the 93d Congress on the questions raised by H.R. 16742. Under the supreme rules, no amendments can be made. In my mind, H.R. 16742 is not legislation to pass hurriedly.

In conclusion, Mr. Speaker, I realize that we are debating a question that involves the Nation's security. This is also a very emotional question. My experience as a legislator and American citizen is that sometimes when emotions are high, some restraints in the Constitution may be overlooked. I say, let us allow emotions to cool and see if further study might enable a bill to be suggested that does not raise as many constitutional questions as H.R. 16742. I think that can be done.

Because of the reservations I have mentioned, Mr. Speaker, I vote not to suspend the rules to pass H.R. 16742 although I am highly in favor of the principle involved.

Mr. BENNETT. Mr. Speaker, I rise to voice strong support for the passage of H.R. 16742, a bill to amend section 4 of the Internal Security Act of 1950. This bill is intended to fill a broad gap in the Nation's protective armor by providing penal sanctions in support of the President's existing authority to impose travel restrictions to countries with which we are engaged in armed conflict. While the President under existing law possesses authority to withhold passports for travel to restricted areas pursuant to the Passport Act of 1926, and has been authorized under certain circumstances to prohibit a departure from the United States without a passport pursuant to the provisions of the Immigration and Nationality Act of 1952, he is unable to apply penal sanctions for unauthorized travel to, in, or through restricted areas. This failure has seriously affected the President's capacity to protect our Nation's security interests.

In upholding the President's authority to impose restraints on travel to Cuba by withholding passports for such travel, the U.S. Supreme Court in *United States* v. *Laub*, 385 U.S. 475 at 486 (1967), had occasion to advert the existing gap in our laws, and noted the President's efforts to enact legislation of this type. It said:

> Government, as well as others, has repeatedly called to the attention of the Congress the need for consideration of legislation specifically making it a criminal offense for any citizen to travel to a country as to which an area restriction is in effect, but no such legislation was enacted.

The bill before us would fill this urgent requirement with respect to a situation most deeply affecting the conduct of our foreign relations, and for the defense of the Nation and the prevention of full-scale international war.

I introduced a bill which had a related purpose of prohibiting and penalizing certain intentional misconduct obstructing the military forces of the United States. This bill, H.R. 959, subsequently reported by the committee, dealt with this general subject. I then likewise proposed an amendment which was intended to accomplish a purpose similar to that addressed by the present bill before us. I noted then that a great deal of support had been rendered to Communist countries engaged in armed conflict with the United States by a number of U.S. citizens who have actually traveled to such enemy territory and engaged in friendly communication with a government actually at war with us.

Such activities impair the execution of our national policies and endanger the lives of our young men and women in the military services. It must be evident that neither the patience nor the tolerance of the vast number of our patriotic citizens should be tested by any further postponement in the enactment of necessary legislation designed to cope with activities which are an obvious affront to their patriotic sensibilities.

The power of Congress to enact the proposed legislation is no longer open to question. That the President of the United States and the Congress, acting together, may validly impose such travel restraints in the regulation of the Nation's foreign affairs is the effect of the most recent decisions of the judicial branch on the subject. The passage of this legislation will demonstrate our will to persevere in maintaining vital national policies, while at the same time allaying those misapprehensions now shared by many of our citizens as to the Government's capacity to fulfill its mission. I urge immediate passage of H.R. 16742.

Mr. FRENZEL. Mr. Speaker, the proposed amendment to the Internal Security Act which gives the President authority to restrict travel to countries in which we are engaged in combat seems to me to be an overreaction to several recent incidents of such travel. While I personally was not pleased with the actions of, and statement by, Jane Fonda and Ramsey Clark in North Vietnam, it seems unfortunate that these incidents would provoke travel restrictions that may be unconstitutional. The Constitution already has provision for prosecution of treasonous activities, thus making this amendment redundant.

Mr. Speaker, we have seen some interesting, and hopefully factual, reports from the war zone, and I would hate to see the public possibly deprived of such reporting by the passage of this amendment. It seems to me that this would put our President in the very difficult position of deciding who is worthy of such

travel and who is not, and I would, therefore, urge my colleagues to defeat this amendment.

Mr. MONTGOMERY. Mr. Speaker, I appreciate this opportunity to lend my support and to urge my colleagues to support H.R. 16742, the limited travel ban bill.

There is little doubt that the Vietnam war has created great controversy in our country. There is little that has not been said about our participation and involvement in it, but Mr. Speaker the recent activities of Jane Fonda, broadcasting specifically to U.S. servicemen who are serving the United States in that war is the most despicable act that has yet been committed by anyone who advocates our withdrawal from this frustrating and expensive war. Mr. Speaker, as you know I have a deep personal interest in the plight of our POW's. I have been to Southeast Asia on seven separate occasions in attempts to gain information regarding the condition of our POW's. Included in these trips have been three visits to Vientiane Laos, but every trip I have kept the Department of State and the Department of Defense fully apprised in my trip and intentions. However, the situation of American citizens traveling with apparent impunity to North Vietnam and broadcasting propaganda messages from Hanoi to Americans fighting that foreign government is incomprehensible. I believe Mr. THOMPSON is to be commended for raising this issue that reveals a serious deficiency in our present statutes.

I am unable to see how any purpose can be served or any good can result from permitting American citizens to privately take it upon themselves to travel to the enemy's capital to condemn our involvement in this or any other war. Whatever the motives may be of those citizens on our soldiers', sailors', and airmen's morale, and will, to accomplish their assigned missions when they listen to the messages of the enemy being broadcast by a fellow citizen from the enemy's stronghold. That effect can only be compounded when that citizen has the identity and fame that Fonda possesses. If the situation is as it appears to be that present statutes designed to prevent this type of activity on behalf of an enemy, are unenforceable, then it is clear that we in Congress must take the responsibility to equip the President with the tools he needs to carry out those measures necessary to our national interest. It certainly is not in the interest of this country to permit and allow any citizen to traffic with an enemy with which we are engaged in open hostilities. The enactment of H.R. 16742 will prevent the unilateral involvement of citizens with an enemy, whoever it happens to be. I believe the travel restrictions imposed under authority of this measure are reasonable and necessary. I hope that there will not be any future occasion in which it is necessary to impose this travel ban, but if that time comes, with this bill as law, the President will have the resources to conduct foreign policy without having to compete with conflicting efforts of private citizens, or to contend with efforts to subvert, from an enemy's capital, the loyal servicemen and women attempting to accomplish the tasks assigned to them.

Mr. MIKVA. Mr. Speaker, I rise in opposition to H.R. 16742, a hastily contrived bill which would interfere with the right of Americans to travel abroad and the right of American newsmen to inform the American people about events in foreign countries engaged in hostilities with the United States.

The bill was hastily reported out of the Internal Security Committee after only cursory hearings at which only friendly witnesses spoke.

It would have the effect of authorizing Government censorship of news from areas of the world where no war has been declared but where the President has committed U.S. troops to armed conflict No newsman could travel to North Vietnam, North Korea, or other hostile areas without special Presidential authorization, under the terms of this bill. It does not take much foresight to figure that a President is likely to grant permission to "friendly" journalists, and refuse permission to newsmen who tend to be critical of the Government's policy. It is an insult to the fundamental principles on which our democracy is based for Congress to be asked to approve of such a scheme of official censorship of news.

H.R. 16742 would also interfere with the efforts of families and friends of prisoners of war to seek information about our POW's and even to secure their release, as in the most recent release of three American prisoners. I am confident that this House of Representatives will not vote to obstruct the avenue of release of our POW's.

As if censorship of the news and continued imprisonment of our POW's were not enough, H.R. 16742 would have yet another pernicious effect, even more serious perhaps in the long run. It marks a further abdication of power to the President, at a time when the balance of power between Congress and the Executive is already dangerously lopsided. If there is a real problem posed by travel of American newsmen and citizens to North Vietnam and North Korea, then surely Congress can deal with that problem in a more responsible fashion than simply authorizing the President to do whatever he feels is necessary. It is not surprising that the Internal Security Committee was unable to do a more satisfactory legislative job, in view of the fact that they spent only an hour or so on the effort.

Mr. Speaker, I urge my colleagues to join me in voting to send this outrageous bill back to the drawing board.

Mr. WRIGHT. Mr. Speaker, this bill—coming as it does at this particular time and under a suspension of the rules—disturbs me. It presents us with a conflict in deeply cherished principles and confronts us with a procedural and constitutional dilemma.

As I understand its provision and the manner in which this would alter existing law, it might or might not be held to be a constitutional exercise. If we assume that it probably would be held to be constitutional, we still face the question of whether, as a long-term general proposition it is wise.

Surely every Member of this body knows of my long-held position with respect to the conflict in Vietnam. I have supported the President in his efforts to negotiate a peace based on principle. I still do. I have neither affinity nor respect for those who are trying to embarrass him in that endeavor. I am appalled by the activities of some Americans who have gone to North Vietnam with the express intention of undermining our national position and our Government's attempt to negotiate a just peace. I deeply and profoundly disagree with them.

Yet we are presently considering legislation which would grant to the Chief Executive powers which never have been given to a President under similar circumstances. Such powers, once granted, almost invariably remain and inure to all future Presidents.

Freedom of travel is an important right. As the Supreme Court has declared:

> The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law.

The bill would permit the President to make a unilateral determination. It provides no process of judicial review. Apparently the President's determination in a given case would be final.

The presidentially exercised prohibition against travel could be applied against "all citizens and nationals" of the United States. It could be invoked against newsmen and against Members of Congress. I do not say that it would be. I simply point out that it could be. And even if we are confident that this power would not be abused by the present President, it conceivably could be used by a future President to choke off access to world news and to stifle dissent.

We in this Congress have been critical—and rightly so—of actions on the part of such countries as the Soviet Union and mainland China to prohibit international travel on the part of their citizens. This is one of the hallmarks of a totalitarian regime. We shall never triumph over totalitarian ideology by adopting its practices.

The great strength of America has always been that it can tolerate dissent. Voltaire said it well. While I deeply and profoundly disagree with all that is being said by those who travel to North Vietnam and return to criticize this country, I feel that I must defend their right to do so, however, abhorrent their position is to me. This is part of the price we pay for being a democracy. Even the foolish abuse of freedom in which I feel that some of them have engaged is in my opinion preferable to the denial of freedom.

Judge Learned Hand once pointed out that society has never discovered a way to make wisemen free without making all free, and he concluded that—

> Freedom for the wise is so supremely important that it is worth making the silly free, too.

While I basically agree with the end being sought by the sponsors of this legislation and strongly disagree with the objectives of those at whom it is ostensibly aimed, I feel that the more fundamental and more ultimate question of individual freedom is so indispensably important that I shall—with an admitted

sense of conflicting emotions—vote against this bill.

Mr. ASHLEY. Mr. Speaker, I am opposed to the measure before us, H.R. 16742, essentially on procedural grounds.

It is said that this bill does nothing to expand existing authority of the President to impose area travel restrictions on U.S. citizens and nationals to any country or area whose military forces are engaged in armed conflict with the military forces of the United States. The purpose of the legislation, we are told, is simply to provide penal sanctions, which presently do not exist, in support of existing restraints on travel to countries engaged in hostilities with the United States.

I agree with the necessity of providing penalties for people who violate existing law with respect to these travel restraints. I vigorously defend the right of our citizenry to travel but clearly this individual freedom is not absolute. During periods of hostility, the unfettered right of U.S. citizens and nationals to visit countries with whom the United States is engaged in armed conflict most certainly raises the most serious possible questions of national security.

My reason for voting against this bill today is simply that I consider the subject matter far too important to be considered under a House rule which limits debate to 40 minutes and prevents so much as a single amendment from being offered. The questions of both substantive and procedural due process are real ones and so is the issue relative to the appropriateness of the penalties involved for violation of travel constraints. It is not right, in my view, to limit consideration of these issues to a scant few minutes and to preclude the consideration of any amendments, no matter how meritorious.

Mr. DAVIS of South Carolina. Mr. Speaker, I am in full support of the bill, H.R. 16742. It is a reasonable measure to stop the despicable conduct which is occurring with increasing frequency on the part of U.S. citizens inside North Vietnam.

We are told that as long as a passport of the United States is not used, no criminal penalty can attach for travel to North Vietnam. For a wide variety of reasons which result in injury to the United States, numerous individuals have undertaken travel to North Vietnam. While some persons have gone there for reasons consistent with the national interests of the United States, the record shows that many of the travelers have used the occasion to team up with the enemy. Many have been members of subversive organizations within the United States. Numerous members of the Communist Party, U.S.A., the Black Panther Party, Students for a Democratic Society, and so forth, have crossed the border into North Vietnam. Are we to assume that they have intended to advance the best interests of the United States? Of course, we cannot know all of what they have done there. We cannot know what commitments have been given by them, or what commitments have been received by them from the North Vietnamese. We do know that their visits have provided the North Vietnamese with an abundant supply of fodder for their propaganda machine.

No witness can be expected to step forward from North Vietnam to prove the necessary elements of treason, or sedition, or of the Logan Act prohibiting unauthorized negotiations with another nation. The Department of Justice indicates that the evidentiary difficulties are insurmountable. But we need not stand by helplessly when persons who owe allegiance to this country engage in activities so notoriously disloyal, and so clearly inimical to the conduct of foreign affairs as well as the military effort. The broadcasts of Jane Fonda to American servicemen in Southeast Asia have been said by experts in psychological warfare to be more devastating than were the broadcasts of Tokyo Rose in World War II.

Instead of taking a negative attitude that nothing can be done about the problem, the distinguished chairman of the Committee on Internal Security has produced a bill which will simplify the Justice Department problem of evidence by making a violation of crossing the border into a country engaged in armed conflict with the United States. Still, the President will have discretion to make exceptions deemed to be in the national interest.

The argument that journalists will be forbidden to travel to North Vietnam, and that the bill is an infringement upon freedom of the press is not valid. North Vietnam is one of three countries to which travel under passport is restricted under present regulations. But journalists are freely granted exceptions. There is no reason to assume such policy will change, and the law does not enlarge the powers of the President, it only adds penal sanctions to his restrictions.

This is a good bill. It is necessary. It is constitutional. It is overdue. I commend the chairman for expediting the legislative process so that the House may express its will.

Mr. VANIK. Mr. Speaker, I oppose this legislation because it is presented to the House on a closed rule basis, which prohibits any amendments. Under a more considered and openly debated legislative procedure, a more acceptable bill could be developed. I oppose closed rules offered by my own Ways and Means Committee. There is no justification for a closed rule on this bill. With an opportunity for amendment, a more satisfactory legislative approach might be developed.

While this legislation is directed in passion toward one or two persons, it will become—if enacted—a permanent law of the land—affecting the rights and liberties of Americans to learn the facts on which they must base their support of or opposition to governmental policies.

A future president—using his own definition of what constitutes an armed conflict in another time or place—may use this power to suppress facts by limiting the right to travel to those who support his position. It could spell the end to one of our most cherished American freedoms—the right to be informed—the right to know. In its present form, the legislation would constitute an assault on a vital American freedom.

Mr. CONYERS. Mr. Speaker, this is a bad bill and I urge its defeat. First of all, the legislation is a classic case of overreaction by the House Internal Security Committee. It has been characterized as a "get Jane Fonda and Ramsey Clark" bill designed to prevent American citizens from visiting Hanoi. Yet, the legislation not only gives the President the power to forbid certain foreign travel at his discretion, but it would allow him to authorize visits that would otherwise be forbidden. These matters rightly belong within the jurisdiction of the Judiciary Committee which has the staff and the expertise to study them in depth.

Second, consistent with the tradition of House Internal Security Committee, the bill is very likely unconstitutional. As has been noted, it appears to run afoul of a Supreme Court decision striking down travel restrictions. As the Supreme Court stated in United States against Laub—1967:

> The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law.

Third, it should be remembered that no legal state of war exists between the United States and Vietnam and, therefore, the ostensible purpose of the bill—to stop the Fonda's and the Clark's from their peaceful journeys—is unconscionable. After all, we must remember, as Tom Wicker pointed out in the New York Times—

> Civilians who would be stopped from going to Hanoi are the only people who have ever brought any prisoners out, and the only people who have ever informed the American public about the effects of the American bombing and blockade.

I wish to commend my colleague for his efforts in bringing this odious legislation to our attention and to urge that this House promptly return it to the originating committee.

Mr. MATHIS of Georgia. Mr. Speaker, I rise in complete and enthusiastic support of this legislation, and to urge the House to suspend the rules and adopt this bill. The distinguished chairman of the Committee on Internal Security (Mr. ICHORD) is to be commended for the major role he has played in bringing this legislation to the floor for consideration. Mr. Speaker, I believe that this legislation is, in fact, past due. We should have had these provisions written into the laws of this Nation long ago. It is almost unbelievable that we have stood by and allowed a procession of unsavory characters whose sympathies lie with the enemies of this Nation to beat a path to the door of our enemy.

I firmly believe that the actions of individuals such as Jane Fonda and Ramsey Clark are harmful, at the very least, to the efforts of this Nation's foreign policy. The radio broadcasts made by Fonda, according to the transcripts I have seen, are at the best nonpatriotic, at the worst, bordering on treason. Ramsey Clark, who was best described by the late J. Edgar Hoover, served no American, in my opinion, by his visit to Hanoi.

Mr. Speaker, I believe that there is wide support among the American people for this legislation. I believe that a vast

majority of Americans are concerned over the recent actions of Fonda, Clark, and company. I know that a great majority of those citizens I am privileged to represent will support it, and I urge all Members to join me in voting to suspend the rules and pass this urgently needed legislation.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to H.R. 16742 because this bill represents a grave incursion on the right of every resident of the United States to travel abroad and is a surreptitious attempt to strangle the free flow of conflicting ideas within our country.

The bill gives the President the power to restrict the travel privilege of citizens and nationals of the United States to any country whose military forces are engaged in armed conflict with the forces of this country. A person could travel to such a country only if he was specifically authorized to do so by the President who made a finding that such travel would be in the national interest.

This bill strikes at the foundation of the emerging constitutional doctrine of the right to travel and is a frontal assault on the first amendment rights of freedom of press and association. The bill would have the effect of overturning more than 30 years of consistent Supreme Court doctrine which has said that the sovereign may not infringe upon a citizen's right to travel freely throughout this country and the world. It would give the President the sole power to determine the breadth of a person's constitutional freedoms.

Our history is fraught with attempts to stop the free movement of people. In the 1930's California sought to exclude Oklahoma farmers from entering its borders. In the 1950's and 1960's, the Federal Government attempted to punish those who traveled to Communist countries. But the decisions in Edwards and Apthekar have indelibly delineated a right to travel and this Congress may not abridge that constitutional right by the legislation before us.

This bill also represents an infringement of the first amendment rights of freedom of the press and association. It acts as a prior restraint to the gathering of news and information by reporters because its broad sweep recognizes no exceptions of extenuating circumstances. The President would be the sole arbiter as to which reporters and papers would have access to the internal events of countries that are engaged in military activities against us. In a society like ours, it is essential that all segments of the press have equal access to the vital information which is necessary to keep the public informed and knowledgeable. If we allow the President to pick and choose who will cover the news we will be taking another long step down the road of managed news reporting.

Lastly this bill has an ideological aspect which is at odds with the fundamental ideals of this country. The freedom to travel is inextricably intertwined with the spread of ideas—ideas which may be complimentary or abrasive, satisfying or discordant. Our society prides itself on being the forum for every conceivable strain or thought. America draws its strength from the dialog of competing ideas. A bill such as this which would constrain the movement of people and bring about a stagnation of the intellectual currents should not become the law of our land. At a time when people have begun to turn in upon themselves rather than expand the breadth and depth of their vision, it is time for the Members of this House to assume leadership that will expand the intellectual horizons of this Nation.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. ICHORD) that the House suspend the rules and pass the bill H.R. 16742, as amended.

Mr. DRINAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 140, not voting 60, as follows:

[Roll No. 395]

YEAS—230

Abbitt	Fisher	Monagan
Abernethy	Flood	Montgomery
Alexander	Flowers	Morgan
Andrews, Ala.	Ford, Gerald R.	Myers
Andrews, N. Dak.	Fountain	Natcher
Archer	Frey	Nelsen
Arends	Fuqua	O'Konski
Ashbrook	Galifianakis	Passman
Aspinall	Garmatz	Patman
Belcher	Gaydos	Patten
Bennett	Gettys	Pelly
Betts	Goldwater	Pepper
Biaggi	Goodling	Pike
Blackburn	Grasso	Pirnie
Blanton	Griffin	Poage
Bow	Grover	Powell
Bray	Gubser	Preyer, N.C.
Brinkley	Haley	Quie
Broomfield	Hall	Quillen
Brotzman	Hammer-schmidt	Railsback
Brown, Mich.	Hansen, Idaho	Randall
Brown, Ohio	Harsha	Rarick
Broyhill, N.C.	Hastings	Rhodes
Broyhill, Va.	Hays	Roberts
Buchanan	Henderson	Robinson, Va.
Burke, Fla.	Hicks, Mass.	Roe
Burleson, Tex.	Hillis	Rogers
Burlison, Mo.	Hogan	Rooney, Pa.
Byrne, Pa.	Horton	Rousselot
Byrnes, Wis.	Hosmer	Roy
Byron	Hunt	Ruppe
Caffery	Hutchinson	Ruth
Camp	Ichord	Sandman
Carlson	Jarman	Satterfield
Carter	Johnson, Calif.	Saylor
Casey, Tex.	Johnson, Pa.	Scherle
Cederberg	Jonas	Schneebeli
Chamberlain	Jones, Ala.	Sebelius
Chappell	Jones, N.C.	Shoup
Clancy	Jones, Tenn.	Shriver
Clark	Kazen	Sikes
Clausen, Don H.	Keating	Sisk
Clawson, Del	Kee	Skubitz
Cleveland	Kemp	Slack
Collier	King	Smith, Calif.
Collins, Tex.	Kluczynski	Smith, N.Y.
Colmer	Kuykendall	Snyder
Conable	Landgrebe	Spence
Cotter	Latta	Springer
Crane	Lennon	Staggers
Daniel, Va.	Lent	Stanton, J. William
Daniels, N.J.	Long, La.	Steed
Davis, Ga.	McClory	Steele
Davis, S.C.	McCollister	Steiger, Ariz.
Davis, Wis.	McDade	Steiger, Wis.
de la Garza	McDonald, Mich.	Stephens
Delaney	McEwen	Stratton
Dellenback	McKevitt	Stubblefield
Dennis	Mahon	Stuckey
Dent	Mann	Taylor
Derwinski	Martin	Teague, Tex.
Devine	Mathias, Calif.	Terry
Dickinson	Mathis, Ga.	Thompson, Ga.
Dorn	Mayne	Thomson, Wis.
Downing	Mazzoli	Thone
Dulski	Michel	Vander Jagt
Duncan	Miller, Ohio	Veysey
Edwards, Ala.	Mills, Ark.	Waggonner
Eilberg	Mills, Md.	Wampler
Eshleman	Minish	Ware
Fascell	Mizell	Whalley
Whitehurst	Wyatt	White
Whitten	Wydler	Young, Tex.
Widnall	Wylie	Zablocki
Williams	Wyman	Zion
Wilson, Bob	Yatron	Zwach
Wolff	Young, Fla.	

NAYS—140

Abourezk	Forsythe	Moorhead
Adams	Fraser	Mosher
Addabbo	Frelinghuysen	Moss
Anderson, Calif.	Frenzel	Murphy, Ill.
Anderson, Ill.	Fulton	Nedzi
Anderson, Tenn.	Gibbons	Nix
Annunzio	Gonzalez	Obey
Ashley	Gray	O'Hara
Aspin	Green, Pa.	O'Neill
Badillo	Griffiths	Perkins
Barrett	Gude	Pettis
Begich	Hamilton	Pickle
Bergland	Hanley	Podell
Biester	Hansen, Wash.	Price, Ill.
Bingham	Harrington	Rangel
Blatnik	Hathaway	Reid
Boggs	Hawkins	Reuss
Boland	Hechler, W. Va.	Riegle
Brademas	Heckler, Mass.	Robison, N.Y.
Brasco	Heinz	Rodino
Brooks	Helstoski	Roncalio
Burke, Mass.	Hicks, Wash.	Rosenthal
Burton	Holifield	Rostenkowski
Carey, N.Y.	Howard	Roush
Carney	Hungate	Roybal
Celler	Jacobs	St Germain
Conover	Karth	Sarbanes
Conyers	Kastenmeier	Scheuer
Corman	Keith	Seiberling
Coughlin	Koch	Smith, Iowa
Curlin	Kyros	Stanton, James V.
Danielson	Leggett	Stokes
Dellums	Lloyd	Sullivan
Denholm	Long, Md.	Symington
Diggs	McCulloch	Thompson, N.J.
Donohue	McFall	Tiernan
Drinan	McKay	Udall
du Pont	McKinney	Ullman
Eckhardt	Macdonald, Mass.	Vanik
Edwards, Calif.	Madden	Vigorito
Esch	Mailliard	Whalen
Evins, Tenn.	Mallary	Wiggins
Findley	Matsunaga	Wilson, Charles H.
Fish	Meeds	Winn
Foley	Melcher	Wright
Ford, William D.	Mikva	Yates
	Miller, Calif.	
	Mitchell	

NOT VOTING—60

Abzug	Gallagher	Minshall
Baker	Giaimo	Mollohan
Baring	Green, Oreg.	Murphy, N.Y.
Bell	Gross	Nichols
Bevill	Hagan	Peyser
Bolling	Halpern	Price, Tex.
Cabell	Hanna	Pryor, Ark.
Chisholm	Harvey	Pucinski
Clay	Hébert	Purcell
Collins, Ill.	Hull	Rees
Conte	Kyl	Rooney, N.Y.
Culver	Landrum	Runnels
Dingell	Link	Schmitz
Dow	Lujan	Schwengel
Dowdy	McCloskey	Scott
Dwyer	McClure	Shipley
Edmondson	McCormack	Talcott
Erlenborn	McMillan	Teague, Calif.
Evans, Colo.	Metcalfe	Van Deerlin
Flynt	Mink	Waldie

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Nichols for, with Mr. Waldie against.

Mr. Hagan and Mr. Edmondson for, with Mr. Culver against.

Mr. Bevill and Mr. McMullan for, with Mrs. Chisholm against.

Mr. Baring and Mr. Cabell for, with Mr. Dingell against.

Mr. Flynt and Mr. Hull for, with Mr. Dow against.

Mr. Landrum and Mr. Mollohan for, with Mrs. Abzug against.

Mr. Purcell and Mr. Runnels for, with Mr. Metcalfe against.

Mr. Baker and Mr. Price of Texas for, with Mr. Collins of Illinois against.

Mr. McClure and Mr. Schmitz for, with Mr. Clay against.
Mr. Scott and Mr. Kyle for, with Mr. Rees against.
Mr. Dowdy and Mr. Gallagher for, with Mr. Hanna against.

Until further notice:

Mr. Rooney of New York with Mr. Gross.
Mr. Giaimo with Mr. Conte.
Mr. Van Deerlin with Mr. Schwengel.
Mr. Shipley with Mr. Erlenborn.
Mr. Murphy of New York with Mr. Peyser.
Mr. Pucinski with Mr. Harvey.
Mr. Pryor of Arkansas with Mr. Talcott.
Mrs. Green of Oregon with Mrs. Dwyer.
Mrs. Mink with Mr. Teague of California.
Mr. McCormack with Mr. Minshall.
Mr. Link with Mr. Lujan.
Mr. Evans of Colorado with Mr. McCloskey.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ICHORD. 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 considered.

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

There was no objection.

AUTHORITY FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES AND SUSPENSION OF REQUIRING A TWO-THIRDS VOTE FOR CONSIDERATION OF REPORTS FROM RULES COMMITTEE SAME DAY REPORTED, OCTOBER 10 AND REMAINDER OF WEEK

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1142, Report No. 92–1483), which was referred to the House Calendar and ordered to be printed:

H. RES. 1142

Resolved, That on Tuesday, October 10, 1972, and for the remainder of that week, it shall be in order (1) for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, Rule XXVII; and (2) to consider reports from the Committee on Rules as provided in clause 23, Rule XI, except that the provision requiring a two-thirds vote to consider said reports on the same day reported is hereby suspended during that period.

AMENDING TITLE 18, UNITED STATES CODE, RELATING TO GOVERNMENT CONTRACTORS

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15276) to amend section 591(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against Government contractors in section 611 of title 18.

The Clerk read as follows:

H.R. 15276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 591(g) of title 18, United States Code, is amended by striking out the semicolon immediately after "persons" and inserting in lieu thereof a comma followed by *"Provided*, That with respect to section 611 this definition shall not include a corporation or labor organization;".

The SPEAKER. Is a second demanded?

Mr. DEVINE. Mr. Speaker, I demand a second.

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

There was no objection.

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

Mr. Speaker, this bill is simply a clarifying amendment to the so-called elections reform law that passed this body some time ago. In that act was the section 610 which provided that the prohibition against corporations or labor organizations making contributions or expenditures in connection with Federal elections does not include: First, communications by corporations to their stockholders and their families or by labor organizations to their members and their families; second, nonpartisan registration and get-out-the-vote campaigns by corporations aimed at their stockholders and their families or by labor organizations aimed at their members and their families; or third, the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes by a corporation or labor organization, provided that such contributions are entirely voluntary.

Mr. Speaker, if I may have the attention of the distinguished minority leader for a minute, it is my understanding he is concerned because he made a commitment to Common Cause that no legislation about this bill would be passed without hearing. May I say to the gentleman we had a long hearing about another amendment to this bill in which this particular subject was brought up and at which time Mr. Gardner made the statement, if my memory serves me correctly, that he would object to any change of a comma, period, paragraph, or what have you to this bill.

May I say to the gentleman that if a decision had not been made which I think was contrary to the intent of Congress by some people that voluntary contributions by members or a corporation or a labor organization were illegal, and suits being brought, and a great deal of confusion created, we would not have brought this bill out, but the bill was brought out by unanimous vote of the committee.

All the bill does is simply clarify that such funds can be accumulated provided they are kept segregated and administered separately and provided they are purely voluntary.

This is no change, may I say to the House, from the preceding law and it is no change from the very specific language in section 610 of the present law. The problem arose, and then I am finished, because section 611, which prohibits political contributions by Government contractors, is somewhat contradictory. Now they are saying that an employee of a corporation which has a Government contract or a member of a union which may have a training contract to train apprentices cannot make a voluntary contribution because their corporation for which they work or labor union of which they are a member has a contract in which there are Government funds. All this does is clarify that and I think it should be clarified.

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

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I will say to the gentleman from Ohio, and I intend to take 5 minutes to explain the situation in which I find myself, I believe that the legislation the committee has recommended is meritorious. However, through a series of letters I have made my position clear, and I think it is a sound one, that no such changes in the Election Reform Act of 1972 should be recommended by the committee without an opportunity for a public hearing.

Having made that commitment, I find myself in an embarrassing situation and will therefore vote no because no such public hearings have been held by the committee on this proposed change.

Mr. HAYS. The only thing, I suppose, I could say to the gentleman is, never write letters to John Gardner. I do not.

Mr. DEVINE. Mr. Speaker, H.R. 15276 is before the House of Representatives today for the purpose of correcting an oversight and an inequity in the law occurring as a result of passage of the Federal Election Campaign Act of 1971 (Public Law 92–225).

Technically, the bill amends the definition of the words "person" and "whoever" in 18 U.S.C. 591(g) so that as applied to section 611 of title 18, United States Code, those words will not include corporations or labor organizations. Section 611 of title 18 prohibits political contributions by Government contractors.

To understand how the present situation developed and its significance it is necessary to look first at a closely related provision of the law, section 610 of title 18, the law which contains the prohibitions on corporations and labor organizations making contributions or expenditures in connection with political campaigns, and to see what has taken place in this regard.

For a long while before the enactment of the Federal Election Campaign Act of 1971, the language of section 610 of title 18, contained a total ban on political spending by corporations or labor organizations. Those restrictions, however, were challenged based on the free speech guarantee of the first amendment and various decisions were handed down which had the result of allowing certain limited political activities by labor organizations and corporations. When the Federal Election Campaign Act was being acted on last year these judicial interpretations were "codified" as part of section 610 by adoption of what is known as the Hansen amendment.

The effect of this action is that while under section 610 corporations and labor organizations, broadly speaking, may not contribute to or make expenditures for political campaigns, this prohibition does not include: First, communications with their stockholders or their families or members and their families on any subject; second, conducting of nonpartisan registration and get-out-the-vote cam-

paigns aimed at their stockholders and their families and at their members and their families; and, third, the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes, provided that such contributions are entirely voluntary.

On the basis of the debate and the other legislative history on this legislation it is clear that Congress intended that section 610, as changed by the Hansen amendment to codify into law the judicial interpretations of section 610, should contain the definitive law concerning political contributions by corporations and labor organizations.

When section 611 was originally enacted, it was done so on the theory that those who contract with the Government should be under the same kind of restrictions that are placed by section 610 on corporations, and later extended to labor unions, against making political contributions or expenditures. Corporations were specifically not included in section 611 since they were already prevented from spending for political campaigns by section 610.

Unfortunately, however, as a result of the way developments occurred on this legislation there was a failure to realize the full impact of a little noticed part of the legislation that modified and gave broader coverage to section 611. As a result the constraints of that section, forbidding political contributions by Government contractors, for the first time may have been made applicable to corporations and labor organizations.

The result had been that a serious inconsistency had been placed in the law that needs correcting. For example, as a general proposition, a stockholder or a union member may make a voluntary contribution to a separate segregated political fund operated by his company or union. But the legality of such a fund is questionable if the corporation or the union has a Government contract, no matter how insignificant the contract is in the total overall structure of the organization.

Since various corporations and union locals contract with the Government, the existing law is totally unfair to large numbers of stockholders and union members. The legislative history does not indicate that a substantive change or impact of this nature or extent was intended under the act. Beyond that, no attention at all was given to the very serious constitutional issues that would be involved under an outright prohibition against corporate and union political activities for their employees and members and their families, such as codified in section 611.

H.R. 15276 remedies this serious inconsistency and inequity. As the author of H.R. 15276, I want to commend Chairman HAYS and the leadership for acting on and scheduling this bill to come before the House today and urge its speedy passage.

Finally, let me say that if Members will look at the committee report, pages 2 and 3, they will see the Department of Justice supports the enactment of this bill. It would resolve constitutional uncertainties in existing provisions and clarify ambiguities which make effective enforcement difficult.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Finally, I would say to those who panic or get panic stricken when they get a communication from such persons as Common Cause or John Gardner or Ralph Nader, they may have some second thoughts about this bill. I am sure all Members received a telegram from Mr. Gardner about this.

As the gentleman from Ohio (Mr. HAYS) said, Mr. Gardner, at the time we had hearings on the overall revisions to the Election Reform Act, said that the bill was sacrosanct, that the act was sacrosanct, that we did not dare to touch a comma, a period, a paragraph, or a line in the bill.

Hence, those Members who are very timid about doing anything which would offend Mr. Gardner probably will not want to support this bill.

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

Mr. DEVINE. I yield to the gentleman from Indiana.

Mr. DENNIS. I was opposed to the so-called Hansen of Idaho amendment. If I recall correctly, the gentleman in the well was, also.

Mr. DEVINE. The gentleman is exactly right. The record will bear that out.

Mr. DENNIS. Are we now amending the act so as to conform to that amendment which the gentleman and I both opposed, and more or less give it a blessing of permanency?

Mr. DEVINE. No. I would say to the contrary to the gentleman from Indiana. I did, yes, oppose the amendment when offered by the gentleman from Idaho (Mr. HANSEN). At that time he said it was intended to codify existing law. I took exception to that. What I am now trying to do is to clarify the meaning of the law as ultimately passed, to make the best of a bad situation.

Mr. DENNIS. I might say to the gentleman that I am, frankly, still a little unclear about just what we are doing. There may be something to be said for hearings on something this important. If we are giving a blessing to the so-called Hansen of Idaho amendment either directly or indirectly, then I could not agree with what the gentleman is trying to do.

Mr. DEVINE. I thank the gentleman.

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

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

Mr. HAYS. Perhaps I could clarify a little more what is involved. I certainly hope so. The Supreme Court has already ruled on section 610, on the 22d of June.

And they have said that the old law and the new law did not apply to contributions or expenditures from voluntary funds either by corporations or unions, and then they went on to say that the so-called Hansen amendment, I believe—they do not call it that, but that is what they are referring to—clarifies it.

What we are trying to do here is simply to say this should be applied, and whether we agree with it or not, I think the gentleman will agree it should be applied evenhandedly.

And if a corporation, a big corporation, we will say, or some subsidiary of that corporation, happened to have a contract or a subcontract in which there was Federal money, their employees should not be precluded from giving to a campaign fund, when, with a corporation in the next city which did not, their employees would be free to contribute.

The same thing applies to unions. A few unions have a small apprenticeship contract with some entity in which there is Federal money to help pay the bill, and their employees are precluded, or maybe Common Cause is suing in the courts and some people think they are precluded.

So all this does is provide that section 610 applies to everybody, and if it is a voluntary thing and your employees contribute voluntarily, it is a voluntary thing in the union, the union members contribute voluntarily and it does not apply, that is all.

Mr. Speaker, the gentleman from Arizona (Mr. UDALL) has asked me to yield him some time. I will yield the gentleman 5 minutes.

Mr. UDALL. I thank the gentleman for yielding, and I rise to clarify, if I can, the purpose and intention of this legislation.

As some of the Members know, I worked on this problem at some length at the time the legislation was before us last year.

I do not think we can resolve this merely by deciding whether or not we like John Gardner. I have not agreed with him in respect to Common Cause on everything, but I think John Gardner is one of the great Americans of our time, and his organization has done much to bring hope to a lot of people, and promote programs to allow this country to get itself together.

I came back from campaigning last night, and I read in the paper about this terrible outrage of the new campaign finance bill that was going to come up before us. I have had a number of calls about this today, and I was concerned. So I began to study the language of the bill before us. I took a careful look at the report. I sincerely regret we did not have public publicized hearings on this so that Mr. Gardner and others would have felt they had due process, and so some of the rest of us who were not on the committee might have had a chance to study this proposed amendment to the act very carefully. But I must say this—and I will say this to Mr. Gardner if I have the opportunity—that I find nothing in this amendment that alarms me.

I am a person who happens to think the legislation we passed last year is good legislation, and that it will serve this country well in the generations ahead.

If the legislation does only what the two gentlemen from Ohio have outlined here, and what it seems to me to say, I cannot see any objection to it.

Let me ask the gentleman from Ohio (Mr. HAYS) the chairman of the committee, a couple of things, if I may.

As I understand it, under the law today, if company A is on one side of the street, and it is a large company, but has no Federal contract, that company can set up one of these voluntary citizenship funds and can provide an office in the company plant for the administration of it, and as long as contributions are voluntary it can proceed with this kind of political activity. But if company B across the street, 100 yards away, has exactly the same kind of business, but also has one small Federal contract, that company is totally prohibited under the present interpretation of the law from having any kind of activity which is permitted every other corporation and labor union and every citizen in America.

Mr. HAYS. I hope I can answer the gentleman's question precisely and accurately.

It is a matter that is being litigated now, as I understand it, and the litigants are saying that exactly what you are saying is true.

What we are trying to do here is to see that both of those companies should be treated exactly alike, no more and no less.

Mr. UDALL. And further we have the same situation with regard to a labor union.

Some of us think that labor union members and in fact all kinds of citizens ought to have a right to express their opinions in politics, and make contributions, as long as they are voluntary. One labor union which happens to have a small manpower training contract with the Federal Government would be totally prohibited from having a voluntary, decent, honorable, political operation, and another labor union of the same size and nature, which did not have any Federal contract could go right ahead with the kind of voluntary labor-political organization we have seen in the past; is that right?

Mr. HAYS. Yes, that is correct. That is what the litigants believe.

I think it was the intent of the House that it did not apply and it was certainly the intent of the amendment that it did not apply, but now people are going to court to have them say it does apply. We are simply trying to make it evenhanded and do exactly what the gentleman says.

Mr. UDALL. Would not the gentleman agree with me that 60 or 70 or 80 percent of the employees of businesses of this country work for corporations which probably have some kind of Government contract; and is it not true that most labor unions probably have some kind of manpower training contracts? If we leave the law the way the courts are being urged to interpret it, we are outlawing the kind of decent, honorable activity labor unions have undertaken and which many business employees have undertaken in recent years.

Mr. HAYS. I think the gentleman is exactly right. That is why the committee was unanimous in voting this out. It is so concise and simple and so to the point.

Mr. UDALL. Will the gentleman assure me on this one point? The gentleman has always been honorable and fair and square with me. I am told that there are fears of some gimmick in here and that the bill may be written in a way that it will do a lot of things that we cannot now understand. Will you assure the House it is taking care of this narrow thing and nothing else?

Mr. HAYS. I am not a lawyer, but I can read and understand the English language. I cannot for the life of me, by reading the bill and putting the language in the present act, which is in the report, see that it does anything except a simple thing, which is to say, in effect, it was not the intent of the Congress to bar voluntary contributions even though they may have had a small or any kind of Government contract.

Mr. UDALL. Before my time runs out, let me say this: One of the reasons why I am standing here today is I have made a lot of speeches about the Hughes Aircraft Co. and its "good citizenship" program at its plant in Tucson, Ariz., my hometown.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. UDALL. They have one of the finest programs in America. They appoint a Democrat and a Republican chairman in their plant and they go through the assembly line getting small contributions from the employees and urging political participation. Each party group in the plant is given company facilities to hold rallies, and so forth. I have always recommended to business people and to labor union people to get politically involved. If we are going to discourage and perhaps make unlawful the kind of voluntary systems that Hughes and other companies have established, then I am concerned about it, and think we are making a mistake.

I thank the gentleman for yielding to me and giving the House an opportunity to clarify the intent and scope of this bill.

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

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. I yield the gentleman 1 additional minute, Mr. Speaker, and I yield to the gentleman for a question.

Mr. NELSEN. I am wondering about a farmer who has a contract with the Government in a farm program. Under the definition of the administration of this bill, would he be barred?

Mr. HAYS. I am sure if Mr. Gardner thought he could get some publicity, he would file a lawsuit against him, and that is what this is all about.

Mr. DEVINE. Mr. Speaker, I have two requests for time.

I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, as I indicated a few moments ago in colloquy with the gentleman from Ohio, the chairman of the committee, on the substance, I am convinced this legislation is good legislation, and I urge the Members on both sides of the aisle to vote for it.

The colloquy between the gentleman from Arizona and the gentleman from Ohio has clearly indicated that this is legislation that ought to be approved. It certainly corrects, in my judgment, a mistake that was made in the base legislation as it was passed.

Having said that, let me explain the unfortunate situation in which I find myself.

In that explanation I would hope that in the future whenever this committee or any other committee proposes to change a law on the statute books that public hearings would be held.

On March 10 of this year the Speaker and I received a letter from Mr. John W. Gardner indicating that rumors had been heard that there might be a change in the law that had just been passed on election reform. This letter is as follows:

COMMON CAUSE,
Washington, D.C., March 10, 1972.

Hon. CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We have reports from reliable sources that Representative Wayne Hays has proposed that the House Administration Committee be designated as Supervisor of reports from House candidates, on contributions and expenditures in their political campaigns.

We have written to Representative Hays to inquire if he intends to introduce legislation to this effect.

The proposal would assign to a Congressional committee responsibility for enforcing a law that directly affects the political fortunes of incumbent members of Congress. That would raise even graver questions of conflict of interest than does the new law's assignment of responsibility to the Clerk of the House. It would raise suspicions that no candidate opposing an incumbent Congressman could expect fair enforcement of the law. Colleagues are notoriously loath to put blame on their peers.

During debate on the new election financing law you said, "There are too many signs of a loss of faith in government for us not to . . . take positive action to restore public confidence in the political process . . . The American people expect us to enact significant reform."

We are hopeful that the new Act, which closes so many loopholes in the reporting of campaign finances, will prove in practice to represent significant reform. We are concerned it will be a sham if steps are taken to place Members of Congress in the judge's seat.

Sincerely,

JOHN W. GARDNER.

On March 20 of this year the Speaker and I in a joint letter responded. It is about a two-page letter, and it is as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1972.

Hon. JOHN W. GARDNER,
Chairman, Common Cause,
Washington, D.C.

DEAR MR. GARDNER: In your letter of March 10, 1972, you state that you have reports that Representative Wayne Hays of Ohio has proposed that the Committee on House Administration, rather than the Clerk of the House, be designated as supervisor of reports from House candidates concerning contributions and expenditures in their political campaigns required by the Federal Elections Campaign Act of 1971 (Public Law 92-225). You set forth your opposition to the transfer of such supervisory officer authority and express concern that if such steps were taken it would "place Members of Congress in the judge's seat."

We understand discussions have taken place among members of the House Committee on House Administration to effect

such a change in supervisory officer authority under the Act. However, no such legislation has been introduced in the House. The argument has been advanced that since the Clerk is a partisan officer, the nominee of the political party in control of the House, the supervisory authority should be elsewhere to avoid any allegations of partisanship in handling such a responsibility. And, on the other hand, since the Clerk is an employee of the House he should not be charged with the responsibility of supervising Member's campaign reports.

By enacting the Federal Election Campaign Act of 1971, the Congress has taken significant steps toward reform in the reporting of campaign funds. The House has also established a special committee to investigate campaign receipts and expenditures (H. Res. 819, February 28, 1972). That special committee has been given subpoena powers (not given the Clerk by the Act) and authorized to cooperate with the Clerk in performance of his responsibilities under the Act (see §§ 8 and 9 of the resolution). We intend to see that the reporting requirements of the law are enforced on a non-partisan basis.

Responsible Members of the House have indicated to us that they do not share your view, that the right of all Congressional candidates and of the public to have access to contribution and expenditure information would necessarily be impeded by reposing such supervisory function in a committee of the House. If further analysis indicates that the new legislation would be improved by having the supervisory officer authority removed to a standing or select committee of the House, composed of Members of both political parties and armed with subpoena powers, legislative action will be required. Any such provision would necessitate public hearings. Of course, you and other interested parties would have an opportunity to present your views and we hope you would do so for the Committee record.

Your concern about this matter is appreciated. We assure you that the House intends to rigorously enforce the provisions of the Federal Election Campaign Act.

Sincerely,

CARL ALBERT,
Speaker, U.S. House of Representatives.
GERALD R. FORD,
Minority Leader, U.S. House of Representatives.

On May 26, Mr. Gardner again wrote me, and I believe he wrote the Speaker, again as a result of proposed changes in the Federal Election Campaign Act of 1971, and he reminded me that any change in the law should require public hearings.

His letter is as follows:

COMMON CAUSE,
Washington, D.C., May 26, 1972.

Hon. GERALD FORD,
Minority Leader, U.S. House of Representatives, Washington, D.C.

DEAR MR. FORD: It is our understanding that Chairman Wayne Hays of the House Administration Committee is proposing legislation to make a number of changes in the Federal Election Campaign Act of 1971, which became effective only two months ago. It has been reported that these changes would include reducing the present requirement for quarterly disclosure reports, requiring a contributor's occupation to be disclosed only "if known", and redefining "filed" to mean a report is filed in a timely manner so long as it is mailed on the day it is due.

We believe these proposed changes would gravely damage the new campaign finance law and severely undermine its basic intention to provide the public with campaign finance disclosures during the course of the elections.

It has been reported that Chairman Hays intends to ask the House Administration Committee to take final action on these legislative proposals in the near future. To our knowledge, no public hearings have been scheduled on these highly significant and highly questionable changes in the law.

In March of this year I wrote to you and Speaker Carl Albert, objecting to the proposal of Chairman Hays to take jurisdiction for supervising the new law away from the Clerk of the House and to give it to the House Administration Committee. In response you and Mr. Albert wrote that any such action would require legislation, that any provision of that nature "would necessitate public hearings" and that Common Cause and other interested parties would of course have the opportunity to present their views.

The most recent proposal by Chairman Hays to change the new law similarly calls for public hearings and the development of a public record.

Common Cause therefore calls upon you to again assure that public hearings will be held prior to any Committee action on the Hays proposal. We further request the opportunity for the Director of our Campaign Monitoring Project to appear before the Committee and present our views in opposition to the Hays proposals.

Sincerely,

JOHN W. GARDNER,
Chairman.

On June 5 of this year in response to that letter I wrote Mr. Gardner, and the letter is as follows:

JUNE 5, 1972.

Mr. JOHN W. GARDNER,
Chairman, Common Cause,
Washington, D.C.

DEAR MR. GARDNER: Your letter of May 26 concerning several rumored changes in the Federal Elections Campaign Act of 1971 has been received.

I reiterate what Speaker Albert and I said in our joint letter to you of several months ago. In the consideration of any amendments to the 1971 Act the House Committee on House Administration should hold public hearings and you and your associates should be given an opportunity to testify. Any other interested individual or group, pro or con, should also be accorded the privilege of appearing.

I thank you for your continuing interest in this matter.

Sincerely,

GERALD R. FORD,
Member of Congress.

Mr. Speaker, on the basis of that exchange of correspondence, and because no hearings were held, I find myself in an embarrassing position. To keep my word to Mr. Gardner in writing, I intend to vote against the motion to suspend the rules and pass the bill, but I add as a final observation and comment I believe that the substance of this bill is meritorious, and I think it is an attempt to correct an inadvertent error in the basic law.

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

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I want to say to the gentleman from Michigan that we did have a hearing on the only substantive change that was proposed, and this came up as a final effect—and I do not want to be technical about it—but I think that we have complied with Mr. Gardner's request. This is merely a short clarifying sentence to clarify what the bill says in plain English, and what Mr. Gardner is trying to obscure and make out as though we did not know what we were doing, and did not know how to do what we thought we were doing.

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

Mr. HAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma, our distinguished Speaker (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding, and I would like to comment regarding the correspondence of the gentleman from Michigan (Mr. GERALD R. FORD) and I had with Common Cause. In the first letter the main question was should the House Committee on House Administration be the supervising body, or should the Clerk of the House, and we agreed that there should be hearings. But then when another point came up, the gentleman from Michigan apparently answered it as he explained to the House, but I did not make that answer.

I made no clear-cut commitment on the issues he is talking about other than to state that hearings should be held on the question of whether the Committee on House Administration or the Clerk should handle the administration of the act. I thought that was important enough that hearings should be held by the Committee or House Administration. I have not made any commitment to Mr. Gardner on this particular issue.

Although I agree with the minority leader that generally speaking there should be hearings on legislation, particularly legislation that affects the House of Representatives, I would not ever bind myself or promise anybody that in considering general corrective legislation I would insist that a Committee of the House go through the formalities of committee hearings unnecessarily on something that had been handled in separate hearings previously.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Illinois for a question.

Mr. ANNUNZIO. I appreciate the gentleman from Ohio yielding. As a member of the committee, I would like to ask this question: Is it true that we did have 2 days of hearings on legislation affecting the Election Reform Act and that John Gardner was a witness and as a direct result of those hearings which I attended for 2 days, and I sat through the hearings—this is the only recommendation that was a by-product of the hearings that was called to the attention of the committee and we recommended it as a clarifying change to the full Committee on House Administration, and it did pass the full committee unanimously?

Mr. DEVINE. I would say to the gentleman that we did hold 2 days of public hearings and that John Gardner was in attendance and was a witness at great length, and the only recommendation that did rise out of those hearings resulted in the legislation that we have here today, and it did pass out of the House Administration Committee by a vote of 16 to 0.

Mr. ANNUNZIO. I thank the gentleman.

Mr. DEVINE. Mr. Speaker, I yield to the gentleman from California (Mr. GUBSER) for a question.

Mr. GUBSER. I would like to ask a question of either the gentleman from

Ohio (Mr. DEVINE) or the distinguished chairman of the committee. It has already been established that Mr. Gardner was present at the public hearings just referred to in the previous colloquy. It is my recollection that orally he admitted he had made false statements regarding certain Members of the House in their reporting procedure. I would like to know if Mr. Gardner who admitted this during the course of the hearings has ever retracted that statement that he made about those Members?

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

Mr. GUBSER. I yield to the gentleman.

Mr. HAYS. If he has, I have never heard about it. His organization is strong on making charges and short on backing them up, I can say to the gentleman.

Mr. DEVINE. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, I rise in opposition to the legislation. Some months ago I introduced the bill H.R. 14589, which also would amend section 610 of the law, but in an opposite direction.

My proposal is that we tighten it up—that we get corporations and labor unions out of the political business. I recognize, as the gentleman from Ohio pointed out, that there is inequity in the law as it has evolved in the recent changes that we made in the Congress. But I do not think this is the time to be trying to correct them. We are in the middle of the election campaign. Who will be affected by the bill? There are, perhaps, some corporations and unions which have these funds, and some which do not. How will the law apply?

There are serious questions in my mind as to whether labor unions and corporations should be involved at all, and whether they ought to be able to make indirect contributions to political parties—or deduct contributions they make for political advertising.

I think it is much more appropriate to consider this question after the elections are over when we will have an opportunity to look at all of them, and we will look at the big picture.

We speak here as if employees of corporations and members of labor unions had no other way of contributing their money to candidates and campaigns. That clearly is not the case. Anyone can make a contribution simply by calling up the local county or local political party. By keeping labor unions and corporations out of the political process, we are not going to deny anybody any right.

No matter how fair and no matter how honest the programs are, the suspicion is still there that "voluntary" contributions really are not "voluntary" at all. This is reflected in recent polls, which have shown that 60 percent of the American people have lost confidence in their elected officials; that they believe we are serving special interest groups and not the broad interests of our constituents. Part of the reason is because corporations and labor unions are involved in the political process. I believe we ought to keep them on the outside, and not on the inside. I urge a vote against this legislation.

Mr. HAYS. I yield myself 30 seconds, Mr. Speaker, to say to the gentleman that, of course, I understand he would like to preclude all contributions, and I guess if my name were DU PONT, I would, too, but since it is not, I do not feel that way.

I yield 1 minute to the gentleman from California.

Mr. BURTON. Mr. Speaker, I rise in support of the legislation. I should like to commend the House Administration Committee for making this key clarification in our election reporting law. The law as written, as I understand it, resulted in some interpretations that none of us intended, and this is a thoughtful solution to what otherwise could be somewhat of a difficult problem.

I urge a yea vote on the bill.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

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

Mr. GONZALEZ. I am quite puzzled here. This has been presented as a minor procedural amendment, but in the course of discussion apparently what is involved is—check me if I am wrong in my interpretation—the difference would be that if we approve this, a corporation that presently is prohibited from making a contribution because it has a Federal attachment in the way of a contract would thereby now be permitted to make a contribution.

Mr. HAYS. Only the employees voluntarily, not the corporation.

Mr. GONZALEZ. The analogy that was presented by the gentleman from Arizona about the corporation in his district is an ideal situation. What about the case of a corporation that has been formed specifically, that has been chartered specifically for the purpose of contracting with the Government? Would you not say that there we should keep some kind of restriction?

Mr. HAYS. There is a restriction. That corporation cannot out of corporate funds contribute any more than any other corporation, but if their employees are going to contribute, they should not be prohibited, in my judgment, any more than the gentleman's employees should be prohibited—and they are not.

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

Mr. HAYS. I yield to the gentleman from Arizona.

Mr. UDALL. Under the old law or new law or the law as it would be adjusted by this bill, no corporation can make a corporate contribution, and no union can make a union treasury contribution. All that is involved here would be corporate or union sponsorship of an arrangement to permit and handle voluntary contributions by members of a corporation or members of a labor union.

Mr. GONZALEZ. That is true, but what I am afraid of is we are not taking into consideration the real situation we face today, and have faced for the last 5 or 6 years, in which we have had entire industries built up merely for the purpose of contracting with the Government. Now we cannot say that the employees of 100 percent federally funded activities, even though they are incorporated as a private corporation, would not really be in a different position than a fully-funded type of corporation.

Mr. HAYS. I can say to the gentleman you cannot say that exactly, because in my opinion if you have an amendment that would prohibit that—and again I am not a lawyer—you would be discriminating against employees of one corporation as against another, as you would be against a union. All we are trying to do is clarify this. I think the gentleman's fears are completely unfounded.

Mr. GONZALEZ. I thank the gentleman.

Mr. BINGHAM. Mr. Speaker, I am opposed to the motion to suspend and pass H.R. 15276. My opposition is not based on any serious qualms about the substantive result of this bill, which is apparently intended to carry out the intention of the Congress in enacting Public Law 92-225 that corporations and labor unions, whether or not they have Government contracts, should be free to carry on the kind of voluntary activities that are specified in section 610 of the act. I am disturbed, however, by the procedure followed in this case. I believe that public hearings should have been held on this proposal and that the bill should have come before the House in the normal way, so as to be subject to amendment.

I believe the purpose of the legislation could have been accomplished better than by excluding corporations and labor unions altogether from the coverage of section 611. The Congress virtually makes itself ridiculous if, having enacted legislation earlier this year to apply certain restrictions to Government contractors, it then proceeds late into the year to exclude corporations, which hold the vast majority of Government contracts, from the provisions of the law. It would have been preferable to make clear what section 611 was intended to prohibit.

I do not believe that any corporations or labor organizations carrying on the types of activities permitted under section 610 will be prosecuted for violations under section 611, and accordingly I see no urgency about the present bill. In any case, since the present bill is not retroactive in its effect, if there were violations during the months since April 7 when Public Law 92-225 went into effect, they will remain as violations whether or not the bill before us today is enacted.

I should add that, because of the conflict of committee business, I was not able to attend the meeting of the House Administration Committee at which this legislation was considered. Since I was absent from the meeting, I do not wish my remarks to appear as a reflection on what the committee did. However, my negative vote reflects my view that this matter could have been handled in a more normal way.

Mr. VANIK. Mr. Speaker, at a time when this Congress has made positive steps in campaign reform—it would be a tragic step backward to pass H.R. 15276. This bill adds a provision to title 18, section 591 to specify that the words "person" and "whoever" do not mean a corporation or a labor union with respect to section 611.

This would in effect gut the entire section of the code which prohibits solicitation and payment of contributions by

those who benefit from congressional appropriations or Government largess.

The passage of this bill would pave the way for wholesale payoffs in the way of political contributions by those who have benefited by congressional appropriations. The Congress must be made independent of these influences and must remain a "free agent" of the American people.

Passage of this bill would be a great disservice to both the American people and the democratic process.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and pass the bill H.R. 15276.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 249, nays 124, not voting 57, as follows:

[Roll No. 396]

YEAS—249

Abbitt	Curlin	Hunt
Abernethy	Daniel, Va.	Jarman
Abourezk	Daniels, N.J.	Johnson, Calif.
Adams	Danielson	Johnson, Pa.
Alexander	Davis, Ga.	Jonas
Andrews, Ala.	Davis, Wis.	Jones, Ala.
Annunzio	de la Garza	Jones, N.C.
Archer	Delaney	Jones, Tenn.
Arends	Dent	Karth
Ashbrook	Devine	Kazen
Ashley	Dickinson	Kee
Aspinall	Diggs	Keith
Barrett	Donohue	King
Begich	Dorn	Kluczynski
Belcher	Downing	Kyros
Bergland	Duncan	Landgrebe
Betts	Eckhardt	Leggett
Biaggi	Edwards, Ala.	Lennon
Blackburn	Eilberg	Lloyd
Blanton	Erlenborn	Long, Md.
Blatnik	Evins, Tenn.	McClory
Boggs	Fascell	McCollister
Boland	Fisher	McCulloch
Bow	Flood	McEwen
Brademas	Foley	McFall
Brasco	Ford, William D.	McKay
Bray	Forsythe	Madden
Brooks	Frelinghuysen	Mahon
Broomfield	Frey	Mann
Brown, Mich.	Fulton	Martin
Brown, Ohio	Garmatz	Mathias, Calif.
Broyhill, N.C.	Gaydos	Mathis, Ga.
Burke, Fla.	Gettys	Matsunaga
Burke, Mass.	Giaimo	Meeds
Burleson, Tex.	Gibbons	Melcher
Burlison, Mo.	Goldwater	Miller, Calif.
Burton	Goodling	Mills, Ark.
Byrne, Pa.	Gray	Mills, Md.
Byrnes, Wis.	Griffin	Mizell
Byron	Griffiths	Monagan
Caffery	Grover	Montgomery
Camp	Gubser	Moorhead
Carey, N.Y.	Haley	Morgan
Carlson	Hall	Moss
Carney	Hammer-schmidt	Murphy, Ill.
Carter	Hanley	Myers
Casey, Tex.	Hansen, Idaho	Natcher
Cederberg	Hansen, Wash.	Nedzi
Celler	Hawkins	Nix
Chamberlain	Hays	O'Hara
Chappell	Hébert	O'Neill
Clancy	Henderson	Passman
Clark	Hicks, Mass.	Patten
Clausen, Don H.	Hicks, Wash.	Pelly
Clawson, Del	Hogan	Pepper
Collier	Holifield	Pettis
Collins, Tex.	Horton	Peyser
Colmer	Hosmer	Pickle
Conable	Howard	Pike
Corman	Hungate	Pirnie
Cotter		Poage
		Podell
Price, Ill.	Sisk	Thompson, N.J.
Quie	Slack	Udall
Quillen	Smith, Calif.	Ullman
Railsback	Spence	Veysey
Randall	Springer	Waggonner
Rangel	Staggers	Wampler
Rhodes	Stanton, J. William	Ware
Roberts	Stanton, James V.	Whitten
Robinson, Va.	Steed	Widnall
Rodino	Steiger, Ariz.	Wiggins
Rogers	Stephens	Williams
Roncalio	Stokes	Wilson, Bob
Rooney, Pa.	Stratton	Wilson, Charles H.
Rostenkowski	Stubblefield	Winn
Rousselot	Stuckey	Wolff
Roybal	Sullivan	Wright
Ruth	Symington	Wyatt
St Germain	Taylor	Wyman
Sandman	Teague, Tex.	Yatron
Satterfield	Terry	Young, Tex.
Scherle	Thompson, Ga.	Zablocki
Shoup		Zion
Sikes		

NAYS—124

Addabbo	Grasso	O'Konski
Anderson, Calif.	Green, Pa.	Patman
Anderson, Ill.	Gude	Perkins
Anderson, Tenn.	Hamilton	Powell
Andrews, N. Dak.	Harrington	Preyer, N.C.
Aspin	Harsha	Rarick
Badillo	Hastings	Reid
Bennett	Hathaway	Reuss
Biester	Hechler, W. Va.	Riegle
Bingham	Heckler, Mass.	Robison, N.Y.
Brinkley	Heinz	Roe
Brotzman	Helstoski	Rosenthal
Broyhill, Va.	Hillis	Roush
Buchanan	Hutchinson	Roy
Cleveland	Ichord	Ruppe
Conover	Jacobs	Sarbanes
Conte	Kastenmeier	Saylor
Conyers	Keating	Scheuer
Coughlin	Kemp	Schneebeli
Crane	Koch	Sebelius
Dellenback	Latta	Seiberling
Dellums	Lent	Shriver
Denholm	Long, La.	Skubitz
Dennis	McCloskey	Smith, Iowa
Derwinski	McDade	Smith, N.Y.
Drinan	McDonald, Mich.	Snyder
Duiski	McKevitt	Steele
du Pont	McKinney	Steiger, Wis.
Edwards, Calif.	Macdonald, Mass.	Thomson, Wis.
Esch	Mailliard	Thone
Eshleman	Mallary	Tiernan
Findley	Mayne	Vander Jagt
Fish	Mazzoli	Vanik
Flowers	Michel	Vigorito
Ford, Gerald R.	Mikva	Whalen
Fountain	Miller, Ohio	Whalley
Fraser	Minish	White
Frenzel	Mitchell	Whitehurst
Fuqua	Mosher	Wydler
Gonzalez	Nelsen	Wylie
	Obey	Yates
		Young, Fla.
		Zwach

NOT VOTING—57

Abzug	Galifianakis	Minshall
Baker	Gallagher	Mollohan
Baring	Green, Oreg.	Murphy, N.Y.
Bell	Gross	Nichols
Bevill	Hagan	Price, Tex.
Bolling	Halpern	Pryor, Ark.
Cabell	Hanna	Pucinski
Chisholm	Harvey	Purcell
Clay	Hull	Rees
Collins, Ill.	Kuykendall	Rooney, N.Y.
Culver	Kyl	Runnels
Davis, S.C.	Landrum	Schmitz
Dingell	Link	Schwengel
Dow	Lujan	Scott
Dowdy	McClure	Shipley
Dwyer	McCormack	Talcott
Edmondson	McMillan	Teague, Calif.
Evans, Colo.	Metcalfe	Van Deerlin
Flynt	Mink	Waldie

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Talcott.
Mr. Bevill with Mr. Grasso.
Mr. Dingell with Mr. Minshall.
Mr. Nichols with Mr. Baker.
Mr. Shipley with Mr. Schwengel.
Mr. Mollohan with Mr. Bell.
Mr. Murphy of New York with Mr. Halpern.
Mr. Flynt with Mr. Scott.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Davis of South Carolina with Mr. Teague of California.
Mr. Culver with Mr. McClure.
Mr. McCormack with Mrs. Chisholm.
Mr. Cabell with Mr. Hagan.
Mr. Hanna with Mrs. Abzug.
Mr. Metcalfe with Mrs. Mink.
Mr. Dow with Mr. Clay.
Mr. Purcell with Mr. Schmitz.
Mr. Runnels with Mr. Harvey.
Mr. Link with Mr. Kyl.
Mr. Hull with Mr. Kuykendall.
Mr. Waldie with Mr. Galifianakis.
Mr. Pucinski with Mr. Dowdy.
Mr. Edmondson with Mr. Price of Texas.
Mr. Collins of Illinois with Mr. Gallagher.
Mr. Landrum with Mr. Pryor of Arkansas.
Mr. Rees with Mr. McMillan.
Mr. Van Deerlin with Mr. Baring.

Messrs. DANIELSON, PODELL, and WOLFF changed their votes from "nay" to "yea".

Mr. DENHOLM and Mr. FOUNTAIN changed their votes from "yea" to "nay".

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANTIHIJACKING ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16191) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft; and to authorize the Secretary of Transportation to suspend the operating authority of foreign air carriers under certain circumstances.

The Clerk read as follows:

H.R. 16191

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

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination of last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed abroad, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are

closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i)(2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof.

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

'(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section."

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this section the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such convention, the specifications and practices set out in appendix A to Resolution A17–10 of the Seventeenth Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention or such specifications and practices of such resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the basic purpose of this bill is to provide additional improvements to legislation directed toward the curtailment of aircraft hijacking. Specifically, this bill will bring into force as a matter of U.S. law the security provisions of the Convention on International Civil Aviation. The Hague Convention and the security provisions are set forth in the committee report. The Hague Convention has been in effect since October of 1971, and the United States is a party to it.

The bill also creates new sanctions through which the United States may combat hijacking. They are as follows:

First. Section 1114—Suspension of air services: This section vests the President with permissive powers to suspend the right of any U.S. air carrier or foreign air carrier to operate to and from a foreign nation that is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft. It also gives the President a second permissive power to suspend the operations of any foreign air carrier between the United States and the foreign nation which continues air commerce between itself and a nation which is acting inconsistent with the Convention.

Second. Section 1115—Security standards in foreign air transportation: This section grants permissive power to the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions on operating authority of the airline or airlines of a nation that fails to meet the security measures at or above the minimum standards under the Convention.

Third. Civil penalties: Civil penalties up to $1,000 per day are applicable to violations of suspensions imposed by the President, and the Attorney General is authorized to seek judicial enforcement of suspensions.

Mr. Speaker, I yield to the gentleman from New York.

Mr. REID. Mr. Speaker, I thank the chairman for yielding.

First, I should like to commend the distinguished chairman for his leadership and the work of his great committee in getting out this legislation so promptly.

Mr. Speaker, it is my understanding that the Anti-Skyjacking Act of 1972 now before the House contains the basic and essential provisions of a bill I introduced with 52 cosponsors, H.R. 16164, relative to implementing The Hague Convention in connection with the extradition or prosecution of a skyjacker, that is to say, that this bill clearly authorizes the President, at his discretion to suspend the

right of any airlines, foreign or domestic, to operate between the United States and any country which is acting in a manner inconsistent with The Hague Convention; and, second, it authorizes the President to suspend the right of any foreign airline to operate between the United States and any foreign country which maintains air service between itself and a country which is acting in a manner inconsistent with The Hague Convention.

My question, therefore, is, Does not this legislation embody the principle that I and my colleagues have previously introduced?

Mr. STAGGERS. I would say to the gentleman from New York (Mr. REID) that does embody the basic principles he introduced in his bill. We had contemplated taking up his bill in the committee, and another bill, not only to implement The Hague Convention, but also to give the President power to revoke the license and the right to land in this country of any airline in violation, as well as give the Secretary of Transportation, with the approval of the Secretary of State, the right to suspend or impose conditions if other nations do not meet our standards of security.

I wish to compliment the gentleman from New York because he did come to me several times and ask for a hearing. I know that he has been very interested in the legislation, and this probably is a consequence of part of the bill that he did introduce.

Mr. REID. Mr. Speaker, I have two other basic questions. Does not the legislation today complement the action of the House previously in the foreign aid bill where the President was given discretionary power to withhold foreign aid funds from any country that harbors a skyjacker and refuses at the request of the President of the United States to either expedite the return of or prosecute the said hijacker?

Mr. STAGGERS. It does, but we do not send aid to many nations, and this covers all of them.

Mr. REID. Mr. Speaker, another point I know the Chairman is deeply interested in, and one I am hopeful he will act on, should the bill go to conference, would be legislation dealing with metal sensing to make sure that all U.S. carriers, foreign or domestic, obtain necessary metal-sensing and X-ray equipment to detect all weapons and in particular nonferrous weapons.

As the chairman is well aware, according to a recent report of the FAA, there are only 5 out of 36 major U.S. air carriers which presently have metal-sensing equipment, and the Airline Pilots Association thinks such equipment is a necessary safeguard both for passengers, airmen, stewardesses, and the flying public.

Mr. STAGGERS. I would say to the gentleman this is essential. If this legislation does not pass the Congress this year and become law, the committee will hold hearings on this. It is essential to the security of our people who are flying.

Mr. REID. Mr. Speaker, in my opinion, this legislation is of the utmost importance if we are to halt the growing menace of air piracy.

We will not be able to end skyjacking until every potential skyjacker knows that he will be dealt with to the full extent of the law no matter where in the world he seeks refuge.

Under this bill, if Algeria continues to harbor skyjackers, the President could shut-down air service between the United States and Algeria—if any existed—and also between the United States and a nation such as France, until France terminated its air service to and from Algeria.

The severe economic pressure thus imposed on the offending country would almost surely encourage if not mandate its eventual cooperation in the international crackdown on skyjackers. Once an offending country began acting consistently with the terms of the Hague Convention on air piracy—by either prosecuting or extraditing accused skyjackers—the sanctions imposed by this measure would be lifted.

As my colleagues know, the Senate antiskyjacking bill, which recently passed in the other body by 75 to 1, contains the same provisions as in the bill before us. But it goes farther and attacks the skyjack problem from yet another direction.

The Senate bill includes provisions to establishing an air transportation security program in the FAA, authorizing $35 million to provide a law enforcement capability and presence at U.S. airports in order to deal with potential skyjackers.

Additionally, it would require the screening of all passengers and carry-on baggage by means of weapons-detecting devices—to be supplied by the Government.

If the rules permitted the offering of amendments to the bill before us, I would seek to have the House adopt similar provisions today. In my judgment, the FAA and the airlines have been shamefully derelict in their responsibility to the traveling public by not already having instituted weapons-screening procedures on an across-the-board basis.

Recently, 28 of my colleagues joined me in sponsoring a bill which would require inspection of all passengers and baggage by means of advanced metal detection devices or X-ray devices by January 1, 1973.

The Air Lines Pilots Association strongly supports this kind of legislation. I wish to invite attention to the following letter which I have just received from ALPA:

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., September 28, 1972.

Hon. OGDEN REID,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REID: We again want to thank you for your interest in introducing strong, realistic, and necessary antihijacking legislation.

We are hopeful that the Staggers bill, H.R. 16191, will be before the House Monday and will be passed by that body. The Air Line Pilots Association strongly urges the conferees to include the provisions contained in the Senate bill calling for a security force within the FAA and adequate screening of all passengers and luggage on board airplanes. Such legislation will serve as a strong deterrent to the heinous crime of aerial piracy. We hope that sufficient funds can be authorized and appropriated to provide metal detection devices at every airport gate used in commercial aviation.

Sincerely,

J. J. O'DONNELL,
President.

It is my hope that the House conferees on this legislation will see fit to agree to the substance of the Senate provisions on airport security and passenger screening. Skyjacking can only be eliminated by multipronged measures. We must effectively deal with skyjackers before they get a chance to board an aircraft, as well as after they have committed this terrible crime. This is the only approach that holds any promise of eradicating the problem altogether.

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

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

Mr. STAGGERS. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I do this simply to commend the gentleman and his committee on the action taken. I hope this bill is passed today and that there is agreement between the House and the Senate so this legislation may go to the President. I recently introduced legislation which goes even further than this in both areas, but again I commend the committee on what they have done because I think this is one of the greatest problems that we face in our transportation industry.

Mr. Speaker, I express appreciation to the chairman and the Committee on Interstate and Foreign Commerce for the action they have taken.

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

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

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

Mr. Speaker, I have heard the chairman say he hopes the other body will accept this bill so we will not have to go to conference. We do not know what action the other body will take. I do point out since the Senate version did not provide for mandatory screening and that the search is to be carried out by airline personnel, in the event they do not accept this and we go to conference that would be open to negotiation in the conference committee. The contention by the airlines is that personnel of the airlines are not well equipped to act against a person who might have a psychiatric problem and I can see their viewpoint. If the other body does not accept this, then this is something we can work on early next year.

Mr. STAGGERS. If we do have to go to conference it is very doubtful that this legislation will ever see the light of day, so for the sake of getting the legislation passed I do hope this will be accepted.

Mr. PICKLE. I thank the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I yield to the chairman of the subcommittee which handled this legislation, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I thank

the gentleman from West Virginia for yielding.

Mr. Speaker, this bill modifies and expands existing law to implement provisions of the Hague Convention. It also adds new discretionary powers to the United States which are vested in the President and the Secretary of Transportation. A brief description of the more substantive changes follows:

SECTION 1114—SUSPENSION OF AIR SERVICES

This section vests the President with permissive powers to suspend the right of any U.S. carrier or foreign air carrier to operate to and from a foreign nation that is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft. It also gives the President a second permissive power to suspend the right of any foreign air carrier to provide service to and from the United States when such foreign nation continues air commerce between itself and a nation which is acting inconsistent with the Convention.

SECTION 1115—SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

This section grants permissive power to the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions in operating authority of the airline or airlines of a nation that fails to meet the security measures at or above the minimum standards set forth in appendix A to Resolution A17–10 of the seventeenth assembly of the International Civil Aviation Organization.

3—CIVIL PENALTIES

Civil penalties up to $1,000 per day are applicable to violations of suspensions imposed by the President and the Attorney General is authorized to seek judicial enforcement of suspensions.

Mr. Speaker, I urge the passage of H.R. 16191.

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

Mr. Speaker, I take this time to give the Members the technical part of what this bill does and I think it is rather important that Members be acquainted with where we are in this field. In 1971, in October, the United States agreed first of all to the international convention for the suppression of unlawful seizure of aircraft which became effective in that month.

The important point is that this convention calls for uniformity in definitions so that we have a uniform law applicable to all countries who become a part of the convention, and also what happens by virtue of the fact that an aircraft is in flight is defined. Then we also have uniformity with reference to what the penalties shall be for these acts with reference to hijacking.

To implement these requirements we did make necessary changes and additional definitions of an offense against an aircraft and of the term "in flight."

If Members turn to page 3 of the report, to the section entitled "Aircraft piracy" the Members can see very readily that there are a total of 10 various changes which I will not go into. There are 10 specific changes which bring uniformity into this field and which provide a complete umbrella coverage for all types of hijacking. I will not detail those but it is in substance what section 3(a) under "Aircraft piracy" on page 3 of the report does, and it extends over to "Suspension of air services" on page 4, if Members want a complete explanation of what this does.

Some of them are substance, and some of them are technical amendments, but we knew that all these were necessary if we were to give uniformity under our law, and when we became a part of the air piracy convention.

Next, the President is given the additional power to cut off service to or from any country which harbors hijackers. A specific example of that would be in the fall of 1970 when, Members will recall, two of our own aircraft were seized in Florida. One was Pan American, and one was United. One of them was flown into the desert, as I recall in Syria or Jordan, and burned. The other one was burned after it landed in Cairo. These are what we are attempting to get at so that we do have authority to cut off air flights from those countries which violate this convention and our law.

Next, the Department of Transportation may bar airlines coming into this country. Naturally, we regulate our own, and would bar airlines from sending aircraft into this country which do not meet the minimum security measures set out under the convention. We do not make up those minimum security requirements. All we say is that any airline which flies into the United States must meet the convention's minimum security measures.

With those points, the Members have the amendments to our present law which are in order to make us conform to the criteria set up in the International Convention for the suspension of unreasonable seizure of aircraft which became effective in October 1971.

May I say just this so that Members will know: the Senate bill has put on a lot of other items. The chairman has said that he will ask unanimous consent, at the end of this discussion, to strike out all the language in the Senate bill and insert the provisions of our bill in the Senate bill. I think that is for a good reason.

We could not agree in conference to these four items that are set up. There are four objections we would have. We could not consent to that, so there was no reason for us to go to conference. I think the Senate will take our bill. At least, they ought to, because I do not believe we are going to have enough time to do anything else. There is no reason for us to go to conference if we do not have time to complete the conference, and come back here, so we think it is better to send our bill over to the Senate and let them pass our bill. Then, there is no necessity for going to any conference of any kind.

In substance, I think those are the provisions that we have in our bill. I have not outlined the items in the Senate bill, but I do not think that is necessary, because we are discussing really what is in our bill at this time.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REID).

Mr. REID. I wanted to point out to the House that presently there are 100 fugitives in Cuba; seven in Algeria; three in Egypt; two in Syria; and two in Jordan. As yet, the majority of the nations of the world have not yet signed the Hague Convention or the Montreal Convention, nor have they acceded to it. Hence, I think this legislation is necessary. I hope the President will use this authority vigorously.

Mr. STAGGERS. I yield 3 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, not only the American public but, indeed, people throughout the entire world are incensed at the terrorism and aircraft hijacking which has been occurring in recent years. This bill is, I believe, a very reasonable, a very responsible manner for this Congress to approach this problem.

I certainly feel that it is within our right and our authority as a nation to determine whether or not we are going to allow airlines of other nations to come into this country who continue to serve those nations who harbor aircraft hijackers. We must, if we are to stop this problem, if we are to provide a solution to the aircraft hijacking problem, take strong measures.

This bill is a strong bill; there is no question about it. I submit it is in the best interests of all air travelers and in the best interests of the United States. I urge its passage.

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

Mr. THOMPSON of Georgia. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I want to congratulate the gentleman upon his interest in this subject for such a long period of time. He has talked with me on several occasions. I know of no Member of the subcommittee who has a better knowledge of the intricacies of the problem of air piracy than he has. He has made a detailed study of it. I commend him for his interest in the problem and his diligence in trying to get this legislation on the floor. The gentleman is to be congratulated on his effort, as this bill finally comes before this body today.

Mr. THOMPSON of Georgia. I thank the gentleman.

Mr. ROYBAL. Mr. Speaker, even though I support H.R. 16191 I wish to point out to my colleagues that the bill does not provide for all the safeguards that are necessary to combat the problems associated with air piracy.

The bill now under consideration authorizes the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking, makes technical changes to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and authorizes the Secretary of Transportation to suspend the operating authority of foreign air carriers if they fail to establish safety procedures which are equal to or above the minimum standards established pursuant to the Convention on International Civil Aviation. However, the bill neglects to improve the day to day surveillance mechanisms which are nec-

essary to protect our air passenger system.

On September 14, 1972, I introduced H.R. 16698 which provides that after December 31, 1972, all air carriers must inspect all passengers and passenger baggage with a metal detection or X-ray system. Such systems are now used by the airline airports of most major cities. But many of our recent hijackings have taken place on flights originating from airports in smaller cities. We must realize that the airline pirate may strike from any point and that the most sophisticated devices are necessary to protect the existence and integrity of our air transport system.

Finally, it has become apparent that the next Congress will have to consider a plethora of problems which have arisen from the skyjacking phenomenon. For instance, is it constitutionally permissible under the fourth amendment to allow airline employees to search for and seize alleged contraband which is detected by the metal detection devices? Do they have the right and/or power to arrest or detain a person once alleged contraband is found or there is probable cause to suspect that a person is carrying such contraband? Is there a need for some type of Federal security force to operate the detection equipment? Who will foot the bill for the additional security procedures—the airlines, the Government, or the public? Although these questions are lightly brushed aside today by this legislation, they are questions which will have to be met head on and resolved in the future if the safety and dependability of air travel is to be preserved.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 16191.

TELLER VOTE WITH CLERKS

Mr. BINGHAM. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. BINGHAM. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. STAGGERS, SPRINGER, BINGHAM, and CAFFERY.

The Committee divided, and the tellers reported that there were—ayes 354, noes 2, not voting 74, as follows:

[Roll No. 397]

[Recorded Teller Vote]

AYES—354

Abbitt	Ashley	Brasco
Abernethy	Aspin	Bray
Abourezk	Aspinall	Brinkley
Adams	Badillo	Brooks
Addabbo	Barrett	Broomfield
Alexander	Begich	Brotzman
Anderson, Calif.	Belcher	Brown, Mich.
	Bennett	Brown, Ohio
Anderson, Ill.	Bergland	Broyhill, N.C.
Anderson, Tenn.	Betts	Broyhill, Va.
	Biester	Buchanan
Andrews, Ala.	Bingham	Burke, Fla.
Andrews, N. Dak.	Blackburn	Burke, Mass.
	Blatnik	Burleson, Tex.
Annunzio	Boggs	Burlison, Mo.
Archer	Boland	Byrne, Pa.
Arends	Bow	Byrnes, Wis.
Ashbrook	Brademas	Byron
Caffery	Heckler, Mass.	Powell
Camp	Heinz	Preyer, N.C.
Carey, N.Y.	Helstoski	Price, Ill.
Carlson	Hicks, Mass.	Quie
Carney	Hicks, Wash.	Quillen
Carter	Hillis	Railsback
Casey, Tex.	Hogan	Randall
Cederberg	Holifield	Rangel
Celler	Horton	Rarick
Chamberlain	Hosmer	Reid
Chappell	Howard	Reuss
Clancy	Hungate	Rhodes
Clark	Hunt	Riegle
Clausen, Don H.	Hutchinson	Roberts
	Ichord	Robinson, Va.
Clawson, Del	Jarman	Robison, N.Y.
Cleveland	Johnson, Calif.	Rodino
Collier	Johnson, Pa.	Roe
Collins, Tex.	Jonas	Rogers
Colmer	Jones, Ala.	Roncalio
Conable	Jones, N.C.	Rooney, Pa.
Conover	Jones, Tenn.	Rosenthal
Conte	Karth	Rostenkowski
Cotter	Kastenmeier	Roush
Coughlin	Kazen	Rousselot
Crane	Keating	Roy
Curlin	Kee	Roybal
Daniel, Va.	Keith	Ruppe
Daniels, N.J.	Kemp	Ruth
Danielson	King	St Germain
Davis, Ga.	Kluczynski	Sarbanes
Davis, Wis.	Koch	Satterfield
de la Garza	Kyros	Saylor
Delaney	Landgrebe	Scherle
Dellenback	Latta	Scheuer
Dellums	Lennon	Schneebeli
Denholm	Lent	Sebelius
Dennis	Lloyd	Seiberling
Dent	Long, La.	Shoup
Derwinski	Long, Md.	Shriver
Devine	McClory	Sikes
Dickinson	McCloskey	Sisk
Diggs	McCollister	Skubitz
Dorn	McCulloch	Slack
Downing	McDade	Smith, Calif.
Drinan	McDonald, Mich.	Smith, Iowa
Dulski		Smith, N.Y.
Duncan	McEwen	Snyder
du Pont	McFall	Spence
Eckhardt	McKay	Springer
Edmondson	McKevitt	Staggers
Edwards, Ala.	McKinney	Stanton, J. William
Eilberg	McMillan	
Erlenborn	Macdonald, Mass.	Steed
Esch		Steele
Eshleman	Madden	Steiger, Ariz.
Fascell	Mahon	Steiger, Wis.
Findley	Maillliard	Stephens
Fish	Mallary	Stokes
Fisher	Mann	Stratton
Flood	Martin	Stubblefield
Flowers	Mathias, Calif.	Stuckey
Foley	Mathis, Ga.	Sullivan
Ford, Gerald R.	Matsunaga	Symington
Ford, William D.	Mayne	Taylor
	Mazzoli	Thompson, Ga.
Fountain	Meeds	Thompson, N.J.
Fraser	Melcher	Thomson, Wis.
Frelinghuysen	Michel	Thone
Frenzel	Mikva	Tiernan
Frey	Miller, Calif.	Udall
Fulton	Miller, Ohio	Ullman
Fuqua	Mills, Ark.	Vander Jagt
Garmatz	Mills, Md.	Vanik
Gaydos	Minish	Veysey
Gettys	Mitchell	Vigorito
Giaimo	Mizell	Waggonner
Gibbons	Monagan	Wampler
Goldwater	Montgomery	Ware
Gonzalez	Moorhead	Whalen
Goodling	Morgan	Whalley
Grasso	Mosher	White
Gray	Moss	Whitehurst
Green, Pa.	Myers	Whitten
Griffin	Natcher	Widnall
Griffiths	Nedzi	Williams
Grover	Nelsen	Wilson, Charles H.
Gubser	Nix	
Gude	Obey	Winn
Haley	O'Hara	Wolff
Hall	O'Konski	Wright
Hamilton	O'Neill	Wyatt
Hammer-schmidt	Passman	Wydler
	Patman	Wylie
Hanley	Patten	Wyman
Hansen, Idaho	Pelly	Yates
Hansen, Wash.	Perkins	Yatron
Harrington	Pettis	Young, Fla.
Harsha	Peyser	Young, Tex.
Hastings	Pickle	Zablocki
Hathaway	Pike	Zion
Hays	Pirnie	Zwach
Hébert	Poage	
Hechler, W. Va.	Podell	

NOES—2

Burton	Conyers

NOT VOTING—74

Abzug	Galifianakis	Murphy, N.Y.
Baker	Gallagher	Nichols
Baring	Green, Oreg.	Pepper
Bell	Gross	Price, Tex.
Bevill	Hagan	Pryor, Ark.
Biaggi	Halpern	Pucinski
Blanton	Hanna	Purcell
Bolling	Harvey	Rees
Cabell	Hawkins	Rooney, N.Y.
Chisholm	Henderson	Runnels
Clay	Hull	Sandman
Collins, Ill.	Jacobs	Schmitz
Corman	Kuykendall	Schwengel
Culver	Kyl	Scott
Davis, S.C.	Landrum	Shipley
Dingell	Leggett	Stanton, James V.
Donohue	Link	
Dow	Lujan	Talcott
Dowdy	McClure	Teague, Calif.
Dwyer	McCormack	Teague, Tex.
Edwards, Calif.	Metcalfe	Terry
Evans, Colo.	Mink	Van Deerlin
Evins, Tenn.	Minshall	Waldie
Flynt	Mollohan	Wiggins
Forsythe	Murphy, Ill.	Wilson, Bob

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2280) to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such Act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2280

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

TITLE I—ANTI-HIJACKING ACT OF 1972

SECTION 1. This title may be cited as the "Anti-Hijacking Act of 1972".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i) (2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"Aircraft Piracy Outside Special Aircraft Jurisdiction of the United States

"(n)(1) whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof; and

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"SUSPENSION OF AIR SERVICES

"SEC. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation is used as a base of operations or training or as a sanctuary or which arms, aids, or abets in any way, terrorist organizations which knowingly use the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.".

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"SEC. 1115. (a) Not later than 30 days after the date of enactment of this Act the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permit issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such Convention, the specifications and practices set out in Appendix A to Resolution A17–10 of the 17th Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such Convention or such specifications and practices of such Resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

SEC. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

SEC. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

SEC. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 1115. Security standards in foreign air transportation.".

SEC. 8. The last sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "ministers of religion" the following: "or individuals who are twenty-one years of age or younger or sixty-five years of age or older".

SEC. 9. Sections 403(b) of the Federal Aviation Act of 1958 is amended (1) by inserting after "persons in connection with such accident;" the following: "and handicapped persons and persons traveling with and attending such handicapped persons when the handicapped person requires such attendance;", and (2) by inserting at the end thereof the following: "As used in this section the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

SEC. 10. The second sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "in the service of such air carrier or foreign air carrier;" the following: "widows, widowers, and minor children of employees who have died while employed by such air carrier or foreign air carrier after twenty-five or more years of such employment;".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1972

SEC. 21. This title may be cited as the "Air Transportation Security Act of 1972".

SEC. 22. The Congress hereby finds and declares that—

(1) the United States air transportation system which is vital to the citizens of the United States is threatened by acts of criminal violence and air piracy;

(2) the United States air transportation system continues to be vulnerable to violence and air piracy because of inadequate security and a continuing failure to properly identify and arrest persons attempting to violate Federal law relating to crimes against air transportation;

(3) the United States Government has the primary responsibility to guarantee and insure safety to the millions of passengers who use air transportation and intrastate air transportation and to enforce the laws of the United States relating to air transportation security; and

(4) the United States Government must establish and maintain an air transportation security program and an air transportation security-law enforcement force under the direction of the Administrator of the Federal Aviation Administration in order to adequately assure the safety of passengers in air transportation.

SEC. 23. (a) Title III of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"SEC. 315. (a) The Administrator shall as soon as practicable prescribe regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting devices operated by employees of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after the effective date of such regulation the Administrator may alter or amend such regulations, requiring a continuation of such screening by weapon-detecting devices only to the extent deemed necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of this screening program and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least thirty days in advance of their effective date.

"(b) The Administrator shall acquire and furnish for the use by air carriers, intrastate air carriers, and foreign air carriers at airports within the United States sufficient devices necessary for the purpose of subsection (a) of this section, which devices shall remain the property of the United States.

"(c) The Administrator may exempt, from provisions of this section, air transportation operations performed by air carriers operating pursuant to part 135, title 14 of the Code of Federal Regulations."

(b) Notwithstanding any other provision of law, there are authorized to be appropriated from the Airport and Airway Trust Fund established by the Airport and Airway Revenue Act of 1970 such amounts not to exceed $5,500,000 to acquire the devices required by the amendment made by this section.

SEC. 24. Title III of the Federal Aviation Act of 1958 is further amended by adding at the end thereof the following additional new section:

"AIR TRANSPORTATION SECURITY FORCE

"Powers and Responsibilities

"SEC. 316. (a) The Administrator of the Federal Aviation Administration in administering the air transportation security program shall establish and maintain an air transportation security force of sufficient size to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation. He shall be empowered, and designate each employee of the force who shall be empowered, pursuant to this title, to—

"(1) detain and search any person aboard, or any person attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such person is unlawfully carrying a dangerous weapon, explosive, or other destructive substance;

"(2) search or inspect any property, at any airport, which is aboard, or which is intended to be placed aboard, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such property unlawfully contains any dangerous weapon, explosive, or other destructive substance;

"(3) arrest any person whom he has reasonable cause to believe has (A) violated or has attempted to violate section 902 (i), (j), (k), (l), or (m) of the Federal Aviation Act of 1958, as amended, or (B) violated, or has attempted to violate, section 32, title 18, United States Code, relating to crimes against aircraft or aircraft facilities; and

"(4) carry firearms when deemed by the Administrator to be necessary to carry out the provisions of this section,

and, at his discretion, he may designate and deputize State and local law enforcement personnel to exercise the authority conveyed in this subsection.

"Training and Assistance

"(b) In administering the air transportation security program, the Administrator may—

"(1) provide training for State and local law enforcement personnel whose services may be made available by their employers to assist in carrying out the air transportation security program, and

"(2) utilize the air transportation security force to furnish assistance to an airport operator, or any air carrier, intrastate air carrier, or foreign air carrier engaged in air transportation or intrastate air transportation to carry out the purposes of the air transportation security program.

"Overall Responsibility

"(c) Except as otherwise expressly provided by law, the responsibility for the administration of the air transportation security program, and security force functions specifically set forth in this section, shall be vested exclusively in the Administrator of the Federal Aviation Administration and shall not be assigned or transferred to any other department or agency."

SEC. 25. Section 1111 of the Federal Aviation Act of 1958 is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"(a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance;

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search persons or search or inspect such property for the purposes enumerated in subsection (a) of this section is not given."

SEC. 26. Section 902(1) of the Federal Aviation Act of 1958 is amended to read as follows:

"Carrying Weapons Aboard Aircraft

"(1)(1) Whoever, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance shall be fined not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, while acting within their official capacities and who are authorized or required within their official capacities, to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry concealed deadly or dangerous weapons in air transportation or intrastate air transportation."

SEC. 27. To establish, administer, and maintain the air transportation security force provided in section 316 of the Federal Aviation Act of 1958, there is hereby authorized to be appropriated for fiscal year 1973 the sum of $35,000,000, and for each succeeding fiscal year such amounts, not to exceed $35,000,000, as are necessary to carry out the purpose of such section.

SEC. 28. Section 101 of the Federal Aviation Act of 1958, as amended, is amended by adding after paragraph (21) the following:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, solely to engage in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States."

and is further amended by redesignating paragraph (22) as paragraph (24) and redesignating the remaining paragraphs accordingly:

SEC. 29. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR"

is amended by adding at the end thereof the following:

"Sec. 315. Screening of passengers in air transportation.
"Sec. 316. Air transportation security force.
"(a) Powers and responsibilities.
"(b) Training and assistance.
"(c) Overall responsibility."

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 2280 and insert in lieu thereof the provisions of H.R. 16191, as passed.

The motion was agreed to.

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

A similar House bill (H.R. 16191) was laid on the table.

THE ANTIHIJACKING ACT OF 1972

Mr. PEPPER. Mr. Speaker, due to having to be downtown at one of the departments on a matter very vital to my district this afternoon I did not get back until just after the vote was taken on H.R. 16191, the antihijacking bill. I have long supported and introduced bills providing for an all-out effort on the part of our Government to stop hijacking. It has

already caused many tragedies and I am afraid will cause many more of far more serious proportion if it is not stopped. This bill imposing severe penalties upon hijackers committing acts of hijacking abroad and found in this country also later authorizes the President to stop any American airline from going into any country which does not live up to the terms of the Convention for the Suppression of Unlawful Seizure of Any Aircraft and to prevent the airline of any country which does not live up to that Convention from coming into the United States. It also authorizes the President to prevent any airline of any nation which does not adopt proper security measures in its own territory to prevent hijacking from coming into this country. That is authority the President should have and should exercise. I would have preferred, however, the bill on this subject which has passed the Senate which not only provides the authority of this measure but also provides for the installation of adequate detection devices and for police measures which will be helpful in combating hijacking. However, in conference I hope the strongest possible bill will be developed and reported to the House and the Senate. Nothing short of the firmest determination on the part of our Government and the other civilized governments of the world, and all of us acting in concert, can effectively stop this dangerous menace of hijacking.

CONFERENCE REPORT ON H.R. 15883, PROTECTION OF FOREIGN OFFICIALS

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1485)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

And the Senate agree to the same.

EMANUEL CELLER,
HAROLD D. DONOHUE,
HENRY P. SMITH III,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
MARLOW W. COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

OFFICIAL GUESTS

Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and 20: These amendments expand the coverage of the House bill to apply to official guests in the same manner as the bill applies to foreign officials. Official guests are defined in Senate amendment numbered 6 as citizens or nationals of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State. The House recedes.

OBSTRUCTION, ETC. OF OFFICIALS AND GUESTS

Amendment No. 12: The House bill provided a $500 fine or six months imprisonment or both for the willful intimidation, coercion, threatening, or harassment of a foreign official and for the willful obstruction of a foreign official in the performance of his duties. The Senate amendment numbered 12 would extend this protection to official guests without requiring that either the foreign official or official guest be engaged in the performance of his duties in order for the provision relating to obstruction to apply. Under the conference agreement, the Senate amendment is concurred in with an amendment providing that the obstruction of a foreign official is punishable only if he is engaged in the performance of his duties.

FIRST AMENDMENT RIGHTS

Amendment No. 15: Section 301 of the House bill provides certain provisions prohibiting the assault, striking, wounding, imprisoning, offering violence to, intimidation of, coercion of, threatening of, or obstruction of a foreign official and prohibiting certain public displays and other actions within one hundred feet of certain buildings and premises. Senate amendment numbered 15 would provide that nothing in these provisions shall be construed or applied to abridge first amendment rights. The House recedes.

EMANUEL CELLER,
HAROLD D. DONOHUE,
HENRY P. SMITH III,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
QUENTIN BURDICK,
ROMAN L. HRUSKA,
MARLOW W. COOK,
Managers on the Part of the Senate.

EMERGENCY MEDICAL SERVICES ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15859) to amend the Public Health Service Act to authorize assistance for planning, development, and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions, as amended.

The Clerk read as follows:

H.R. 15859

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Act of 1972".

EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—EMERGENCY MEDICAL SERVICE SYSTEMS

"DEFINITION; AGREEMENTS

"SEC. 399e. (a) For purposes of this part, the term 'emergency medical service system' means a system for the arrangement of personnel, facilities, and equipment for the effective delivery of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations), which system (1) is administered by a public, or other nonprofit private entity, which has the authority and the resources to provide effective administration, and (2) to the maximum extent feasible—

"(A) includes an adequate number of health professions and allied health professions personnel who meet such training and experience requirements as the Secretary shall by regulation prescribe and provides such training and continuing education programs as the Secretary shall by regulation prescribe;

"(B) joins the personnel, facilities, and equipment of the system by central communications facilities so that requests for emergency health care services will be handled by a facility which (i) utilizes or, within such period as the Secretary prescribes, will utilize a universal emergency telephone number, and (ii) will have direct communication connections with the personnel, facilities, and equipment of the system;

"(C) includes an adequate number of vehicles and other transportation facilities (including such air and water craft as are necessary to meet the individual characteristics of the area to be served)—

"(i) which meet such standards relating to location, design, performance, and equipment, and

"(ii) the operators and other personnel who meet such training and experience requirements,

as the Secretary shall by regulation prescribe;

"(D) includes an adequate number of hospitals, emergency rooms, and other facilities for the delivery of emergency health care services, which meet such standards relating to capacity, location, hours of operation, coordination with other health care facilities of the system, personnel, and equipment as the Secretary shall by regulation prescribe;

"(E) provides for a standardized patient recordkeeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient from initial entry into the emergency medical service system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(F) is designed to provide necessary emergency medical services to all patients requiring such services;

"(G) provides for transfer of patients to facilities and programs providing such followup care and vocational rehabilitation as is necessary to effect the maximum recovery of the patient;

"(H) provides programs of public education and information in the area served by the system, taking into account the needs of visitors to that area to know or be able to learn immediately the means of obtaining emergency medical services; and

"(I) provides for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided by the system.

"(b) The Secretary shall prescribe the regulations required by subsection (a) after considering standards established by appropriate national professional or technical organizations.

"(c) The Secretary of each military department (or his designee) is authorized to enter into agreements with emergency medical service systems under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency conditions. If the Coast Guard is not operating as a service of the Navy, the Secretary of Transportation (or his designee) may enter into such agreements with emergency medical service systems for the provision of such services by Coast Guard equipment and personnel.

"GRANTS AND CONTRACTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 399f. (a) The Secretary may make grants to public and other nonprofit entities, and may enter into contracts with public and private entities and individuals, for (1) projects to study the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical service system for an area, and (2) projects to plan the establishment and operation of such a system for an area. The Secretary may not make more than one grant or enter into more than one contract under this section with respect to any area. Reports of the results of any study or planning assisted under this section shall be made at such intervals as the Secretary may prescribe and a final report of such results shall be made not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(b)(1)(A) No grant for planning may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe, and shall—

"(i) demonstrate to the satisfaction of the Secretary the need of the area for which the planning will be done for an emergency medical service system.

"(ii) contain assurances satisfactory to the Secretary that the applicant is qualified to plan for the area to be served by such a system,

"(iii) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (I) with the planning entity referred to in subparagraph (B)(i) or if there is no such planning entity, with the planning entity referred to in subparagraph (B)(ii), and (II) with the emergency medical service council or other entity in such area responsible for review and evaluation of the provision of emergency medical services in such area, and

"(iv) contain such other information as the Secretary shall by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section for planning unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area for which the planning for an emergency medical service system will be done, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(2) No grant for a feasibility study may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974.

"GRANTS FOR ESTABLISHMENT AND INITIAL OPERATION

"SEC. 399g. (a) The Secretary may make grants to public and nonprofit private entities for the establishment and initial operation for an area of an emergency medical service system.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Special consideration shall be given to applications for grants for systems which will be part of a statewide emergency medical service system.

"(2)(A) An application for a grant under this section shall be in such form, and submitted to the Secretary in such manner, as he shall by regulation prescribe and shall—

"(i) set forth the period of time required for the establishment of the emergency medical service system,

"(ii) demonstrate to the satisfaction of the Secretary that existing facilities and services will be utilized by the system to the maximum extent feasible,

"(iii) provide for the making of such reports as the Secretary may require, and

"(iv) contain such other information as the Secretary may by regulation prescribe.

"(B) The Secretary may not approve an application for a grant under this section unless—

"(i) the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area which will be served by the proposed emergency medical service system, or

"(ii) if there is no such agency or organization, the State agency administering or supervising the administration of the State plan approved under section 314(a) covering that area,

has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendation respecting approval of the application.

"(c) The amount of any grant under this section for establishment of an emergency medical service system shall be determined by the Secretary. Grants under this section for the initial operation of such a system shall be available to a grantee over the two-year period beginning on the date the Secretary determines that the system is capable of operation and shall not exceed 50 per centum of the costs of the operation of the system (as determined under regulations of the Secretary) during the first year of such period, and 25 per centum of such costs during the second year of such period.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $100,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975. Funds appropriated for the fiscal year ending June 30, 1975, may be used only for grants to those entities which received a grant under this section for the preceding fiscal year.

"GRANTS FOR RESEARCH AND TRAINING

"SEC. 399h. (a) The Secretary may make grants (1) to schools of medicine, dentistry, and osteopathy for projects for research in the techniques and methods of medical emergency care and treatment, and (2) to such schools, schools of nursing, training centers for allied health professions, and other educational institutions for training programs in the techniques and methods of medical emergency care and treatment.

"(b) No grant may be made under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 for the fiscal year ending June 30, 1974.

"GRANTS FOR EXPANSION AND IMPROVEMENT

"SEC. 399i. (a) The Secretary may make grants to public and nonprofit private entities for projects for the acquisition of equipment and facilities for emergency medical service systems and for other projects to otherwise expand or improve such a system.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(c) The amount of any grant under this section for a project shall not exceed 50 per centum of the cost of that project, as determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. A project may receive grants under this section for a period of up to two years. Grantees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 399j. (a) The Secretary shall be responsible for coordinating the aspects and resources of all Federal programs and activities which relate to emergency medical services. In carrying out his responsibilities under the preceding sentence, the Secretary shall establish an Interagency Technical Committee on Emergency Medical Services.

The Committee shall evaluate the adequacy and technical soundness of such programs and activities and provide for the communication and exchange of information that is necessary to maintain the necessary coordination and effectiveness of such programs and activities.

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Office of Science and Technology, the Federal Communications Commission, the Office of Emergency Preparedness, and such other Federal agencies, and parts thereof, as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical service systems, and (2) five individuals from the general public who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"ADMINISTRATION

"SEC. 399k. The Secretary shall administer the program of grants and contracts authorized by this part through an identifiable administrative unit within the Department of Health, Education, and Welfare."

STUDY

SEC. 3. The Secretary of Health, Education, and Welfare shall (1) conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions, and (2) within twelve months of the date of the enactment of this Act, report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 15859, a bill to give to the Secretary of the Department of Health, Education, and Welfare new authority to support the development and expansion of emergency medical services.

This bill is designed to provide new authority for the support and expansion of emergency medical services and related research and training throughout this Nation.

The Subcommittee on Public Health and Environment held hearings on this legislation and related bills with similar purposes on June 13, 14, and 15, 1972. And the testimony received was practically entirely favorable to the objectives of the bill except for that of witnesses from the administration. They felt that new authority was unnecessary because it would duplicate existing authority. Following the hearings a clean bill was introduced and ordered reported to the House by the full committee by a voice vote.

This legislation defines the characteristics of emergency medical service systems and provides the Secretary of Health, Education, and Welfare with authority to support these systems using grants and contracts for planning and feasibility studies; grants for the establishment and initial operation of the systems; and grants for their expansion and improvement. In addition, the Secretary is given authority to make grants for needed research and training in methods and techniques of emergency medical services.

This bill will authorize $255 million in appropriations over a 3-year period with all but $40 million to be expended in fiscal years 1973 and 1974.

Mr. Speaker, our committee found in its hearings that one of the most visible and unnecessary parts of our country's health care crisis is the present deplorable way in which we care for medical emergencies. Fifty-five thousand people die every year in automobile accidents. Sixteen thousand children die every year in accidents. Two hundred and seventy-five thousand people die every year from heart attacks before they reach the hospital. Our committee believes that as many as 35,000 of these deaths could be prevented by adequate, effective emergency medical services. In addition, untold injury and unnumbered dollars could be saved by these same services. Experts have estimated, for instance, that the cost of accidental death, disability, and property damage is $28 billion a year. This legislation would create the kinds of emergency medical services which we are already capable of delivering and thus stop these unnecessary deaths, and I, therefore, urge its passage.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. KOCH. Mr. Speaker, I am informed by the American Academy of Pediatrics that it is possible to reduce infant mortality among low-birth-weight infants by as much as 50 percent through the application of medical knowledge in the field of pediatrics and its new subspecialty of neonatology. Infants at risk are sent to regional newborn intensive care centers where special teams provide necessary medical attention. Since such medical personnel are scarce the regionalized approach appears a very practical course. Although centers are being established in selected locations throughout the Nation, transportation is a key to the success of these programs.

Newborn intensive care units are to infant mortality what the coronary care unit is to heart disease. I would like to ask the gentleman from West Virginia (Mr. STAGGERS) to clarify whether transportation of high risk infants would be included within the intent of this bill.

Mr. STAGGERS. The answer to the gentleman from New York would be, yes where it is appropriate and where they can do the job. So the answer is an unequivocal yes.

Mr. KOCH. I thank the gentleman.

Mr. BUCHANAN. Mr. Speaker, will the distinguished Chairman yield?

Mr. STAGGERS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I would commend the chairman and the subcommittee for bringing this legislation to the floor. Following what might well have been a fatal heart attack, the mayor of my city, Birmingham, had his life almost certainly saved because there was in operation at least the nucleus of such a system in our city. However, it cannot be fulfilled without funds, and I rise in support of this legislation.

Given the large number of Americans killed in accidents—traffic and otherwise—every year and the large number of individuals who died suddenly from catastrophic illnesses, can we afford not to take steps which could greatly reduce such deaths?

We have the technology and medical knowledge to provide lifesaving, rapid efficient medical-care in emergency situations. What is needed is the additional funding to speed up the development of emergency systems.

That is what H.R. 15859 would help to do. This legislation would appropriate some $225 million to help train individuals, coordinate, and equip programs across the country, thereby saving thousands of lives every year.

An effective, efficient emergency medical services program capable of providing immediate care and treatment of accident and illness victims has, for some time, been the dream of a number of very dedicated individuals in Birmingham, Ala., which it is my privilege to represent in the Congress.

Recently, this goal moved a little closer to fruition through the awarding of a $300,000 Federal grant to the University of Alabama in Birmingham for a pilot program to coordinate efforts of the city of Birmingham and four suburban communities to handle medical emergencies, including major disasters.

This is a beginning, but a substantially larger investment is needed to complete this program in our area and to establish it statewide.

Unfortunately, many other portions of the country are not as far along as the Birmingham area and many Americans will continue to die despite our capabilities in this field unless we develop the resources we do have.

The lack of emergency care, training and facilities is shocking, in my judgment, but these deficiencies can be overcome and this legislation would assist in so doing.

Mr. STAGGERS. I thank the gentleman from Alabama for his contribution.

I urge the passage of the bill. I think it is highly needed and a bill that is worthwhile and one that has been long coming to the attention of the American people, to save lives in this country.

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

Mr. Speaker, this is not a matter of giving proper medical service through transportation. I wish to point out to the Members what this is all about. This new section authorizes the Secretary of each military department to enter into agreements with emergency medical service systems under which equipment and personnel of the Armed Forces will provide transportation and other services in emergency conditions to the extent that it will not interefere with the primary mission of the Armed Forces.

First, this matter has already been gone into by Congress in this session in

the military authorization bill. This matter was brought up in a Senate amendment. In the conference between the House and the Senate it was unanimously agreed to. that this was not the province of the military.

For many years whenever emergencies came up where military service was needed with helicopters, planes, or river boats, or anything else, the military always has assisted; but this legislation would necessitate placing military helicopters all over the country for medical use, in many ways the military would be taking over from the Department of Health. I do not believe anyone here really wants that.

Also it has not been mentioned by the proponents of the bill that the executive branch opposes this legislation as being unnecessary. I want to read what the Bureau of the Budget said in commenting on this matter:

We believe it would be unwise and inappropriate at this time to establish in law specific and detailed Federal programs of the types envisioned in the subject bills.

In light of the foregoing, the Office of Management and Budget recommends that H.R. 12563, H.R. 12787, and H.R. 9876 not be enacted.

The military has the job of defending our country, and I think it is doing a good job. I think the medical profession is doing a good job in their field. I simply do not want either one to start butting into the affairs of the other, and the Armed Services Committee has already considered this matter in considering an amendment by the Senate to the authorization bill. Every member of the House conferees was against it, and soon the Senate in conference agreed and eliminated that provision.

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

Mr. BRAY. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to join with the gentleman from Indiana in reluctantly opposing this bill. I do not think that anybody is opposed, certainly, to providing helicopter service, or rescuing people injured, or the sick, but the last few days it seems as though every committee in this House has decided to intrude on the special authority of the Armed Services Committee.

This bill provides for agreements to be drawn up by the Secretaries in the military forces and the other agencies to provide helicopter service for transporting wounded or injured people.

I talked to one member of the committee. He said this would cost $25 million. We get complaints from the Armed Services Committee all of the time that the Defense budget is going up, and here it is going up by authorization for agreements that have not even been looked at by our committee.

As the distinguished gentleman from Indiana says, this is a matter which the Armed Services Committee has been studying.

We had a bill in the committee. The other body in fact added an amendment to the defense authorization bill this year amending this kind of program, and the conferees decided that nobody knew what it was going to cost and nobody knew how many helicopters were going to be involved and nobody knew to what extent it was going to interfere with the other missions of the Armed Forces to provide this civilian service. So in the conference report we indicated that the conferees did not believe it was appropriate to put the proposal in the law without adequate study of the demands that would result on the resources of the Department of Defense and the liabilities which might be placed on the Government.

So how can we mandate something or even authorize it for the armed services without having it go through the Committee on Armed Services, which is the responsible body in this House for dealing with such matters?

Today it is the armed services' jurisdiction which is being eroded away, as was tried last week with regard to Gateway East. Tomorrow it might be some other committee. If we are going to run this body, Mr. Speaker, in an orderly fashion, it seems to me that matters relating to the armed services should come through the Committee on Armed Services. Therefore, I join the distinguished gentleman in opposing this legislation. If we turn this down I think there can be no doubt that our committee will look into this and we will have a report from the Defense Department and next year we can handle this kind of thing—on a rational basis and not on the crash basis of 20 minutes under suspension of the rules.

Mr. BRAY. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. Speaker, I want to say further in discussion of this matter in the committee we observed that every time the military had been asked for assistance they always attempted to respond. I have called them two different times myself and they have responded. But if this bill would go through, they would have to have additional helicopters and planes and I do not know where they would get the money to obtain them. It would be a duplication of interest certainly and that does not make for efficiency or economy.

Mr. STRATTON. Mr. Speaker, if the gentleman will yield further, I would like to read from the hearings on this matter:

Mr. ROGERS. So we had better be thinking along those lines.

Mr. SYMINGTON. I think a question I put may have been lost in the general confusion which was, if, given that Scott Air Force Base is not one of the extra 25 sites, would it qualify under the criteria that have been used to select the extra 25?

General EDWARDS. No, it would not because there are no Army helicopter aeromedical evaculation units or Air Force helicopter rescue detachments programed to be assigned Scott Air Force Base in the DOD 5-year program.

Mr. ROGERS. But if we give it a directive, it could be, there could be one assigned there.

In other words Mr. Speaker, the gentleman from Florida is suggesting in the colloquy that the Committee on Interstate and Foreign Commerce should determine which bases shall be available and which bases shall not be. That obviously goes beyond the jurisdiction of that distinguished committee.

Mr. BRAY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I call attention to page 4 of the bill, line 21, which states:

The Secretary of each military department . . . is authorized to enter into agreement . . .

Mr. Speaker, I call attention to the language in the report which states, and I do not have it immediately before me, that the Secretary of Transportation and the Secretary of Defense are authorized—and this is a clear-cut invasion of the legislative prerogative of the House Committee on Armed Services. The Committee on Interstate and Foreign Commerce has no right to authorize the Secretary of Defense to do anything.

But, Mr. Speaker, I oppose this bill on grounds other than those just mentioned. As the gentleman from New York has stated so clearly, this was in the procurement bill as a Senate amendment. It was rejected by the conferees after long and lengthy discussion and for a very good reason.

Do not get the idea that if we do not pass this bill, there will not be mercy flights flown by the military and that paramedical authorities of the Department of Defense will not be available to assist heart patients and those in need of medical care on an emergency basis. This is being done today, and is being done all the time. I doubt that there is a Member of this House who has not at some time seen to it that the military flew a mercy flight for a patient, a civilian who was in need. But, if the House puts this requirement into law, if the House mandates it by law, then are we not leaving ourselves wide open to possible lawsuits if the service rendered does not happen to meet with the approval of those involved in the accident or the emergency, whatever it might have been?

Is not the House buying much, much more than just spreading goodwill and making it possible for mercy flights to be conducted under law when they are already being conducted by the military on numerous occasions? May I ask where the money is going to come from if we are going to mandate this in law? Must it become a line item in the budget? Have we voted money to take care of this extra responsibility which we mandate to the military today?

The House would ask us on the Armed Services Committee to do everything that we possibly could to create an all-volunteer military service, and we are doing just that. By next June 30, I predict that we will have done the job, but if the House is going to come along, if every committee in this Congress is going to impose extra requirements upon the military which cost money and take up manpower which is so precious, then we jeopardize the chance for an all-volunteer military service. I ask, let the jurisdiction remain where it belongs.

I am happy to yield to my chairman.

Mr. HÉBERT. Mr. Speaker, I commend the gentleman from California for the forceful and direct statement which he

has made in connection with the attempt to bypass the Armed Services Committee.

This seems to be increasing. Why, I do not know. Every time the committee has come to this floor, it has come to the floor almost with a unanimous vote from the committee. This House has been very generous with the Armed Services Committee. It has supported it, and yet from out of nowhere, all of a sudden, comes this effort to bypass the committee.

Not only in this instance; we will have another one today; we had one last week, and unless we assert our rights and insist upon the proper conduct by the rules of this House, there will be another committee tomorrow.

The gentleman from West Virginia knows what regard and affection I have for him. I do not think he is doing anything intentional, but the fact remains that it is before us today. We thoroughly object to this bill, but let us go about it in a proper manner and conduct the proper hearings in the proper committee without attempting to disavow the Armed Services Committee which is always called upon to come up with money, to be frugal. Yet, these matters are thrust upon us.

Mr. GUBSER. I thank the gentleman. I heartily agree with him. Does the distinguished chairman not agree with me that in the next year manpower in the military service is going to be a very precious thing and a very crucial factor in deciding whether or not we do have an all-volunteer military service? We could treat that as an additional obligation upon the manpower which we now have available.

Mr. BRAY. I yield 3 minutes to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, I rise to make only two points.

First of all, I think the Members of the House might want to know the position of the administration on this. The administration feels it already has the needed power to do this. That is a question of dispute. I would assume that the administration is not opposed to the bill, but it does believe that it has this power now, but not nearly the amount of money voted in this bill. That is the first position.

I personally will vote for the bill.

The second thing I wish to mention is that I will object when the chairman makes a request to take the Senate bill, strike out all of the Senate language, and send the bill back to the Senate for passage. My reason is it is my understanding of the parliamentary situation, if we do that, that the Senate bill has in it a total of $4,948.3 million. In other words, it is a $5 billion bill, almost, which covers nine matters not covered in our bill. Our bill calls for $300 million.

If we strike out the Senate language and put our language in the Senate bill then if we go to conference all of these matters are subject to conference. If we pass our bill and make it stand alone, if we are forced to a conference the only matter that will be under conference consideration will be Emergency Medical Services and Transportation Services.

This is a technical matter, but I wanted to be sure the Members understood I was not opposed to the bill. I am opposed to making this technical change because of what it will throw up for consideration in the conference. Instead of of $300 million we would have under consideration in the conference a total of almost $5 billion.

I just want to be sure my colleagues understand that, when I make that objection.

May I say that my distinguished chairman believes if we send it over there they will pass it. I do not have any guarantee they will, and for this reason I cannot afford to take the chance of going to conference with $5 billion under consideration instead of $300 million.

I have explained that to my distinguished chairman, and he understands why I will object at that time.

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

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman is aware that in the hearings on page 161 are set forth the details of the program which is already in existence. We have at the present time in the Directorate of Military Support a program called the MAST program, the Department of Defense military assistance safety and traffic. That is proceeding now wherever military forces and military equipment can be made available. When they can be made available for this kind of a need they are made available.

If we pass some new program, it could exceed the financial provisions, as the gentleman has indicated, and it could exceed the manpower available to the military and the requirements. That would be counter productive, it seems to me, so I believe we ought to vote down this program and allow the MAST program to continue.

Mr. SPRINGER. I understand what the gentleman is talking about.

I believe the justification of the chairman and those who brought the bill out is that the administration is spending at this time something between $15 and $18 million a year, whereas this bill calls for approximately $300 million.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky, Dr. CARTER, a member of the subcommittee and a member of the full committee.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise in favor of H.R. 15859, the Emergency Health Services Act of 1972. This bill will authorize grants for planning, development, and initial operation, expansion, and improvement of emergency medical service systems. It also calls for training and research in this vital area.

Our Nation is blessed with the best medical and scientific knowledge in the world. But in far too many cases, this expertise is of little use because of the absence of emergency health care. It does the accident victim little good to reflect on the many medical wonders of our day as his life or health slips away while waiting on the sluggish emergency care of today.

As we are considering this bill today, emergency medical services are totally inadequate. There is no coordinated, systematic attack being made on the problem.

At the present time, the Federal effort is scattered among many agencies and departments. What little Federal assistance there is must soak through many layers of bureaucracy. This bill will streamline our effort and will enable us to close the gap between our medical knowledge and our ability to deliver adequate emergency care.

I urge passage of H.R. 15859.

Mr. CARTER. Mr. Speaker, permit me at this time to rise in support of the Emergency Medical Services Act of 1972, H.R. 15859.

For too many years, we have tended to view the ambulance as nothing more than a taxi, and we have looked upon skilled emergency treatment as a process that need only to begin at the emergency room door. As a physician who has spent many long hours assisting accident victims in a rural area where immediate emergency care facilities were not available, I know only too well the great need for a coordinated emergency medical services program combined with adequately trained personnel. I believe that my colleagues and I of the Public Health and Environment Subcommittee have developed an effective measure that would assist us in taking a great forward stride toward this goal.

It is my feeling that this legislation would help us to establish a unified system from the present confusion. It would also clearly point out the fact that emergency medical services is a system of treatment beginning with the initial call for help, continuing with proper treatment during the period of transportation, and including all activities taking place after the patient enters a hospital or receiving center.

Today, more persons in the productive age group—1 to 37—are killed by accident than any other single cause. Indeed, this is the fourth most common cause of death.

When we view the situation in regard to sudden illness, we find equally distressing figures. The American Heart Association has estimated that approximately 10 percent of the 275,000 yearly prehospital coronary deaths could be prevented if proper care were administered at the scene and on the way to a medical facility. If we include the deaths from drug overdoses, drownings, and so forth, we could save approximately 60,000 lives a year through coordinated, efficient, and proper emergency medical care.

I submit that the time has come for us to establish the type of coordinated program that we seek in this legislation. I urge my distinguished colleagues to look favorably upon this measure and vote for its passage.

As far as armed services are concerned this is a time for them to save lives.

Mr. ROBISON of New York. Mr. Speaker, I congratulate the gentleman

for the fine statement he has made on behalf of this legislation.

As one of the coauthors thereof, I also urge a favorable vote on it.

Mr. Speaker, for the last 15 years I have been known to my constituents as a Congressman. This privileged designation describes a lot of duties in day-to-day practice, but I have always felt that preeminent among them were my responsibilities as a legislator. It is not often that many of us in this body have the opportunity to exercise the full meaning of that term—and certainly it is more than a one-man effort when anyone of us succeeds in initiating a proposal which is brought to a vote before the House of Representatives. Yet, there remains a considerable sense of satisfaction as I join my colleague from West Virginia (Mr. MOLLOHAN) in support of final passage of the Emergency Medical Services Act.

Even though this Congress has devoted considerable time to the study and debate of health care legislation—to excess, according to some—we have not, until today, looked at this area of emergency health care in any extensive manner. For precisely that reason I joined the gentleman from West Virginia (Mr. MOLLOHAN) in introducing the Emergency Medical Services Act, and this is why I ask that my colleagues do not neglect this essential area of health care delivery, and the clear inadequacies which exist there. The statistics which you read in the report on this measure provide clear evidence that both Federal and local government have failed in their oversight of emergency medical services. So many dead, who should not be dead; so many maimed who might not have been; so many who can be returned to a full life if we here dictate that the Federal Government has important responsibilites in assisting States and localities to institute emergency health services which will save the lives of the injured, not further jeopardize them.

The only objection raised to this bill so far does not challenge its purpose or design. Rather some have said that the Federal Government is already doing what this measure seeks to legislate. Well, I have a volume of hearings with me. They are a testimony to the skills and diligence of the chairman of the Public Health and Environment Subcommittee, and the testimony within this volume shows to the satisfaction of the most hidebound cynic that the job is not being done.

I have explained in past statements to my colleagues why the Federal Government does not, and cannot, act sufficiently under the strictures of present program and budgeting priorities. That is why this bill was introduced, and that is why we are here today.

We can provide the right approach and the right means to see that literally tens of thousands of persons do not die within the coming years because of nonexistent or inadequate emergency health services. I would, therefore, urge my colleagues to give close consideration and a favorable vote to the Emergency Medical Services Act. It is a carefully drawn piece of legislation, which has undergone the scrutiny of virtually all of the Nation's experts in the field of emergency medical health care. Medical professionals and pertinent Federal officials were consulted at every stage of the drafting of this bill. It is a well-designed tool to meet Federal responsibilities in assuring the best possible emergency health services.

I would also point out that full consideration was given to the many volunteer ambulance corps throughout the country which have long done an admirable job in providing emergency medical response for the best possible motives. A careful reading of this bill and accompanying report should convince volunteer corpsmen that the special conditions under which they operate have been acknowledged, and that the Federal Government will give them the special consideration they deserve. No provision in this bill is intended to inhibit the work of the volunteer corps in any way. Rather, there is new and expanded authorization for the Federal Government to assist these volunteer organizations, should they choose to make use of that assistance.

Before I conclude these remarks, Mr. Speaker, I would like to add to the praise which the esteemed chairman of the Interstate and Foreign Commerce Committee has received for his legislative efforts during this Congress. Also, I would like to express my high respect for the gentleman from Florida, who devoted so much of his effort and talent to the hearings which produced this legislation. I now ask that my colleagues finish this work by suspending the rules to pass the Emergency Medical Services Act.

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

Mr. CARTER. I yield to the gentleman from New York.

Mr. STRATTON. I would like to ask the distinguished gentleman this question:

The bill itself, on page 4, at the bottom of the page, provides that the military departments can enter into agreements "under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency conditions."

Can the gentleman tell me, what in his judgment are the limits under this particular bill to which each department should go in determining whether this does or does not interfere with the mission?

Mr. CARTER. I think that I could answer the gentleman's question.

I think commonsense tells us that when helicopters are not in use any place in our country, they could be used to carry people who have been injured on the highways from the highway immediately to a hospital. I see no reason why they should not, if they are used in this way.

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

Mr. CARTER. I yield to the gentleman.

Mr. STRATTON. Does the gentleman not think if the legislation were really going to be effective, that some guidelines ought to be set out in the legislation so that we can make sure that the interference that the bill refers to does not occur?

Mr. CARTER. I feel sure that there would be very little interference. As has been stated on the floor, the military seems always to be ready to do these things. Now we have an opportunity to continue them and to improve their services to the people of this country, and further improve the image of the military.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to a member of the subcommittee, Mr. SYMINGTON.

Mr. SYMINGTON. I thank the gentleman.

Mr. Speaker and colleagues, some of you may have been here the day we were discussing military appropriations. I attempted at that time to argue for a few millions of dollars, something like one-three thousandths of the budget in the military, to be designated for the purpose of saving American citizens at home, and many Members came up to me and said, "When we get to that point, we will do it."

Secretary Laird wrote me a letter and said, "When we have the authority we can do it." They have 25 cities planned and are ready to go once we give them the authority.

I am talking about the Congress. I do not care what committee it is, nor should you. I voted recently against taking KP out of military lift. But the House decided otherwise. It was strongly argued that we must not waste the soldier's time, that we should give him something technical to do. We just do not want them sitting around peeling potatoes. Well, here is the something technical: save American lives, save heart patients and traffic victims. This is a permissive authority, not a directive. I say it is time for the Department of Defense of this country to be given a mandate that it truly wants, or ought to want; indeed has welcomed in many cases. It is time to create an attitude in this country toward the military, which is, "Thank God your skills are employed to save lives right here at home."

Mr. BRAY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. NELSEN].

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

Mr. NELSEN. Mr. Speaker, I rise today to speak on H.R. 15859, the Emergency Medical Services Act of 1972. I am sure that we all share the concern for saving American lives not only in the battle fields, but also in the American home, on the highways, in schools, and on the farm.

In his state of the Union message, the President of the United States directed the Department of Health, Education, and Welfare to develop new ways of organizing emergency medical services and providing care to accident victims. The President, in his health message to Congress, further directed the DHEW "to develop methods of applying new technology to improve emergency medical services and to develop methods of utilizing new and better trained people in an effort to save the lives of heart attack victims and victims of auto accidents."

To respond to the President's initiative, the Department of Health, Education, and Welfare has launched a special project on emergency medical services and in June of 1972 funding five demonstration programs for total emergency medical service systems. These systems are directed toward the purpose of demonstrating that existing technology and current management concepts can be used to improve the delivery of emergency health services to the American people involved in all types of emergencies, be it the traumatic injury resulting from automoble accidents, the physilogic injury resulting from heart attack, or the psychiatric emergency resulting from acute alcoholism or mental disturbance. The demonstration contracts in Florida, Ohio, Illinois, Arkansas, and California will serve as models for other communities in the development of emergency medical service systems.

Also, under the Presidential initiative the DHEW has taken actions to establish an EMS Data Resource which will utilize the results of the demonstration systems and the results of performance by other communities currently involved in emergency medical service systems, implementation and operation. Work has also been initiated to establish a National EMS Information Center.

Finally, work is beginning toward development of the overall goal, strategy and approach to be used in the development of a Federal-wide program plan for emergency medical services. As part of this activity, Secretary Richardson, in July of this year, established an Interdepartmental Committee to assist in the coordination of emergency medical service activities among the numerous governmental units that are currently involved in the many aspects of the total EMS system.

I think it is important to note Mr. Speaker that the actions which have been taken and the actions which will have to be taken to move from initial models or demonstration programs into the continuing programs for planning, training and implementation, could and should be undertaken within the existing legislation which has been previously enacted by Congress.

I do, however, intend to vote for this bill, if this legislation becomes law, by being duplicative, it may require the DHEW to set up a new separate bureaucracy to implement it. I would hope that we could avoid adding to our existing bureaucracy at all costs.

In summary, as a result of the activities of many people within the public sector, the Congress, and the executive branch, the DHEW, at the direction of the President is currently working toward the needed improvement of emergency medical services within the Nation.

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

Mr. NELSEN. I yield to the gentleman.

Mr. HÉBERT. If it had been more clear, perhaps we would not be here protesting, but the gentleman from Missouri (Mr. SYMINGTON) a few minutes ago used the word in connection with the military "mandate." I do not know what stronger language you would use than "mandate."

Mr. NELSEN. I think the bill reads "to authorize."

Mr. HÉBERT. I know what the bill reads, but unfortunately, as the gentleman knows—and he has been here a long time—he well knows any similarity between what we pass and HEW administers is entirely different and coincidental. That is what we have to be careful of. That is why we are acting as we are. Some people may think we are a little petty in bringing this up, but we are not. We are just trying to protect the rules of this House.

Mr. NELSEN. I have no quarrel with the gentleman's attempt to guard the jurisdiction of his committee.

Mr. HÉBERT. We will leave it in the bill as the objective of the bill, but let us do it in a proper fashion.

Mr. NELSEN. I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROGERS) the chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I rise in support of this legislation to provide increased emphasis in the area of emergency medical services.

Emergency medical services represent a missing link in this Nation's total health care delivery system. We have too long looked upon EMS as simply a horizontal taxi service, with medical treatment beginning on the other side of the hospital door. One of the goals of the legislation we are now considering is to bring an effective and unified system out of the chaos which characterizes our present system, and make it clear that EMS is a system which begins with a call for help, includes proper treatment during transportation in a properly equipped vehicle and also includes the activities which take place after the patient is taken into a hospital or receiving center.

During hearings on this legislation beforce the Subcommittee on Public Health and Environment, it was pointed out that as many as 20 percent of the 55,000 Americans who die each year in highway accidents could be saved from death if we had a proper emergency medical service system. Even more appalling is the estimate by the Ambulance Association of America that as many as 25,000 Americans are permanently injured or disabled each year by untrained ambulance attendance and rescue workers. The President has recently signed into law the National Heart, Blood Vessel, Lung, and Blood Act of 1972 which has as one of its goals reducing the tremendous mortality from heart attack, yet with a properly equipped and properly trained emergency medical service system, we have the ability to prevent an estimated 30,000 prehospital coronary deaths each year.

The idea of a comprehensive system of emergency medical services is not an untried, unknown quantity. There are several excellent examples of the value of such a coordinated system among them. Jacksonville, Fla., recognized by many as one of the finest systems in the country. At a time when the No. one killer in the 1 to 37 age bracket is accidental death, emergency medical services should be a high priority indeed. We have the ability to each year save more lives through proper emergency care, than are killed in all of the automobile accidents in the country.

More important than what we could do, is what we have failed to do under the present patchwork system of Federal assistance and direction in the field of emergency services.

During testimony by the Department of Health, Education, and Welfare, it was noted that nearly every Federal agency has one or more programs which touch on the area of emergency medical services. Yet with all this attention most emergency medical systems are woefully incomplete. I was shocked to find that only 5 percent of ambulance drivers have completed even the minimum 80-hour training course recommended by the Department of HEW and the American College of Surgeons, and as many as one-third of our ambulance drivers have had nothing more than a basic first-aid course. These are shocking statistics and something must be done to correct them, but experience has shown that the present Federal effort is inadequate and fragmented.

Mr. Speaker, the legislation before us today would address these problems in a number of ways. The bill would establish a grant program within the Department of Health, Education, and Welfare for the establishment and initial operation of emergency medical service systems, and grants for the upgrading of existing systems. In addition there would be available grants for planning and feasibility studies. This program would be administered by an identifiable administrative unit within the Department and there would be established an Interagency Technical Committee to coordinate the efforts of the Federal Government in the area of emergency medical services and to eliminate the duplication and waste in present Federal programs which were brought to the attention of the subcommittee during public hearings on this issue.

Mr. Speaker, the President recognized the importance of this problem when he announced an initiative in this area last January. This legislation would carry out that intent to insure proper emergency medical care for all Americans. We can no longer ignore those 60,000 Americans whose lives are needlessly lost each year due to deficiencies in our emergency medical services system.

In this debate we have lost sight of the purpose of this bill, which is to provide emergency medical services to the people of this Nation. And what are we doing? All we are talking about is a small provision that would say that a medical group could go to the armed services of their area and work out an agreement, saying, "Yes, if it does not interfere with anything, if you could supply or help us with a surplus helicopter that is not being used for any purpose, and it will save lives, can you not help us?"

The bill does not say that they have to do this, and they will not, if they do not want to. Right now there are five places where they are currently working in this

manner, and the armed services are cooperating.

We have not objected to the Committee on Armed Services going into the jurisdiction of our committee. If the gentlemen would refer to the Consent Calendar today they will see where they brought out a bill saying they are going to use HMO's. Our committee is considering that legislation right now, and they know it is in our jurisdiction. We did not object. Here is a bill that will help save thousands of lives every year.

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

Mr. ROGERS. If the gentleman will permit me to conclude.

Do you know how many people have heart attacks and do not get to the hospital? One hundred thousand die because they do not get to the hospital. We can do something about that. We are not depending on the military to do that; it is just a little provision in which we say they can cooperate as they are now doing in five instances.

You are trying to throw this whole thing out of perspective, and are losing sight of the fact that it is a bill that is designed to save lives in America.

Let me tell you some other things——

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

Mr. ROGERS. I cannot yield for the moment. The gentleman from New York has used his time, and I apologize for not yielding, but I hope that the gentleman will permit me to finish.

This bill would help to train ambulance drivers, and do you know how many ambulance drivers have had some training? They estimate about 5 percent. So that when your family is involved in an accident, and an ambulance pulls up, they do not know what to do.

Do you know that 52 percent of the doctors who were questioned about emergency medical service said they did not want to treat them themselves, because they do not know enough about it. But this bill provides some training, and we have to do something.

Mr. BRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, in spite of all the oratory on those with conscience, here we are again considering a premature and ill-drawn sacred cow. If I might paraphrase the chairman of the Committee on Appropriations—how much more of the taxpayers' funds must we authorize to prove that we are against accidents, injury, and death?

A point of order would have been raised against this bill had it not been under suspension of the rules, a system to which I objected on last Thursday very much.

The Department is strongly against this bill as duplicative and states it is a matter for local governments and States which should handle such services.

The fact of the matter is that conscience is gnawing away at us because with the Fair Labor Standards Act we alone have eliminated all ambulance service in the States and municipalities of this country by eliminating trained ambulance drivers and part-time personnel who were in college.

This is an important bill but it is ill timed and it is out of place. I take no back seat to anyone so far as trying to save lives is concerned. Indeed Mr. Speaker, in 1947 I wrote the Emergency Medical Service Manual for Roosevelt Hospital in Manhattan in New York, which is still in use.

The mission and objective of the armed services is the one in question and the Secretary of Defense in a violent report against this has said that it would require a new mission. It would divert strength without concurrence of the Department of Defense. There is an established memorandum which says that this bill should not pass in its present form. It is too costly Mr. Speaker, and it is already being practiced through the Economic Development Association through the excellent regional medical programs and many other programs where ambulance services are being trained and instituted.

Mr. Speaker, I recommend against the passage of this bill.

Mr. STAGGERS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I would take these 2 minutes to bring to the conscience of the House what we are doing today. We are not in our committee trying in any way to come in conflict with the authority of the Committee on Armed Services. In fact later on they can rescind this in any legislation that they want to and say that they will not allow the Armed Forces to cooperate in this way. All that we are asking is cooperation of the military to save lives in America. I want to say to the chairman that we are not encroaching—and that is the last thing that I would want to do—on this great committee. All we are asking is to get cooperation and we get this by authorizing them to do it. We are trying to save lives and I think it is the conscience of this Congress that we do this.

The men who appeared from the armed services, Brig. Gen. Edmund Edwards, never once said that they were against this bill. They told how successful the pilot, MAST program was. They tried it in civilian life and demonstrated what they could do to help all America to save lives.

That is all we are asking. It need not cost the military 1 cent. What we are asking will not interfere with the armed services at all in any way.

As I say I am one of the last ones that would even want to encroach on the jurisdiction of any committee. And I do not believe that this does. All we are asking for is cooperation. I think that this is one of the troubles of our Government—we are not cooperating together and we need to cooperate to save lives in America and that is a job of the Members of this Congress.

I am asking every Member of this House to vote affirmatively for this bill. I think they should because it has been estimated we could save anywhere from 35,000 to 100,000 or more lives each year if we had men who are adequately trained with adequate equipment. That is all we are trying to do—to save lives.

Mrs. GRASSO. Mr. Speaker, emergency medical care often means the difference between life and death, and the difference between a lifetime of suffering and speedy recovery.

For this reason, I support passage of H.R. 15859, the Emergency Medical Services Act, as legislation vital to the well-being of the people of this Nation.

This bill provides $255 million over a 3-year period to develop planning and feasibility studies of the emergency medical services system, to establish emergency medical services system, to provide for research in emergency medical care techniques and training of badly needed emergency medical personnel, and to assist in the expansion and improvement of existing emergency care systems.

The shocking statistics on the deficiencies of existing emergency medical programs makes passage of this bill imperative. Each day people die unnecessarily or become maimed for life because of inadequate equipment, in efficient care, and poorly trained personnel.

Studies have demonstrated that 15 to 20 percent of the 55,000 annual accidental highway fatalities could be prevented if better emergency medical care were easily available.

Approximately 10 percent of the 275,000 annual prehospital coronary deaths could be prevented by immediate medical care.

Another 5,000 deaths from drowning, poisoning, and other causes could be prevented.

The most disturbing figures concern ambulances and their personnel. Only 5 percent of these attendants have completed the recommended 80-hour instruction course and as many as 33 percent had had only basic first aid, with sometime serious results from well meaning but untrained efforts.

Finally, another 7,000 physicians are needed to supplement the 15,000 who now devote all or most of their time to emergency medicine.

I am grateful that the Interstate and Foreign Commerce Committee has reported a comprehensive bill. I echo the committee's comments that this Nation possesses the expertise and ability to provide efficient and effective emergency medical services for its citizens.

The emergency medical services bill is an essential one. Immediate resolution of the differences between this version and the provision passed by the Senate must be our next step. The development of improved emergency medical services in this Nation is a matter of utmost urgency, for the lives of many of our citizens hang in the balance.

Mr. GALIFIANAKIS. Mr. Speaker, the Emergency Medical Services Act of 1972 is a bill that deserves this distinguished body's enthusiastic support. It is a bill that contains many fine features that substantially boost this country's capabilities for dealing with emergency medical situations. And one of the most laudable aspects of this bill is that the military assistance to safety and traffic program will finally be officially recognized as an integral partner in providing emergency care for our rural areas.

Earlier in this session, when this body passed the Rural Development Act of 1972, we did so in order that our rural areas would soon be able to offer itself

as a positive, productive alternative to the chaos of our growing urban centers. We recognized then that there are problems unique to rural America, and that unique solutions must be found. We recognized in 1971 when this body passed the Community Health Act as part of the Health Manpower Training Act that medical care in our rural areas was and continues to be in desperate need of Federal assistance. The military assistance to safety and traffic program constitutes another positive step in coping with the unique problems involving medical care to our rural citizens.

Imagine if you will an automobile accident resulting in serious injury to one or more passengers occurring on a mountain road 100 miles away from the nearest hospital. Now imagine the time lapse between the moment of impact and the arrival of a ground ambulance. I have known of instances where this delay had to be calibrated in hours not minutes, delays that resulted in fatalities, not relief. The MAST program is designed to eliminate such incidents. It is designed to supplement, not subvert, the local emergency medical services systems in a manner that has distinct advantages to both the local community and the military.

I would like to quote for you some passages in the Interagency Study Group report of the test program involving MAST and I quote:

Although operational experience was limited by the short period of the test program and the limited number of test sites, it demonstrated that the concept of using military helicopters and paramedical personnel in an air ambulance role to respond to civilian medical emergencies is entirely feasible from both the military and civilian viewpoint.

The military services possess a significant capability for providing assistance to civilian emergencies in terms of helicopters particularly suitable as air ambulances, trained paramedical personnel, immediate round-the-clock response, communications, and related support. This capability does not exist to the same-degree in the civilian community at present, owing largely to financial considerations.

Army medical air ambulance units are particularly well suited for supporting civilian medical emergencies. Such missions provide realistic training, experience, and motivation for assigned personnel.

No additional men, money, or aircraft were required by the military units supporting MAST operations.

The MAST program is clearly highly desirable. As of this moment nine military bases are ready to commence operations. Nine others are submitting their plans shortly. Secretary Laird has indicated that congressional approval is necessary if this program is to continue. Let us not fail our rural citizens. Let us pass this vital piece of legislation.

Mr. DRINAN. Mr. Speaker, I rise in strong support of H.R. 15859, the Emergency Medical Services Act of 1972. This bill will provide desperately needed improvement in the administration and delivery of emergency medical services. As a sponsor of a virtually identical bill, I am pleased to have the opportunity to vote for this bill today.

Over the past few years we have seen a renewed interest in measures to lower the cost of medical care, to extend the availability of medical care more equitably throughout our society, and to conquer such dreaded diseases as cancer, multiple sclerosis, and heart disease.

Yet, one assumption remains not only unchallenged but virtually unnoticed among all but a few members of the medical profession; that assumption is that emergency medical services in general and ambulance services in particular are somehow secondary or temporary services to be rendered before real medical care is available. Americans have paid a terrible price for this attitude. The Department of Health, Education, and Welfare estimates that 60,000 lives are lost each year because of the inadequacy of our Nation's emergency medical services.

A report of the American College of Surgeons 4 years ago stated that accidents accounted for 100,000 deaths, 10 million cases of temporary disability and 40,000 cases of permanent disability in 1968, at a total cost to the public of $18 billion. The report concluded:

To treat that problem we have virtually the same emergency medical system that we had fifty years ago.

Two factors account for these shocking figures. The first is the national shortage, in terms of both manpower and equipment, of ambulance and hospital emergency services. The American Ambulance Service has estimated that 25,000 persons are injured or disabled every year by inadequately trained ambulance attendants and rescue workers. In fact, there is evidence that 50 percent of the ambulance attendants in this country receive no first aid training whatsoever. In New York State, for example, where barbers must have at least 1 year of formal training and another year of apprenticeship, only 30 hours of training are required to qualify as an ambulance attendant.

In addition, a survey of ambulance services compiled by HEW in 1971 indicated that an overwhelming majority of ambulances were poorly equipped. Some lacked proper oxygen equipment, others lacked bandages, splints, adhesive tape, and other necessities. Similarly, many hospital emergency rooms do not have physicians available 24 hours a day, rely on substandard equipment and undertrained personnel, and must process a staggering number of emergency cases.

The second factor accounting for the shocking number of preventable deaths in the United States is the lack of coordination between the many local, State and Federal agencies which administer emergency medical services. There are 25 agencies of the Federal Government responsible for some aspect of emergency care, including the National Highway Administration, the Social Security Administration, the Office of Economic Opportunity, and the Departments of Justice, Labor, Defense, and Housing and Urban Development. Coordination between these many agencies is virtually nonexistent, and the result is costly duplication of effort in some areas and neglect in others.

H.R. 15859 provides for the establishment of three funding mechanisms to assist emergency medical service systems, each mechanism corresponding to the differing needs of various communities, regions, and States. The bill authorizes for $5 million in fiscal year 1973 and $10 million in fiscal year 1974 for emergency medical service system planning and feasibility grants. These grants would go to those communities which are just beginning to establish emergency medical service programs. The bill also authorizes $50 million for fiscal year 1973, $100 million for fiscal year 1974, and $40 million for fiscal year 1975 for grants for establishment and initial operation of emergency medical care systems. These grants are to be made for 2 years, with costs shared equally between the Government and the grantee during the first year, with the grantee bearing at least three-quarters of the cost during the second year. Finally, the bill authorizes $10 million each year for fiscal years 1973 and 1974 for grants for expansion and improvement of existing but limited systems. These grants are not to exceed 50 percent of the costs of the local project.

This bill also addresses the great need for improved training for emergency medical service personnel, and the importance of increased research into the field, by authorizing $10 million for fiscal year 1973 and $20 million for fiscal year 1974 for research and training in emergency medical services. In addition, it provides for the establishment of an Interagency Technical Committee on Emergency Medical Service and Program Administration, to be composed of representatives from the appropriate Federal agencies as well as individuals from the general public who are particularly qualified in the field. This body should be of great assistance in solving the interagency coordination and communication problems that have hampered existing emergency medical service efforts.

I strongly hope that Congress will seize this opportunity to turn the country's emergency medical system into a rapid response system that saves lives instead of wasting them.

As Dr. Henry Huntley, Director of the Public Health Service's Emergency Division, has stated:

A dollar spent in this area would bring a greater return in the prevention of death and disability than a dollar spent in any other way.

Mr. MOLLOHAN. Mr. Speaker, emergency medical services represent our first line of defense against accidental death and sudden illness. They include ambulance services and hospital emergency departments, the personnel that staff them and the equipment they use. These are the vital components that are called into action to save the life of the traffic accident victim, the heart attack patient, or the victims of hurricanes, fires, floods, industrial, and mine accidents.

One of the greatest problems with this system is that, in most cases, it really is not a system at all. There is no cooperation and no communication between the various elements.

Let us look at the hospital side of the picture. Hospital emergency rooms are frequently overcrowded. Many, as pointed out by Medical World News are mere facades masking a shameful disgrace of inadequate equipment and inadequate

staffing by physicians and other personnel trained in emergency lifesaving medicine.

Meanwhile, outside the hospital door, the situation with our ambulance services is more critical. Only 37 percent of all ambulances in the Nation meet the minimum standards established long ago by the American College of Surgeons, and these standards for vehicle design and equipment have been adopted by the National Highway Traffic Safety Administration. Furthermore, recent surveys indicate, that 33 percent of all ambulance personnel have had no more medical training than basic first aid, and only 5 percent have completed the minimum 80-hour instruction course, as recommended by the Academy of Orthopedic Surgeons and the American College of Surgeons.

Those figures may sound like cold statistics, but far too many people are cold dead because ambulance and hospital emergency room care is not as good as it should and can be. With accidents the leading cause of death of persons between 1 and 37—traffic accidents alone account for 55,000 each year—and with 275,000 persons dying of heart attacks each year before even reaching a hospital, I say there is cause for congressional action. Especially when medical experts warn that at least 60,000 lives are lost unnecessarily each year due to poor emergency care.

The Emergency Medical Services Act will end this needless loss of life.

Primarily the legislation will assist financially communities and nonprofit organizations across the Nation to establish coordinated medical rescue systems, systems that will be staffed by professional paramedics and emergency physicians, systems that will use helicopters for rapid evacuation in mountainous and isolated areas as well as on our congested urban highways, systems that will, in short, save countless numbers of American lives.

My fellow colleagues, far too often we in the Congress are accused of acting only under pressure and passing laws only after public outcries for change have become so strong they cannot be ignored. But such accusations do not take into account that the Congress, its committees, and its professional staff grapple each day for solutions to problems not fully appreciated by the public.

Just such an example is the Emergency Medical Services Act. This legislation is truly a bipartisan effort, stretching over many months from July of last year when I introduced my first bill in this field.

In this regard, I am indebted to the very able assistance of my honorable Republican colleague, HOWARD ROBISON, who joined me in cosponsoring H.R. 12787 and offered invaluable technical advice.

The problems this legislation will correct have not gained widespread publicity. They have not become the battle cries of any citizens group. Indeed, until the subcommittee began its work on this legislation, most of the medical profession was totally silent on the really shameful condition of emergency medical services in the Nation.

So, in a very real sense, the House of Representatives stands today in a unique position of leadership and foresight. I urge my colleagues to approve the Emergency Medical Services Act and to begin a new initiative in this long-neglected field of health care, for literally the lives of tens of thousands of persons, who might otherwise be written up as "dead on arrival" are at stake.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 15859, as amended.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 244, nays 122, not voting 65, as follows:

[Roll No. 398]

YEAS—244

Abourezk	Drinan	Koch
Adams	Dulski	Kyl
Addabbo	du Pont	Kyros
Albert	Eckhardt	Leggett
Alexander	Edwards, Ala.	Lent
Anderson, Calif.	Edwards, Calif.	Long, Md.
Anderson, Ill.	Eilberg	McClory
Anderson, Tenn.	Erlenborn	McCloskey
Andrews, N. Dak.	Esch	McCollister
Annunzio	Eshleman	McDade
Archer	Fascell	McEwen
Ashley	Findley	McFall
Aspinall	Fish	McKevitt
Badillo	Flood	McKinney
Barrett	Flowers	Macdonald, Mass.
Begich	Foley	Madden
Bergland	Ford, William D.	Mailliard
Biaggi	Fountain	Mann
Biester	Fraser	Mathis, Ga.
Bingham	Frey	Matsunaga
Blanton	Fulton	Mazzoli
Blatnik	Fuqua	Meeds
Boggs	Garmatz	Melcher
Brademas	Gaydos	Mikva
Brasco	Gettys	Miller, Calif.
Brinkley	Giaimo	Mills, Ark.
Brooks	Gibbons	Minish
Broomfield	Gonzalez	Mitchell
Brotzman	Grasso	Mizell
Brown, Mich.	Gray	Moorhead
Brown, Ohio	Green, Pa.	Morgan
Broyhill, N.C.	Griffiths	Mosher
Buchanan	Grover	Moss
Burke, Mass.	Hamilton	Murphy, Ill.
Burlison, Mo.	Hammer-schmidt	Nedzi
Burton	Hanley	Nelsen
Byron	Hansen, Idaho	Nix
Camp	Hansen, Wash.	Obey
Carey, N.Y.	Harrington	O'Hara
Carney	Hastings	O'Konski
Carter	Hathaway	O'Neill
Celler	Hawkins	Patman
Chamberlain	Hays	Patten
Chappell	Hechler, W. Va.	Pepper
Clark	Heckler, Mass.	Perkins
Clausen, Don H.	Heinz	Pettis
Cleveland	Helstoski	Peyser
Conover	Hicks, Mass.	Podell
Conte	Hillis	Preyer, N.C.
Conyers	Hogan	Quie
Corman	Holifield	Quillen
Cotter	Horton	Randall
Coughlin	Hosmer	Rangel
Daniels, N.J.	Howard	Reid
Danielson	Jacobs	Reuss
de la Garza	Jarman	Riegle
Delaney	Johnson, Calif.	Robison, N.Y.
Dellenback	Jones, Ala.	Rodino
Dellums	Jones, N.C.	Roe
Denholm	Jones, Tenn.	Rogers
Dent	Karth	Roncalio
Derwinski	Kastenmeier	Rooney, Pa.
Diggs	Kazen	Rosenthal
Donohue	Keating	Rostenkowski
Downing	Kee	Roush
	Keith	Roy
	Kluczynski	Roybal
		Ruppe
		Ruth
		St Germain
		Sarbanes
		Satterfield
		Scheuer
		Seiberling
		Sisk
		Skubitz
		Slack
		Smith, Iowa
		Smith, N.Y.
		Springer
		Staggers
		Stanton, James V.
		Steele
		Stephens
		Stokes
		Stuckey
		Sullivan
		Symington
		Taylor
		Teague, Tex.
		Terry
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Tiernan
		Udall
		Vanik
		Vigorito
		Wampler
		Whalen
		White
		Widnall
		Wilson, Bob
		Wolff
		Wright
		Wydler
		Wyman
		Yates
		Yatron
		Zablocki
		Zwach

NAYS—122

Abbitt	Frenzel	Powell
Abernethy	Goldwater	Price, Ill.
Andrews, Ala.	Griffin	Railsback
Arends	Gubser	Rarick
Ashbrook	Gude	Rhodes
Aspin	Haley	Roberts
Belcher	Hall	Robinson, Va.
Bennett	Harsha	Saylor
Betts	Hébert	Scherle
Blackburn	Hicks, Wash.	Schneebeli
Boland	Hutchinson	Sebelius
Bow	Ichord	Shoup
Bray	Johnson, Pa.	Shriver
Broyhill, Va.	Jonas	Sikes
Burke, Fla.	Kemp	Smith, Calif.
Burleson, Tex.	King	Snyder
Byrne, Pa.	Landgrebe	Spence
Byrnes, Wis.	Latta	Stanton, J. William
Caffery	Lennon	Steed
Carlson	Lloyd	Steiger, Ariz.
Casey, Tex.	Long, La.	Steiger, Wis.
Cederberg	McDonald, Mich.	Stratton
Clancy	McKay	Stubblefield
Clawson, Del	Mahon	Ullman
Collier	Mallary	Vander Jagt
Collins, Tex.	Martin	Veysey
Colmer	Mathias, Calif.	Waggonner
Conable	Mayne	Ware
Crane	Michel	Whalley
Curlin	Miller, Ohio	Whitehurst
Daniel, Va.	Mills, Md.	Whitten
Davis, Ga.	Monagan	Williams
Davis, Wis.	Montgomery	Wilson, Charles H.
Dennis	Myers	Winn
Devine	Natcher	Wyatt
Dickinson	Passman	Wylie
Dorn	Pelly	Young, Fla.
Duncan	Pickle	Young, Tex.
Evins, Tenn.	Pike	Zion
Fisher	Pirnie	
Ford, Gerald R.	Poage	
Frelinghuysen		

NOT VOTING—65

Abzug	Goodling	Mollohan
Baker	Green, Oreg.	Murphy, N.Y.
Baring	Gross	Nichols
Bell	Hagan	Price, Tex.
Bevill	Halpern	Pryor, Ark.
Bolling	Hanna	Pucinski
Cabell	Harvey	Purcell
Chisholm	Henderson	Rees
Clay	Hull	Rooney, N.Y.
Collins, Ill.	Hungate	Rousselot
Culver	Hunt	Runnels
Davis, S.C.	Kuykendall	Sandman
Dingell	Landrum	Schmitz
Dow	Link	Schwengel
Dowdy	Lujan	Scott
Dwyer	McClure	Shipley
Edmondson	McCormack	Talcott
Evans, Colo.	McCulloch	Teague, Calif.
Flynt	McMillan	Van Deerlin
Forsythe	Metcalfe	Waldie
Galifianakis	Mink	Wiggins
Gallagher	Minshall	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. ALBERT, and he answered "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hunt.
Mr. Bevill with Mr. Baker.
Mr. McCormack with Mr. Sandman.
Mr. Nichols with Mr. Kuykendall.
Mr. Murphy of New York with Mr. Forsythe.
Mr. Dingell with Mr. Harvey.
Mr. Flynt with Mr. Goodling.
Mr. Evans of Colorado with Mr. Lujan.
Mr. Waldie with Mr. Bell.

Mr. Shipley with Mr. Gross.
Mr. Hanna with Mr. Rousselot.
Mr. Henderson with Mr. McClure.
Mr. Mollohan with Mr. Schmitz.
Mr. Culver with Mr. Halpern.
Mr. Cabell with Mr. Price of Texas.
Mr. Hull with Mr. McCulloch.
Mrs. Chisholm with Mr. Gallagher.
Mr. Landrum with Mr. Minshall.
Mr. Baring with Mr. Collins of Illinois.
Mr. Dow with Mr. Metcalfe.
Mr. Purcell with Mr. Schwengel.
Mrs. Green of Oregon with Mrs. Dwyer.
Mr. Runnels with Mr. Scott.
Mr. Hungate with Mr. Talcott.
Mr. Van Deerlin with Mr. Clay.
Mrs. Mink with Mr. McMillan.
Mr. Link with Mrs. Abzug.
Mr. Davis of South Carolina with Mr. Teague of California.
Mr. Edmondson with Mr. Wiggins.
Mr. Pucinski with Mr. Pryor of Arkansas.
Mr. Rees with Mr. Galifianakis.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3716) to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers.

The Clerk read the title of the Senate bill.

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

Mr. SPRINGER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON H.R. 10420, MARINE MAMMAL PROTECTION ACT OF 1972

Mr. DOWNING (on behalf of Mr. GARMATZ) filed the following conference report and statement on the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1488)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act with the following table of contents, may be cited as the "Marine Mammal Protection Act of 1972".

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FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act, determines that the number of individuals within a species or population stock—

(A) has declined to a significant degree over a period of years;

(B) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Conservation Act of 1969; or

(C) is below the optimum carrying capacity for the species or stock within its environment.

(2) The terms "conservation" and "management" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(3) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(4) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(5) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(6) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(7) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this Act.

(8) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(9) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12) The term "Secretary" means—

(A) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this Act with respect to all other marine mammals covered by this Act.

(13) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(15) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091–1094).

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall take effect upon the expiration of the sixty-day period following the date of its enactment.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

MORATORIUM AND EXCEPTIONS

SEC. 101. (a) There shall be a moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this Act, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made, is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II of this Act. The Commission and Committee shall recommend any proposed taking or importation which is consistent with the purposes and policies of section 2 of this Act. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

(2) During the twenty-four calendar months initially following the date of the enactment of this Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 103 and 104 of this title: *Provided*, That such taking conforms to such conditions and regulations as the Secretary is authorized and directed to impose pursuant to section 111 hereof to insure that those techniques and equipment are used which will produce the least practicable hazard to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued thereof pursuant to section 104 of this title, subject to regulations prescribed by the Secretary in accordance with section 103 hereof. In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisors on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.

(3)(A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine when, to what exent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammal, or any marine mammal product, and to adopt suitable regulations, issue permits, and make determinations in accordance with sections 102, 103, 104, and 111 of this title permitting and governing such taking and importing, in accordance with such determinations: *Provided, however*, That the Secretary, in making such determinations, must be assured that the taking of such marine mammal is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of this Act: *Provided further, however*, That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this Act. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

(B) Except for scientific research purposes as provided for in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

(b) The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided*, That only authentic native articles of handicrafts and clothing may be sold in interstate commerce; *And provided further*, That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this Act, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 103 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) In order to minimize undue economic hardship to persons subject to this Act, other than those engaged in commercial fishing operations referred to in subsection (a)(2) of this section, the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this Act for no more than one year from the date of the enactment of this Act, as he determines to be appropriate.

PROHIBITIONS

SEC. 102. (a) Except as provided in sections 101, 103, 104, 111, and 113 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or by any statute implementing any such treaty, convention, or agreement—

(A) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States; or

(B) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(3) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(4) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.

(b) Except pursuant to a permit for scientific research issued under section 104(c) of this title, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as endangered under the Endangered Species Conservation Act of 1969; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) in the case of marine mammals or marine mammal products, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(2) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) This Act shall not apply with respect to any marine mammal taken before the effective date of this Act, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date.

REGULATIONS ON TAKING OF MARINE MAMMALS

SEC. 103. (a) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species and population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 104 of this title;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Regulations prescribed to carry out this section with respect to any species or stock of marine mammals must be made on the record after opportunity for an agency hearing on both the Secretary's determination to waive the moratorium pursuant to section 101(a)(3)(A) of this title and on such regulations, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe regulations under this section—

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

(e) Any regulation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems consistent with and necessary to carry out the purposes of this Act.

(f) Within six months after the effective date of this Act and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals.

PERMITS

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which applications for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title, or

(B) in any case in which a violation of the terms and conditions the permit is found.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary

shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) Consistent with the regulations prescribed pursuant to section 103 of this title and to the requirements of section 101 of this title, the Secretary may issue general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

VESSEL FINE, CARGO FORFEITURE, AND REWARDS

SEC. 106. (a) Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

(b) Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the district court of the United States having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States having jurisdiction over the vessel.

(c) Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this title. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

ENFORCEMENT

SEC. 107. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribd by the Secretary.

(e) (1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 105 (a) or (b) of this title. All marine mammals or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 105 (a) or (b) of this title, in lieu of holding any marine mammal or marine mammal product or other cargo, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of a penalty pursuant to section 105(a) of this title, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 105(b) of this title, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 105 (a) of this title and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 105(b) of this title, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, within thirty days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 105 (a) of this title.

INTERNATIONAL PROGRAM

SEC. 108. (a) The Secretary, through the Secretary of State, shall—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilateral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this Act with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

(6) provide to the Congress by not later than one year after the date of the enact-

ment of this Act a full report on the results of his efforts under this section.

(b)(1) In addition to the foregoing, the Secretary shall—

(A) in consultation with the Marine Mammal Commission established by section 201 of this Act, undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident; and

(B) in consultation with the Secretary of State, promptly undertake a comprehensive study of the provisions of this Act, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended (hereafter referred to in this subsection as the "Convention"), to determine what modifications, if any, should be made to the provisions of the Convention, or of this Act or both, to make the Convention and this Act consistent with each other.

The Secretary shall complete the studies required under this paragraph not later than one year after the date of enactment of this Act and shall immediately provide copies thereof to Congress.

(2) If the Secretary finds—

(A) as a result of the study required under paragraph (1)(A) of this subsection, that the North Pacific fur seal herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion; or

(B) as a result of the study required under paragraph (1)(B) of this subsection, that modifications of the Convention are desirable to make it and this Act consistent;

he shall, through the Secretary of State, immediately initiate negotiations to modify the Convention so as to (i) reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population, or (ii) make the Convention and this Act consistent; or both, as the case may be. If negotiations to so modify the Convention are unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

FEDERAL COOPERATION WITH STATES

SEC. 109. (a)(1) Except as otherwise provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking.

(2) Any State may adopt and enforce any laws or regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals if the Secretary determines, after review thereof, that such laws and regulations will be consistent with (A) the regulations promulgated under section 103 of this title with respect to such species or population stock, and (B) such other provisions of this Act, and any rule or regulation promulgated pursuant to this title, which apply with respect to such species or population stock. If the Secretary determines that any such State laws and regulations are so consistent, the provisions of this Act, except this section and sections 101 (except to the extent that the Secretary waives the application of section 101 to permit such State laws and regulations to take effect) and 110 of this title, and title II of this Act, shall not apply with respect to the species or population stock concerned within the jurisdiction of the State.

(3) Notwithstanding the preceding provisions of this subsection and the provisions of subsection (c) of this section, the Secretary shall continuously monitor and review the laws and regulations of any State which has assumed responsibility for marine mammals as provided for in paragraph (2) of this subsection. Whenever the Secretary finds that the laws and regulations of any such State are not in substantial compliance with either paragraph (1) or (2), or both, he shall resume responsibilities under this Act for the marine mammals concerned within the jurisdiction of that State, superseding such State laws and regulations to the extent which, after notice and opportunity for hearing, he deems necessary.

(4) Nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to assure the return of such mammal to its natural habitat.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including, but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this title: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $2,500,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating.

COMMERCIAL FISHERIES GEAR DEVELOPMENT

SEC. 111. (a) The Secretary of the department in which the National Oceanic and Atmospheric Administration is operating (hereafter referred to in this section as the "Secretary") is hereby authorized and directed to immediately undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following the date of the enactment of this Act, the Secretary shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this section, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

(b) The Secretary, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 101(a)(2) of this title, as he deems necessary or advisable, to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5, United States Code. In issuing such regulations, the Secretary shall take into account the results of any scientific research under subsection (a) of this section and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

(c) Additionally, the Secretary and Secretary of State, are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Secretary and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations of the Commission as soon as is practicable as to the utilization of methods and gear devised under subsection (a) of this section.

(d) Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Secretary are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this section. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Secretary shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Secretary pursuant to this section.

REGULATIONS AND ADMINISTRATION

SEC. 112. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 113. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this title in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 105 of this title may not apply to such persons.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska water", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 114. (a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the department in which the National Oceanic and Atmospheric Administration is operating to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications for permits for scientific research;

(3) undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences.

(b) Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202 of this Act, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than two-thirds of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a)(2) and (3) of this title.

And the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
GLENN M. ANDERSON,
GEO. A. GOODLING,
PAUL N. MCCLOSKEY, Jr.,
Managers on the Part of the House.

JOHN O. PASTORE,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
PHILIP A. HART,
TED STEVENS,
MARLOW W. COOK,
L. P. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10420), to protect marine mammals, to establish a Marine Mammal Commission and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical clarifying and conforming changes, the following statement explains the differences between the House bill and the Senate amendments thereto.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

Section 3. Definitions

To a large extent, the Senate amendment's definition of "depleted" is similar in scope to the language of the proposed Administration amendment to the Endangered Species Act of 1969. The House bill would have allowed a species or stock to be termed depleted and become protected before becoming threatened with extinction. The conference substitute requires consultation with the Marine Mammal Commission and the Committee on Scientific Advisors on Marine Mammals before a designation of a "depleted" species or stock is made. The conference substitute will allow species or stocks to be protected before they have reached endangered status.

The designation of a species or stock as depleted under the conference substitute, however, will not automatically qualify an animal for protection under the Endangered Species Act of 1969 and will not expand that Act, as it is presently written, to cover endangered stocks within otherwise abundant species.

Section 101. Moratorium

The House bill included a five-year moratorium, with certain exceptions (scientific research, commercial fishing, Alaska fur seals and processing of skins), The Senate amendment provided for a permanent moratorium, except for scientific research and commercial fishing, and added a provision that allows the Secretary to waive the moratorium when such waiver would be compatible with the Act. The effect of the Senate amendment is to allow the Secretary to make a determination, species by species, that a waiver is appropriate; once that determination has been made, he would then be in a position to set general regulations on the taking of mammals, subject to the protective devices incorporated into both the House bill and the Senate amendment, involving public review and participation, before any permits might be issued. The conference substitute adopts the Senate approach. The conferees declined to follow the precise formula adopted in the Senate version, however, which mandated public hearings on the Secretary's decision to waive the moratorium. Since Section 103 requires those procedures to be followed in any case before general regulations are issued, it seemed duplicative to require that the same steps be taken. By the same token, the Secretary's decision to waive the moratorium would not be a final action, from which appeal might be taken: recourse to the courts must await action under Section 103 of the Act. The conference substitute requires that the hearings to be held by the Secretary on the regulations which he proposes to adopt would also encompass his decision to waive the moratorium.

The House bill required permits (in almost every case general permits) covering commercial fishing operations to insure minimal risk to marine mammals. The Senate allowed regulations by the Secretary to the same end without the formal issuance of permits during the two-year period after date of enactment of the Act, and expressed a general goal that damage to marine mammals shall be "reduced to insignificant levels approaching a zero mortality and serious injury rate." The Senate amendment also provided that during and after this two-year period, the objective of regulation would be to approach as closely as is feasible the goal of zero mortality and injury to marine mammals. The conferees agreed to the Senate approach. It may never be possible to achieve this goal, human fallibility being what it is, but the objective remains clear.

The House bill exempted Alaskan Indians, Aleuts and Eskimos from the moratorium and the permit requirements to the extent they take an animal for subsistence purposes, not wastefully and not for direct or indirect commercial sale. The Senate amendment extended the exemption to allow for the so-called "cottage industries" of the Alaskan natives. The House bill would prohibit the taking, by natives or anyone else, of animals belonging to an endangered species, whereas the Senate amendment would allow such animals to be taken by natives. The conferees essentially adopted the provisions of the Senate amendment.

The conferees were aware of the relatively small amount of solid data on the effects of native taking of marine mammals, and given that lack of information were not disposed unilaterally to terminate the present levels of taking by Alaskan Indians, Aleuts and Natives of marine mammals, including endangered species such as bowhead whales. The Secretary is given the authority to curtail or to terminate the native taking whenever he concludes that such taking is endangering, depleting or inhibiting the restoration of endangered or depleted stocks. The actions of the Secretary in administering the provisions relating to taking by natives will be subject to review by the public and by the Congress, in order to see that his responsibilities have adequately been met.

By retention of the phrase permitting "subsistence" taking by Alaska Natives, the conferees intend to permit taking not only for food but also for clothing, shelter, transportation, and the other necessities of life.

The Senate amendment provided a one-year exemption for reasons of financial hardship for persons other than commercial fishermen (who have a two-year exemption, already described) in language similar to that in the Endangered Species Act. The House has no such exemption. The conference substitute adopts the Senate language.

Section 102. Prohibitions

The House bill provided that no permits might be issued during the sixty-day period following the date of enactment of the Act; the Senate amendment indicated, on the other hand, that the Act itself would not be effective for sixty days, in order to allow the agencies involved time to prepare to administer the Act. The Conference substitute followed the Senate bill, but provided that the one year period allowed for hardship and the two-year period for research purposes should begin at the date of enactment, since as of that date those involved will have been put on notice that the Act will affect them.

The conferees discussed the provision prohibiting importation of any pregnant marine mammal. It is known that some marine mammals are technically pregnant almost year-round, and in the cases of others, it is extremely difficult for even trained observers to detect pregnancy except in the latter stages or in seasons when such animals are known to give birth. It is the intent of the conferees that the term "pregnant" be interpreted as referring to animals pregnant near term or suspected of being pregnant near term as the case may be.

Section 103. Regulations on taking of marine mammals

The Senate amendment requires an annual report from the respective Secretaries on the marine mammal stocks within their jurisdiction and on steps taken to implement the Act. The conferees accepted the Senate version with the understanding that it would not require a complete restudy each year of every species and stock covered, but would rather permit the Secretary to update, where appropriate, what had been done since the last report was filed.

As a prerequisite to the issuance of regulations and the subsequent issuance of permits under the Act, the House bill required the Secretary to make a finding that the taking of marine mammals pursuant to such regulations would not be to the disadvantage of the species or stocks involved and would be consistent with the purposes and policies of this Act. The conferees accepted the House language. While clearly it would not be to the advantage of an individual animal to be removed from a population, the evidence was clear that in some circumstances it would be to the advantage of a species or stock to allow taking as part of

a scientific management program. An obvious example would be the taking of animals from an overpopulated group, or removal of animals surplus to breeding needs.

Section 104. Permits

Under both the House bill and the Senate amendment, hearings must be held on the establishment of general regulations affecting a given category of marine mammals. However, the House version made hearings discretionary with relation to the subsequent issuance of permits while the Senate amendment required hearings on permits as well. The conference substitute adopted the House version. The agencies have indicated that the costs of compliance with the Senate version would perhaps double the cost of the program, to no purpose. In addition, the conference substitute adopts House language on general permits which the Secretary may issue as class permits to groups of persons such as commercial fishermen or non-Native Alaskans who depend on marine mammals for subsistence.

Section 106. Vessel fine, cargo forfeiture, and rewards

The House bill allowed the forfeiture of a vessel involved in the illegal taking of marine mammals, while the Senate amendment allowed cargo forfeiture, but restricted the liability of vessel owners to not more than $25,000. The conference substitute adopts the Senate provision.

An "unlawful taking," for the purposes of this section, would involve an intentional or wanton taking of a marine mammal by a vessel operator. It is not intended to mean the killing of a marine mammal by a vessel or its appurtenances as the result of an accident or Act of God, as for example, in the case of a steamship accidentally running into a marine mammal and injuring or killing it with its propellers. Careless operations of motorboats, on the other hand, in waters where mammals such as manatees or sea otters are known to exist, could constitute an unlawful taking within the meaning of the section.

Section 108. International program

Both the House and Senate versions required that the Secretaries initiate international negotiations in order to expand the principles of H.R. 10420 to the high seas and to other countries. In general, the Senate version was more explicit in its requirements and was adopted by the conferees.

The House bill required permits to take Alaska fur seals, whereas the Senate bill did not; instead, it required a study of the problem in the light of the purposes and effects of the Interim Convention for the Conservation of the North Pacific Fur Seal. The conference substitute follows the Senate version, but amplifies the study to include ways in which the Act may be modified to meet the convention, or the convention to meet the Act. At the conclusion of this study, the Secretary is expected to report back to Congress with recommendations.

Section 109. Federal cooperation with States

The House bill preempted State law, but allowed cooperative agreements with the States in harmony with the purposes of the Act. The Senate amendment allowed the Secretary to review State laws and to accept those that are consistent with the policy and purpose of the Act. The conference substitute clarifies the Senate version to assure that the Secretary's determination will control as to whether or not the State laws are in compliance. Once granted authority to implement its laws relating to marine mammals, the State concerned may issue permits, handle enforcement, and engage in research.

The precise point at which State programs may take effect will vary with the requirements imposed by the Act; where a permit must be issued for an animal to be taken or imported, approved State programs may be implemented following opportunity for public hearings and the issuance of regulations under section 103, and, where appropriate, waiver of the moratorium under section 101 (a)(3). Where no permit is required, State programs may be approved without prior Federal compliance with section 103 or waiver of the moratorium. Because of the special nature of the programs involved, however, it is not contemplated that the States will issue permits for scientific research or display under section 101(a)(1), or authorize hardship exemptions from the Act under section 101(c). It is contemplated, however, that the Secretary could issue general permits to State agencies which would, in turn, be authorized to assign, for example, scientific research permits to State employees or representatives of State universities for the taking of marine mammals.

The Secretary would not in any case, however, thereby waive all subsequent Federal jurisdiction over any such marine mammals. He must continue to monitor State programs to make sure the purposes and policies of the Act continue to be fulfilled, and be prepared to reassert Federal control if he deems it appropriate to accomplish these purposes and policies.

Section 111. Commercial fisheries gear development

The Senate amendment authorized $1 million annually for two years for research on improved fishing methods which will minimize hazards to marine mammals. It also authorized the Secretary to regulate commercial fishing operations (and to board and observe vessels), to enter into negotiations with the Inter-American Tropical Tuna Commission and to guarantee private loans to private fishermen for the purpose of equipment to meet the requirements of the Act. The House bill had no comparable provisions. The conference substitute adopts the Senate version, but eliminates the loan-guarantee program because it duplicates existing law.

TITLE II MARINE MAMMAL COMMISSION

The House bill would establish a three-member Commission, appointed by the President from a list submitted by the Council on Environmental Quality, and would give the Commission various powers, including the power to undertake studies on problems within its jurisdiction. The House bill authorizes funds of $1 million annually with no more than one quarter for administrative expenses. The Senate amendment would create a five-member commission, would require a list of members recommended by CEQ and other agencies, would not provide research authority and would limit annual authorizations to $500,000. The conference substitute follows the House version generally, although a widened list provision is included and the funds available for internal administration are increased to one-third of up to $1 million, with the balance to be spent on research purposes.

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Managers on the Part of the House.

JOHN O. PASTORE,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
PHILIP A. HART,
TED STEVENS,
MARLOW W. COOK,
L. P. WEICKER, JR.,
Managers on the Part of the Senate.

THE FLOOD CONTROL ACT OF 1972

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16832) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

WATER RESOURCES IN APPALACHIA

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia, Office of Appalachian Studies, Corps of Engineers, November 1969, part III, chapter 14. Not to exceed $25,000,000 is authorized for initiation and partial accomplishment of the plan.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

GULF COASTAL AREA

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

FALL CREEK BASIN

The project flood control and other purposes on Fall Creek in the vicinity of Indianapolis, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $57,930,000.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood pro-

tection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, except that not to exceed $30,000,000 is authorized for initiation and partial accomplishment of such project.

LOWER MISSISSIPPI RIVER

The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended susbtantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–366, at an estimated cost of $5,232,000.

SEC. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

SEC. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authorty of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

SEC. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

SEC. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

SEC. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

SEC. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat. 731, 736) is hereby amended to read as follows:

"SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled, or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

SEC. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitle "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

SEC. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91–611):

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Cannel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

SEC. 10. (a) As soon as practicable after the date of enactment of the section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

SEC. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary.

SEC. 13. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby

modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

SEC. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 16. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 17 (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 18. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA–40058–CIVENG–60–431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility for disadvantaged children.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 20. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 21. Section 213 of the Flood Control Act of 1970 (84 Stat, 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocation interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

SEC. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

SEC. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

SEC. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 (Stat. 1073, 1075) is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

SEC. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 28. Section 208 of the Flood Control

Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof $250,000".

SEC. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road, utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

SEC. 32. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

SEC. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

SEC. 34. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

SEC. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 38. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

SEC. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Control Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

SEC. 47. The Cave Run Lake project-authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 48. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty Seventh Street extended westerly; thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line; thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches; thence easterly along a line perpendicular to said bulkhead line to a point on said bulkhead line; thence northerly along said bulkhead line to the point of beginning. This declaration shall apply only

to portions of the above described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering or other costs incurred under this section.

SEC. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to lease to the Mountrail County Park Commission on Mountrail County, North Dakota, the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b) (1) The lease of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands leased pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, such lease shall immediately terminate.

(3) The lease authorized by this section shall be for such period, at such rental and subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

SEC. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 90-606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 51. (a) "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

(b) No action by the President, the Water Resources Council, or by any other officer or employee in the executive branch of the Government after September 26, 1972, to establish principles, standards, or procedures for the formulation and evaluation of Federal water and related land resources projects pursuant to section 103 of the Water Resources Planning Act (Public Law 89-80; 79 Stat. 244; 42 U.S.C. 1962 et seq.), or pursuant to any other provision of law shall be effective prior to December 31, 1973.

SEC. 52. This Act may be cited as the "Flood Control Act of 1972".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. ROBERTS. Mr. Speaker, on behalf of the Public Works Committee, I am proud to bring to the floor for consideration H.R. 16832, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

There are a total of nine projects plus the Appalachian water resources plan in section 1, recommending urgently needed flood and hurricane protection works and multiple-purpose reservoirs for flood control, water supply, recreation, and other water uses:

Middle Atlantic coastal area, Virginia (92-365)	$17,010,000
Water Resources in Appalachia	25,000,000
Pascagoula River Basin, Mississippi (92-359)	32,410,000
Pearl River Basin, Mississippi (92-282)	38,146,000
Gulf Coastal Area, Texas (92-364)	42,271,000
Spring River Basin, Missouri (92-361)	14,600,000
West Tennessee Tributaries, Tennessee (92-367)	6,600,000
Cache River Basin, Arkansas (92-366)	$5,232,000
Fall Creek Basin, Indiana	57,930,000
Umpqua River Basin, Oregon	30,000,000
Total	269,199,000

The total estimated cost of these projects is $269,199,000. I would like to compare this act with the 1968 Flood Control Act where we authorized 40 projects estimated to cost $1.1 billion. The Flood Control Act of 1972 surely is one of the smallest that we have had over the past decades. This is a "bobtailed" bill. The committee did not get clearance on other worthy projects.

Each project was examined carefully. The joint subcommittee heard testimony from Members of Congress, the Corps of Engineers, local citizens, and other people interested in the total development of America's water resources.

The benefit cost ratio that has been developed for each project clearly shows the need for it. An environmental impact statement for each project has been filed in accordance with the National Environmental Policy Act.

Although this bill contains over 50 sections, generally providing for minor modifications of existing projects and programs, I would like to specifically note two of the most important sections of the bill. The first is the Appalachian water resources plan that is included in section 1. In 1965, Congress passed the landmark Appalachian Regional Development Act. Section 206 of the act directed the Secretary of the Army:

To prepare a comprehensive plan for the development and efficient utilization of the water and related resources for the Appalachian region, giving special attention to the need for an increase in the production of economic opportunities and thus enhancing the welfare of its people . . .

Given this charter, the Army Corps of Engineers, along with other Federal agencies, the Appalachian Regional Commission, and representatives of the 13 Appalachian States, began, in May 1965, to develop a plan for the development of water resources in Appalachia.

H.R. 16832 authorizes $25,000,000 for initiation of construction of 10 projects on nine States which will help redevelop the entire Appalachian area.

Section 51 concerns the Water Resources Council proposed principles, standards, and procedures for planning water and related land resources. This report must receive the final approval by the President, before it is submitted. This report will change standards that have been used since 1962 and radically alter water resources development in the future.

The committee considered language for this bill that would legislatively set standards dealing with water resources projects. However, the committee felt that it would be better if extensive hearings were held early in the next Congress before any action was taken. Therefore, what we have done is place a moratorium on any change in the existing standards until December 31, 1973, unless the standards have been specifically changed prior to that date by an act of Congress.

I am, as always deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. BLATNIK), the able chairman of the Subcommittee on Flood Control and Internal Development, the gentleman from Alabama (Mr. JONES), and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Flood Control, the gentleman from California (Mr. DON CLAUSEN), and the ranking minority member of the Rivers and Harbors Subcommittee, the gentleman from Kentucky (Mr. SNYDER).

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 16832, and to join in complimenting my colleagues Mr. ROBERTS of Texas and Mr. SNYDER of Kentucky for their extra efforts during the lengthy hearings, the drafting and mark-up sessions and for their excellent cooperation with Mr. JONES and myself who share the primary responsibility for the flood control provisions of this Flood Control and Rivers and Harbors Act of 1972.

With Mr. JONES and myself heavily involved in water pollution conference meetings, the extra burden was placed

on the shoulders of Mr. ROBERTS and Mr. SNYDER, as chairman and ranking minority member of the Rivers and Harbors Subcommittee to develop the hearing record for this act. We are all deeply grateful to them for a job well done.

In addition to the explanation of the bill by Mr. ROBERTS and Mr. JONES, I would simply add that some additional project modifications, survey and feasibility review directives, navigation and environmental quality control provisions amounting to an estimated $120 million over the $269 million for basic project authorizations brings to the total authorization figure of the legislation to $390,815,000.

This figure is substantially lower than similar omnibus bills of previous years.

We specifically did not include the projects eligible for authorization by our committee in the omnibus bill, under section 201 of the 1965 act, because we feel very strongly that this procedure should be adhered to and retained in order to expedite emergency projects costing under $10 million, when required.

Today I will address myself to a matter that is of a very serious nature and needs the attention of the Congress and the executive branch if we are to carry out our responsibilities in an effective and responsive manner.

I refer of course to the question of water resource project benefit-to-cost ratio criteria and where I as a member of the committee believe we must direct our efforts toward.

H.R. 16832 is a product of detailed hearings by our Public Works Committee and investigations conducted by the Corps of Engineers. The water resource development projects contained in the bill are sound, needed proposals, that will provide protective works and protect the environment plus serve the communities and people surrounding these areas. A total of seven States and many thousands of people will benefit from these projects.

The Appalachia projects recommended by the Secretary of the Army offers an innovative measure to the question of project criteria. Eight Appalachian States will benefit from these recommended project. More importantly, the Secretary of the Army recognized that the traditional benefit-to-cost ratio is not enough in determining a project justification.

The Appalachia Regional Development Act of 1965 directed the Secretary of the Army to prepare a water plan for Appalachia which gives special attention to the need to increase the production of goods and services within the region. The Flood Control Act of 1970 stated further that it was the intent of Congress that evaluation of water resource projects take into account, in addition to the familiar national economic effects, other environmental, social, and regional economic effects not currently included in the benefit/cost ratio.

The outcome of this congressional mandate is that projects with a significant regional, as distinct from national, economic effect have been recommended for authorization. More specifically, this means that projects having a high regional expansion index—that is, a high potential for stimulating the production of goods and services within the Appalachian Region—should be recommended for authorization.

Those projects contained in the bill are part of the early action program, whose initiation and completion will contribute most to the development of Appalachia.

The Appalachia projects raises an important issue, an issue that has concerned me ever since my election to Congress. I am proud to say I have long advocated the need to change the methodology and the so-called "benefit-to-cost ratio" criteria for evaluating and justifying federally financed water resource and water related projects. As we develop the record and experience in these areas. I believe the potential for application of the concept will and can be advanced in other sections of the United States.

What has happened in the 35 years which have elapsed since the act authorizing the policy of the benefit-to-cost ratio criteria was signed into law? Many procedures, yardsticks, and formulas have been advanced and adopted to evaluate the many benefits and costs of our water and water-related federally financed projects. Each one of these efforts recognized that all benefits and all costs must be taken into account. But, we all recognize that it was the signs of the times that dictated that far more attention was given to monetary considerations; with all too little consideration given to the so-called "intangible benefits." One of the things that has transpired, of course, is that what we were calling "intangible" just a few years ago, have since become very tangible in many areas.

During the 35 years since 1936, I believe it is fair to say that our national priorities, and thus most of our major planning and programing, was tied almost exclusively to economic factors . . . jobs, industrial expansion, economic growth. And, in our quest, we, as a nation, turned to our land and water resources to provide the stimulus to meet this national commitment to economic growth.

The previously established benefit/cost ratio criteria included certain primary and secondary benefits and confined the economic justification of projects primarily to flood control, irrigation and reclamation, municipal and industrial water supplies, hydroelectric power, and recreation.

I, for one, have constantly stated, "Let's tell it like it is." I want to change project evaluation criteria, recognize and expand the project purposes to give more consideration to other factors, such as watershed stabilization, water quality enhancement, fish and wildlife enhancement, esthetics and environmental quality control, economic impact, welfare and unemployment compensation factors, population balance, and so forth.

Let us discard the reference to primary and secondary benefits and establish a new set of guidelines and criteria where we consider the total environment, and define and quantify total benefits.

Yes, times have changed and let us not delude ourselves—our priorities are shifting. Americans have not given up on economic growth as a national priority, but they are becoming very concerned—and, in some cases alarmed—about the quality of the air we breathe, the water we drink, the management of our natural resources, the protection of our fish and wildlife, the preservation of our scenic beauty including our rivers, and the growing need for recreational opportunities.

And, what the responsible American people are telling us, is that all of us who are engaged in this water and land resources planning business—must strive for a better balance and a more realistic compromise between these concerns and the monetary return these projects will provide. This can and will provide the economic justification to do a better job.

With this in mind the committee took action and included a provision in the pending bill to, in effect, call for a moratorium on any establishment of principles, standards, or procedures for the formulation and evaluation of Federal water and land resources projects pursuant to section 103 of the Water Resources Planning Act—Public Law 89–80—until December 31, 1973, unless Congress acts to change these guidelines.

Thus far, I have addressed myself only to those factors involved in project evaluation. But, as we all know, it is the matter of project justification which the Federal Register of December 21 addressed itself to, that has generated serious concern within the water resource community and, specifically, the matter of the interest or discount rate.

And the first point I want to make—is that the arbitrary 7-percent figure is by no means the last word. The Public Works Committee is just as concerned as every affected person over the possible impact the 7-percent discount rate could have on future water resource and water-related projects.

We, in the Congress, must not be streamrolled into accepting anything in the way of a discount rate until we have had a chance to hold hearings and look into this question in depth.

In my view, there is wide latitude for consideration and interpretation of how one arrives at the proper discount rate that should apply to projects.

The primary reason for this is that we are dealing with arbitrary and variable factors that relate to future or deferred benefits. All these are subject to interpretation, but in the final analysis—the ultimate determining factor will be the acceptance of the public and John Q. Taxpayer.

For those of you who have had an opportunity to read the statement of "Proposed Principles and Standards for Planning Water and Related Land Resources" in the December 21 Federal Register—I believe you will agree with me that, in many respects, the information is, to me, ambiguous, disconnected, and requires clarification. This no doubt was the result of the various impacts that it suffered from the time of its preparation by the task force, its review by the Water Resources Council, its submission to the Office of Management and Budget, its review by Government officials, and its ultimate return to the Water Resources Council.

As you all know, the present interest rate is 5⅜ percent—which the task force conceded could well be rounded out to 5½ percent—the rate originally proposed by OMB was 10 percent which they described as an "opportunity cost" which roughly equates to the cost of what all private investments return. This very oversimplified expression should, never the less, indicate where and how the 7 percent rate was arrived at. There is no question in my mind that it was a somewhat reluctant compromise between the other two rates cited.

And, like many of you, I am getting just a little bit tired of those—including some in our Federal Government—who are trying to make water resources a "whipping boy." I think a lot of people better start realizing that water projects have made California the Nation's leading agricultural State, that water resource projects provide a virtual recreational wonderland for millions of Americans, that water resource projects in sparsely populated areas can help resolve many of our Nation's domestic problems, including the population crunch, that water projects protect Americans from disastrous floods, and that future water projects are essential if we are to head off an impending water shortage crisis in our State and in this country.

Many sections of the bill contains provisions for bank stabilization works along rivers where bank erosion threatens towns, communities, and farmlands. Much of the bank erosion may be a result of water resource project work, work that is necessary but has, in the process, altered the streamflow and velocity of the water, thus disturbing the natural stream course of a river. We of the committee recognize this to be a serious problem. I, as ranking minority member of the Flood Control Subcommittee, hope that we can address bank erosion on a national basis and arrive at a uniform manner to justify streambank erosion mitigation efforts. As the Federal, State, and local agencies complete their data collection we in the Congress must be prepared to move with dispatch because the problems are many and varied.

The problem of river mouth stoppages and blockages concerns me greatly. In my district in California many of the rivers flowing into the Pacific, flow into deltas which are adversely affected during high river-water periods. When the velocity reaches high levels, the delta channel breaks and the river creates a new stream course, adding to the overall problems of bank erosion. The land and homes lost by the constant erosion can never be replaced. We must begin to approach this problem on a preventive, rather than partial cure-all level.

I wish to thank all of the Members who took an interest to request needed project modifications. Their efforts and cooperation made much of the legislative language possible.

In conclusion, Mr. Speaker, I would like to comment more specifically on one particular provision in this bill—the authorization for the San Francisco Bay Delta hydraulic model which the Corps of Engineers operates in Sausalito, Calif. Maintenance of the model will be an invaluable environmental tool whose use will not be limited to the Federal Government. It can be used by State, local, regional, and private bodies as it has been in the past. Its use has already resulted in the development of master planning on a regional scale which has prevented continuing degradation of many areas of San Francisco Bay.

If we expect to be able to prevent further environmental degradation of the bay and if we hope to move now to permit the bay to achieve its full environmental, economic, recreational, asthetic, and natural potential it is important that we have the means to assess scientifically every proposal for use or protection of the bay that is made. The bay delta model will provide the means to this end.

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Speaker, I rise in support of H.R. 16832, and particularly in support of section 17 of that bill. This section embodies a proposal I introduced in February as H.R. 13184, and I want to commend the distinguished members of the Public Works Committee for including it in this year's omnibus bill.

Briefly stated, section 17 would allow the Army Corps of Engineers to participate with the city of Littleton, Colo., in developing a flood plain park in connection with the Chatfield Dam and Reservoir project now under construction on the South Platte River. There is existing authorization for the construction of a relatively straight and deep channel to carry high discharges down the South Platte River following the closure of Chatfield Dam in late 1973. The provisions of section 17 of H.R. 16832 would enable the corps to utilize a part of the already authorized channelization funds for the acquisition of lands necessary to make the flood plain park a reality. The area—which encompasses some 475 acres and the first 2 miles of the proposed 6.4-mile channelization—would be retained in a wild state as a natural park. The corps' financial support would be the amount saved by not digging a part of the channel. During infrequent periods of high water, the park simply would be closed and the South Platte River could spread out of its current channel with little or no damage.

The Corps of Engineers has assured me that the flood plain park proposal is sound from both hydrological and engineering standpoints. It represents a proper balance of environmental preservation and engineering advancement. In fact, approval of the Littleton plan would allow for the preservation of a resource which is becoming increasingly rare: a natural streambank in an urban area which does not pose a threat to people and property.

Last November, the people of the city of Littleton evidenced their overwhelming support of the proposal by approving a $400,000 bond issue for a local match in the development of the park. Since that time, the Colorado General Assembly has appropriated $200,000 for the project and several grants from the Bureau of Outdoor Recreation and the Department of Housing and Urban Development have been made for land acquisition purposes. The modification in the original authorizing legislation to allow the Corps of Engineers to participate represents the final hurdle in the efforts to make the flood plain park a reality.

Virtually every conservation organization in the State of Colorado has endorsed this project. Also, the State's water and conservation officials support it. In fact, the Littleton plan, which has been developed with great care and thought by local officials, embodies a very futuristic concept of flood plain management, providing both protection from flood damage and a precious heritage of relaxation and recreation for the people of the entire metropolitan Denver area. I believe the flood plain park actually may herald a new philosophy in flood plain management. It is a project which is certain to serve as a model for flood control and park planners across the Nation.

Again, Mr. Speaker, I urge a favorable vote on H.R. 16832.

Mr. HAMMERSCHMIDT. Mr. Speaker, as a member of the House Committee on Public Works, which reported the Omnibus Rivers and Harbors and Flood Control Act (H.R. 16832), I rise in support of the measure and would like to particularly call to the attention of my colleagues a provision of great importance to the citizens of Arkansas.

Section 14 of H.R. 16832 authorizes the construction of a highway bridge across the Norfolk Reservoir in north central Arkansas in the area where U.S. Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. The bridge would be constructed by the U.S. Army Corps of Engineers in accordance with plans determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities.

The cost of construction of the bridge would be borne by the United States, except that the State of Arkansas shall be required to pay as its share of the cost of construction the sum of $1,342,000 plus interest for the period from May 29, 1943 to the date of enactment. The interest would be computed by the Secretary of the Treasury at a rate determined by him to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State as insufficient compensation in the original bridge compensation suit.

As reported from the House Committee on Public Works, the bill provides that prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him whereby after con-

struction such non-Federal interests shall own, operate toll free, and maintain the bridge and approach facilities.

The Senate version of this legislation (S. 4018), passed by that body on September 27, contains a similar authorization for this important project. The authorization contained in section 202 of S. 4018 differs from the House committee bill only with respect to maintenance and operation of the bridge after construction. S. 4018 provides that the bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army.

Mr. Speaker, approval of this provision by the Congress would not only rectify a long-standing inequity, but would bring about long-overdue relief to a growing transportation and developmental problem that has existed for the citizens of Arkansas for almost three decades. The problem originated in 1943 when the construction of the Norfolk Dam and Reservoir caused the inundation of the bridge serving U.S. Highway 62 and Arkansas State Highway 101. This bridge had been constructed, at a cost of $135,000, just 9 years before the dam project was completed.

U.S. Highway 62 is a major route roughly east-west across northern Arkansas, while State Highway 101 goes north into Missouri from Henderson Ark., along the eastern edge of Lake Norfolk. Thus, the inundation of these two highways interrupted traffic flow in both directions. Since 1943 transportation along these two routes has been dependent upon what has long since become a totally inadequate and outdated ferry service.

The ferry service was provided under agreement with the U.S. Government during the 2 years of construction on the Norfolk Dam, but was continued thereafter because the settlement amount with the State was inadequate to construct a bridge or relocate routes after the critical material ban of the war years was lifted. During these years the State highway department has spent in excess of $4 million in operating two ferries across Lake Norfolk. The ferry service has become increasingly inadequate, however, with the traffic generated by development along both of these routes.

The need for the bridges across Norfolk Lake has been especially notable in recent years with the traffic generated by economic development along the lake. The average daily account of vehicles has increased over 100 times since 1944, from 105 to almost 1,300; and research by the State highway department indicates this growth trend is expected to continue. The situation is particularly acute on holiday weekends, when serious traffic tieups have been experienced.

In this regard, it is also significant to note that public transportation in the Norfolk Lake area is limited to highway forms. There is no publicly available regularly scheduled alternate media in the area.

The interdiction of the U.S. 62 and State Highway 101 corridors during the post-World War II era has also been a serious handicap to overall economic development in north central Arkansas and has definitely retarded the development of the area's greatest available asset, the recreational potential of the lake itself. This unfortunate fact was illuminated by an August 1963, report of the Bureau of Outdoor Recreation of the U.S. Department of Interior on the "Tourist and Recreation Potential, Arkansas Ozark Region." This report found the Bull Shoals-Norfolk Reservoir area in many ways to be still in the early development "fisherman" stage of normal patterns of development of reservoir areas. The report stated:

> The highways leading into the Bull Shoals-Norfolk areas are satisfactory for present day traffic; however, they are not conducive to full-scale development of the tourist-recreation potential of the area. For one thing, there are no bridges connecting either the north-south shores of Bull Shoals Lake or the east-west shores of Norfork Lake.

The potential for growth and development in the Mountain Home and Baxter County area remain in the highest category, but the above observation on the retarded development in the Norfork Lake area and its stagnation in the first phase of its development is even truer today. The Lake Norfork area has not advanced into the much more productive luxury-resort type economic asset as reservoirs of much more recent construction are already doing to the west and north where the road networks are not rendered archaic by ferry crossings in major arterial corridors.

The Norfork Dam was originally planned as a flood control project, pursuant to the provisions of the 1928 Flood Control Act, and was expected to result in the inundation of the U.S. 62 bridge only a few days at a time on an occasional basis when required for flood protection. In 1939 the U.S. Corps of Engineers estimated the relocation costs of the highways to be inundated at $1,300,000 and offered to operate a standby ferry service for the expected occasional floodings. The Arkansas State Highway Commission regarded this as reasonable and approved it.

In 1941, however, the Congress added hydroelectric power to the Norfolk project. This required the permanent inundation of the U.S. 62 bridge in a much deeper pool. Although the corps wanted a relocation of U.S. 62 down river across the new dam, an agreement was reached in a 1942 conference involving U.S. Corps of Engineers, U.S. Public Roads Administration, and State highway department personnel. The plan agreed upon for U.S. 63 consisted of construction within the succeeding 12 months of new bridge piers near the present bridge above maximum pool elevation, with the superstructure to be completed after the war as soon as materials shortages were over. The plan also included operation of a ferry during the interim by the State highway department to be reimbursed by the U.S. Government.

Notwithstanding the above plan, the bridge piers were not built in 1942. In 1943 the Arkansas Director of Highways was notified by the Corps of Engineers that it was now too late to construct the piers and that construction of the Norfork project was being accelerated. The local people and highway commission appealed to the Arkansas congressional delegation for help, but they were unsuccessful in halting the corps' eminent domain proceedings. During this same period, the War Production Board, which had eased restrictions or reinforcing steel, denied approval for the bridge piers.

On May 29, 1943, the United States filed a Declaration of Taking and deposited in the registry of the U.S. District Court, Western District of Arkansas, the sum of $1,422,000 an estimated just compensation for the taking of the highways. On November 1, 1944, however, the United States filed a motion requesting the court to enter judgment that no compensation was due the State of Arkansas for the taking of the lands. Although it was overruled in 1945, the disquieting effect of this motion was apparently sufficient to cause the State highway department to enter into stipulation filed with the court. In these stipulations the department agreed upon $1,342,000 on the funds needed to construct an alternate highway, with an additional $80,000 provided as reimbursement for providing temporary ferry service.

The records reflect that the Federal judge before whom the condemnation suit was tried expressed amazement that the State highway department would enter into such stipulations and that it provided, in his opinion, much less compensation than that to which the State was entitled. The court felt, however, that it was bound by the stipulation. The highway department had, by the stipulations, precluded itself from showing that the rerouting of traffic over the substitute highways and across the dam would not provide the same facilities for the traveling public that existed prior to the taking. Thus the highway department prevented itself from showing or offering evidence of the true measure of compensation. The 1947 decision handed down by the Eighth Circuit Court of Appeals, furthermore, clearly stated that the cost of the inundated U.S. 62 bridge was not included in the sum paid the highway department by the corps.

What caused the officials of the highway department to enter into each stipulations can only be surmised, but there is some speculation that the Highway Department was afraid that it would receive no compensation due to the mood of a nation fighting an oll-out war. Regardless of what the motivation of the department was, however, it is certainly clear that the compensation received by the Highway Department was completely inadequate in preparation to the loss suffered by the State.

It is important to remember that the reimbursement for the State highway system rights-of-way, roads, and bridges inundated by the Norfolk project was premised upon conditions and costs prevailing during the closing years of the Great Depression prior to World War II. The U.S. Public Roads Administration personnel maintained throughout the the relocation cost estimates were much too low and urged the ultimate provision of the bridge near Henderson, Arkansas.

When the cost-benefit analyses of the Project were made in 1939, furthermore, it was impossible to accurately evaluate the extent of the contingencies involved in the construction of the Norfolk Dam, particularly with respect to the impact which Norfolk Lake would have on the area durng succeeding decades. The annual visitation to Norfolk Lake, for example, is 56¼ times greater than the Corps of Engineers' 1939 estimates.

The authorization contained in section 14 of the bill before us today was originally called for in legislation, H.R. 11901, which my distinguished colleagues in Arkansas' House delegation joined with me introducing earlier this year. A companion bill, S. 2881, was introduced in the Senate by Arkansas' two Senators. I am very gratified by the approval of the important Norfolk bridge authorization which has already been given by the Senate and by the House Public Works Committee. It is my profound hope that it will receive like approval by the House of Representatives in its consideration of H.R. 16832 today.

Mr. WRIGHT. Mr. Speaker, today I introduced, on behalf of the committee, a bill to reclaim to the Congress its rightful prerogative in establishing the rules for determining benefits-costs ratios in the planning and evaluation of water resources projects. Originally we had planned to make those provisions a part of this bill, but because of the enormous importance of this matter, we decided to introduce it this year as separate legislation.

In 1936, the Congress established a general policy that money to be expended on flood control projects must yield economic benefits at least equal to the costs. While it seems somewhat ironic that we would make this broad requirement applicable only to water resource projects when it does not apply to other things such as welfare, defense expenditures, highways, education, or any of the other broad activities of government, it probably was a pretty good rule in principle.

The problem is that Congress never really defined benefits and costs. As a result, the administrative arm of Government has almost entire usurped the congressional prerogative in this extremely vital matter. Throughout this particular year, the Water Resources Council at the direction of the Office of Management and Budget has been going through some perilous exercises in proposing new criteria which for all practical purposes would bring the development of our vital water resources development to a grinding halt.

Among other things, this administrative group has been talking of applying an arbitrary discount rate of 7 percent or 10 percent to each such project in evaluating its economic benefits. Such a standard if applied to already authorized projects, those on which Congress already has affirmatively acted, would disqualify approximately one-half of them if the 7 percent figure were applied and approximately three-fourths if the 10 percent figure were employed.

Congress, in my very firm opinion, does not desire to see any such regressive action brought about as result of executive fiat, and I should like to commend to the serious consideration of my colleagues the bill which I have introduced today. So long as Congress sees fit to make a rule of costs-benefits ratios applicable to water resources development, then it is clearly incumbent on us in the Congress to reassert our own legislative prerogatives in establishing the rules for evaluating these projects.

Meanwhile, the committee wishes to direct the attention of all concerned to section 51 of the present bill which directs that the administrative agencies shall not apply or implement any new rules until Congress shall have had an adequate opportunity to act in this regard.

Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 16832, the Flood Control Act of 1972. As ranking minority member of the Rivers and Harbors Subcommittee, I am proud to have taken an active role in writing this biannual authorization of water resources projects.

The bill is the smallest in recent years, authorizing $390,815,000 over the next 6 fiscal years. The dollar amount is reasonable, but the expenditures are needed and the returns will save lives and thousands of dollars averted flood damages.

Let me thank the chairman (Mr. BLATNIK), the Flood Control Subcommittee chairman (Mr. JONES), the Rivers and Harbors Subcommittee chairman (Mr. ROBERTS), my counterpart (Mr. DON H. CLAUSEN), the ranking member on the Flood Control Subcommittee, and the committee staff for the diligent and thorough efforts on behalf of H.R. 16832.

Mr. JONES of Alabama. Mr. Speaker, I rise to commend the gentleman from Texas (Mr. ROBERTS) on the excellent job that he has done as chairman of the joint Subcommittee on Rivers and Harbors and Flood Control and Internal Development for the purpose of bringing to the floor H.R. 16832. I also wish to commend the entire membership of both subcommittees on the legislation that they recommended to the full committee.

The bill includes $269,000,000 in badly needed flood control projects. However, this legislation is smaller than most flood control acts over the past years. It is only one-third the size of the $1 billion 1968 act, the most recently considered Flood Control Act.

Although it may be confined to a river basin or a localized area at various times, flooding is a national problem. Few sections are immune to the death and human suffering which can result from inadequate flood control measures.

The people of the country have always opened their hearts to provide relief to their fellow citizens when major flooding occurs. This is needed and encouraged.

A more rewarding approach, however, is the prevention of flooding through control measures.

This legislation does just that. It is an example of the concern and interest in dealing with this national problem in appropriate terms.

For example, the bill provides for a plan for the water resources development of the Appalachia area. The proper development of this great region of our country has been recognized as a national concern for several years, and important progress is being made through the efforts of the model State-Federal partnership, the Appalachian Regional Commission.

A plan of action for development of the water resources of the region is still badly needed if the people are to realize the economic benefits they require to fully participate in our national life. This legislation authorizes a plan that will go a long way to assist the people of the Appalachian area in achieving a goal of a better life.

The project authorizations in this legislation are essential for control of destructive flooding and the loss of life and property which results from raging waters in some 15 States.

Each has been examined in great detail by the committee. Earlier, the projects were reviewed by the involved States and the departments and agencies of the Federal Government.

These protection projects are anxiously sought by the people who know firsthand of the grant need for flood control. Other advantages will accrue from this effort in the form of recreation benefits, fish and wildlife enhancement, water supply, economic development, and erosion control.

I urge passage of H.R. 16832.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 16832, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, 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 Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4018

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

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

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern

with respect to projects authorized in this title; and the procedures set forth with respect to plans, proposals, or reports for works of improvement for navigation or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

NAVIGATION

Little River Inlet, North Carolina and South Carolina: House Document Numbered 92–362, at an estimated cost of $6,271,000;

Texas City Channel, Texas: House Document Numbered 92–199, at an estimated cost of $2,302,000;

Kansas River Channel, Kansas City, Kansas: report of the Board of Engineers for Rivers and Harbors dated March 29, 1972, at an estimated cost of $3,028,900, except that no funds shall be appropriated for this project until approved by the Secretary of the Army and the President;

Hoonah Harbor, Alaska: House Document Numbered 92–200, at an estimated cost of $3,710,000;

Metlakatla Harbor, Alaska: Senate Document Numbered 92–64, at an estimated cost of $2,160,000.

BEACH EROSION

North Shore of Long Island, New York: House Document Numbered 92–199, at an estimated cost of $3,000,000;

That the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this provision.

SEC. 102. At any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

SEC. 103. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972."

FINDINGS AND PURPOSE

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this Act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

(c) (1) The Secretary of the Army shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. States selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

(d) (1) No later than one hundred and twenty days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations: *Provided*, That such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to section 3.

(2) The Panel shall—

(a) advise the Secretary of the Army generally in carrying out provisions of this Act;

(b) recommend criteria for the selection of development and demonstration sites;

(c) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(d) make periodic reviews of the progress of the program pursuant to this Act;

(e) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(f) perform such functions as the Secretary of the Army may designate.

(3) Members of the Panel shall, while serving on business of the Panel be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

PROGRAM AND PROGRESS REPORT

(e) The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

APPROPRIATIONS

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 104. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this Act, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 and of the Act approved July 24, 1946 (60 Stat. 653), as amended.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 105. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; and (3) report to Congress the results of the studies together with his recommendations in connection therewith.

(b) In view of the serious bank erosion problems along the Ohio River, the Secretary

of the Army is authorized to undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers: *Provided*, That, prior to construction, local interests furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

SEC. 106. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) the requirements for appropriate non-Federal interest of interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 107. That portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent-pole-supported structures thereon:

Beginning at a point on the United States bulkhead line lying southerly one hundred forty feet from the intersection of said bulkhead line and the northerly line of West Forty-seventh Street extended westerly;

thence westerly along a line perpendicular to said bulkhead line to a point one hundred feet easterly of the United States pierhead line;

thence southerly along a line parallel to said bulkhead line eight hundred eighty-six feet three inches;

thence easterly along a line perpendicular to said bulkhead line to the point of beginning.

This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and/or permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and/or permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 108. Section 113 of the Rivers and Harbors Act of 1968 is hereby amended to read as follows:

"SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers Slip extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

SEC. 109. Notwithstanding section 105 of the Rivers and Harbor Act of 1966 (80 Stat. 1406) or any other provision of the law, the States of Illinois and Missouri, which are connected by the bridge constructed by the city of Chester, Illinois, pursuant to Public Law 76–751 and Public Law 85–512, are authorized to contract individually or jointly with the city of Chester, Illinois, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the Chester Bridge and the approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest, and financing charges on the outstanding indebtedness on such bridge and approaches). When either or both States enter into such an agreement, all tolls thereafter charged for transit over such bridge shall, except as provided in the last two sentences of this section, be used exclusively (a) to retire outstanding indebtedness (including reasonable interest and financing charges) on the bridge and approaches thereto and (b) credited into a sinking fund established for such bridge. No tolls shall be charged for transit over such bridge after the outstanding indebtedness on the bridge and approaches (including reasonable interest and financing charges) has been retired, or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness (including reasonable interest and financing charges) on such bridges and approaches. If a State declines or is unable to participate in the agreement authorized by this section, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from toll revenues, after provision is made for principal and interest payments on any indebtedness then outstanding on the bridge and its approaches, as reimbursement, an amount of money (no less often than annually) which is equal to the nonparticipating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the bridge and its approaches.

SEC. 110. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of said funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

SEC. 111. Title I of this Act may be cited as the "River and Harbor Act of 1972".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

POTOMAC RIVER BASIN

The project for Verona Dam and Lake, Virginia, for flood protection and other purposes is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $34,350,000.

The project for Sixes Bridge Dam and Lake, Maryland, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343, at an estimated cost of $30,700,000.

SANTEE RIVER BASIN

The project for Clinchfield Dam and Lake on Broad River, North Carolina and South Carolina, Santee River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $58,565,000, except that no funds shall be appropriated for this project until is it approved by the Appalachian Regional Commission and the President.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Norfolk, Virginia, authorized by the River and Harbor Acts approved September 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded to provide for beach erosion control and hurricane-flood protection between Rudee Inlet and Eighty-ninth Street of Virginia Beach substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated August 30, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DELAWARE RIVER BASIN

The project for Tamaqua Local Protection Project on Wabash Creek, Pennsylvania, Delaware River Basin, for flood protection, and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $2,355,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

YADKIN RIVER BASIN

The project for flood protection and other purposes on the Roaring River, Yadkin River Basin, in the area of Winston-Salem, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $10,758,000, except that no funds shall be appropriated for this project until it is approved by the Appalachian Regional Commission and the President.

POCATALICO RIVER BASIN

The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $50,800,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

LICKING RIVER BASIN

The project for flood protection on the Licking River, Falmouth, Kentucky, is hereby authorized substantially in accordance with the levee plan considered during the 1971 studies (directed by House of Representtives Report (Numbered 91–697) as contained in the Special Report of the Corps of Engineers (Senate Committee on Public Works print numbered 92–26).

That the Midland Local Protection Project, in Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $8,230,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President. Planning and construction shall also be coordinated and compatible with the Midland New Community plans recognized in preapplication approval by the Office of New Communities, Department of Housing and Urban Development.

LOWER MISSISSIPPI RIVER

The West Tennessee Tributaries Feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948 and November 7, 1966, as amended and modified, is hereby further modified and expanded to provide for the acquisition and development of approximately fourteen thousand and four hundred acres of land for fish and wildlife management purposes, development of the Gooch and Tigrett Wildlife Management Areas, and minor channel modifications substantially in accordance with the recommendations of the Chief of Engineers in his report dated March 28, 1972, at an estimated cost of $6,600,000.

The project for flood control for Perry County Drainage and Levee Districts Numbered 1, 2, and 3, Missouri, authorized by the Flood Control Act approved July 24, 1946, is hereby modified and expanded to provide for interior flood control substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–360, at an estimated cost of $2,698,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the land owner thereof to take an environmental easement: *Provided*, That no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be commenced at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359 at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

UPPER MISSISSIPPI RIVER BASIN

The project for reducing flood damage at Prairie du Chien, Wisconsin, by floodproofing or evacuation and relocation of structures in the flood plain, and management of the evacuated flood plain in accordance with applicable State laws and adopted city codes is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated February 9, 1972, at an estimated cost of $2,300,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

DES MOINES RIVER

The improvements to the local flood control project at Ottumwa, Iowa, on the Des Moines River to increase the discharge efficiency of the city's North Side interceptor serves to reduce flood damage are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–197, at an estimated cost of $76,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for Pattonsburg Dam and Lake on the Grand River, Missouri, for flood protection and other purposes authorized by the Flood Control Act, approved August 13, 1968, is hereby modified to include hydroelectric power generating facilities during initial construction of the project, substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in their report dated August 30, 1972, at an estimated additional cost of $28,620,000; except that no funds shall be appropriated until the modification is approved by the Secretary of the Army and the President.

GREAT LAKES BASIN

The project for flood protection at Point Place, Toledo, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–363, at an estimated cost of $960,000.

COLORADO RIVER BASIN

The project for flood control on Beals Creek, Texas, in the Colorado River Basin is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–115, at an estimated cost of $2,526,000.

PEYTON CREEK

The project for the improvement of Peyton Creek and tributaries, Texas, for flood control and major drainage is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–341, at an estimated cost of $8,490,000.

GUADALUPE RIVER BASIN

The project for flood control and other purposes on the Blanco River in the Edwards underground reservoir area, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 15, 1972, at an estimated cost of $113,000,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Secretary of the Army and the President.

SEC. 202. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Lake at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such lake for highway traffic in the area.

(b) The cost of constructing the bridge authorized in this section shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obliga-

tions of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfolk Dam and Lake plus interest from the date of payment.

SEC. 203. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, in his discretion, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvements, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces; (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall agree to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 204. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above the measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91 west of the fifth guide meridian.

(b) (1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereon.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 205. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof $250,000".

SEC. 206. Section 14 of the Act approved July 24, 1946 (60 Stat. 653) is hereby amended to read as follows:

"SEC. 14. The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed $5,000,000 per year, for the construction of emergency bank protection works to prevent flood damage to highways, bridge approaches, public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than $250,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year."

SEC. 207. The project for flood protection on the Pequonnock River, Connecticut, authorized by sction 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be prepaid by the town, with interest, within ten years of the date of enactment of this Act.

SEC. 208. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended to read as follows:

"SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto, at an estimated cost of $11,400,000."

SEC. 209. Subsection (f) of section 221 of the Flood Control Act of 1970 is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 210. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States shall be held to be a reference to the "James G. Fulton Flood Protection Project".

SEC. 211. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 212. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

SEC. 1214. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 215. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000, may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 216. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170) is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563) is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project, and to participate with the State of Montana in the maintenance of such lands for wildlife grazing purposes.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a) above, for use for wildlife grazing purposes, and to execute such other documents and perform such other acts as may be necessary or appropriate in connection with the operation and maintenance of the lands by the State of Montana for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

SEC. 217. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other

damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

SEC. 218. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

SEC. 219. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 220. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 221. Section 205 of the Flood Control Act of 1948 (62 Stat. 1182), as amended (33 U.S.C. 701s), is amended by deleting "$25,000,000" and inserting in lieu thereof $50,000,000", and is further amended by deleting "$1,000,000" and inserting in lieu thereof "$2,000,000".

SEC. 222. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements and rights-of-way, and hold and save the United States free from damages due to the clean-out operations.

SEC. 223. Section 224 of the Flood Control Act of 1970 (84 Stat. 1824, 1832) is hereby amended by deleting the comma following "$10,000,000", inserting a period in lieu thereof, and deleting the remainder of the section.

SEC. 224. (a) The Secretary of the Army, acting through the Chief of Engineers is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

SEC. 225. (a) The Secretary of the Army (hereinafter the "Secretary") through the Chief of the Corps of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the United States Army Corps of Engineers, the Department of the Interior, and the Department of Agriculture as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered CSF-1 and dated September 26, 1972, which shall be on file and available for public inspection in the offices of the United States Army Corps of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National River and Recreation Area that is efficiently administrable for the purposes of this Act. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c)(1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation and may exercise the power of eminent domain when necessary. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in said residence for the lifetime of said person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property, and provided that any obligation or rental incurred as consideration for said tenancy shall accrue during said term to the Department of the Army to be used in the administration of this Act.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use: *Provided*, That the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary determines that underlying minerals are removable consistent with the provisions of subsection (e)(3) of this Act, the owner of the minerals underlying property acquired for the purposes of this Act may retain said interest. The Secretary shall reserve the right to inspect and regulate the extraction of said minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e)(1) are not interfered with.

(d) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e)(1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the

gorge areas and adjacent areas as hereinafter defined.

(2) (A) Within the gorge area, no extraction of or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in subsections (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee to Zenith, Tennessee, the road from Co-Operative, Kentucky to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only: *Provided*, That nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c) (1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be accomplished by the Secretary in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extration of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of the Big South Fork and its primary tributaries that lie within the gorge or valley rim on either side, excepting that no lands or waters north of Kentucky Highway Numbered 92 shall be included. Where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly marked rim on the same side of the valley. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the Big South Fork River and Recreation Area in the area adjacent to Rugby Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this Act.

(7) The Secretary shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(8) The Secretary shall consult with the Bureau of Outdoor Recreation in the development of a recreation plan for the Big South Fork National River and Recreation Area.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et sec.), on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the national river and recreation area and the values to be protected by it under this Act.

(g) The Secretary shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this Act: *Provided, however*, That any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may at the discretion of the Secretary, be relocated outside of said area upon mutual arrangements with the owning agency or else said road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. *Provided further*, That nothing in this section shall abrogate the right of egress and ingress of those persons who may remain in occupancy under section c of this section, nor preclude, notwithstanding section c, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purposes of this Act the Secretary, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs (1) to enhance the environment and conserve and develop natural resources; and (2) to minimize siltation and acid mine drainage. Said plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of this Act.

(i) The Secretary shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this Act.

(j) (1) For the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this Act and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, at the time of the acquisition of such property, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this Act.

SEC. 226. Subsection (b) of the first section of the act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended in paragraph (3) to read as follows: "Federal participation in the cost of a

project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs".

SEC. 227. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated of Blossburg, Pennsylvania, such sum as he determines equitable to compensate said foundry for long-term economic injury through increased costs as the result of the abandonment of cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes Project. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 228. The Cave Run Lake Project authorized by the Flood Control Act approved June 22, 1936 and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Kentucky, shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 229. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as a member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the Richard B. Russell Dam and Lake, and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the Richard B. Russell Dam and Lake.

MOTION OFFERED BY MR. ROBERTS

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

The Clerk read as follows:

Mr. ROBERTS moves to strike out all after the enacting clause of S. 4018 and insert in lieu thereof the provisions of H.R. 16832, as passed.

The motion was agreed to.

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

A similar House bill (H.R. 16832) was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 4018 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. ROBERTS, DORN, HENDERSON, DON H. CLAUSEN, and SNYDER.

GENERAL LEAVE

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill just passed.

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

There was no objection.

EXTENDING CERTAIN HOUSING PROGRAMS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1301) 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, as amended.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (a) of the National Housing Act is amended by striking out "October 1, 1972" in the first sentence and inserting in lieu thereof "June 30, 1973".

(b) Section 217 of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1972" in the fifth sentence and inserting in lieu thereof "June 30, 1973".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1972" and inserting in lieu thereof "June 30, 1973".

(f) Section 809(f) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu there- "June 30, 1973".

(g) Section 810(k) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

(h) Section 1002(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

(i) Section 1101(a) of such Act is amended by striking out "October 1, 1972" in the second sentence and inserting in lieu thereof "June 30, 1973".

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, House Joint Resolution 1301 will extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages provided under the National Housing Act. The extension of this authority to June 30, 1973, is vitally important if our Federal housing programs are to continue. The authority of the Secretary to insure mortgages expired Sunday, October 1. No mortgage insurance can be written until this House Joint Resolution 1301 is passed by the Congress and signed by the President. So, it is imperative that we act speedily today in adopting this measure.

As all of the members are aware, the Rules Committee declined to grant a rule on H.R. 16704, the 1972 omnibus housing and urban development bill. I regret the decision of the Rules Committee in refusing to provide us with a rule for consideration of this big housing bill, but the decision has been made and I, as chairman of the Committee on Banking and Currency, must abide by that decision. The Committee on Banking and Currency met Thursday and unanimously agreed to direct the chairman to offer an amendment to House Joint Resolution 1301 to continue the insuring authorities of the Secretary until June 30, 1973. House Joint Resolution 1301 extends these authorities only until November 1, 1972. The amendment I am offering extends these authorities to June 30, 1973. Since there will be no housing bill this year, we must act at least to continue the FHA insuring authorities.

The Committee on Banking and Currency will continue its deliberations in these waning days of the 92d Congress and into the 93d Congress on ways to improve and reform our Federal housing and urban development programs.

Mr. Speaker, I wish to impress upon this House that it is urgent that we adopt promptly House Joint Resolution 1301.

Mr. WIDNALL. Mr. Speaker, I rise in support of House Joint Resolution 1301 and urge that the House do adopt it.

This resolution is necessary in order to extend the basic FHA mortgage insurance programs which expired yesterday. It is necessary to extend the date until June 30 of next year in order to give Congress an opportunity to deal with a more comprehensive housing bill early in the next Congress.

Mr. PATMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Of course, I support the extension of the insurance programs under the National Housing Act. But having said that, I want to raise a flag of warning with respect to the housing programs in which this Nation is now engaged.

Four years ago, with the passage of the Housing Act of 1968, we all had high hopes that such legislation would provide the means by which low- and moderate-income families could be assured of decent, safe, and sanitary housing. Today our best hopes have degenerated into a nightmare of bureaucratic abuse, corruption, and inefficiency. In fact, the subsidized housing programs have turned out to be a bonanza in too many instances for just about everyone except those the Congress intended to help—and for some of them it has been a disaster.

Speculators, real estate brokers, builders, and appraisers have all done pretty well while too often the poor have inherited new ghettos in exchange for the old. Many of these families do not have the means to maintain a shoddily constructed new house or an old home with balky plumbing and faulty wiring. It is no surprise that in their disillusionment they have walked away in droves—leaving HUD with a substantial inventory of defaulted and foreclosed mortgages.

Current estimates are that the HUD owned housing inventory will climb to more than 100,000 by the end of this fiscal year—an increase of 65,000 above the 1971 level—and what is significant is that in Detroit, for example, the pattern of foreclosures has changed from being predominantly in the suburbs to predominantly in the central city. Before this change 80 percent of the foreclosed properties were in the suburbs—now 80 percent are in the central city.

This crisis has been an expensive lesson. Even if we put a stop to these programs tomorrow it could cost the Amer-

ican taxpayer as high as $100 billion just to meet commitments for projects already completed or funded.

Let me hasten to add that these programs are not all bad. Hundreds of thousands—yes, millions—of Americans are enjoying safe, clean, and decent housing because this legislation is on the books. More than 3 million units will be supported under subsidized housing from the inception of these programs through fiscal year 1973. But I do not think we can turn away from the facts.

We have a very expensive housing scandal on our hands, and I know it was not the intention of the Congress to finance a host of "fast buck" artists. What we want to do was to help poor people get decent housing—and what we have gotten in too many cases is a mess that is an embarrassment to the Government, a burden to the taxpayer, and a disaster to the poor.

The time has come to take a hard look at all of the subsidized housing programs and decide whether we ought to adjust or abandon some of these concepts and turn to new programs that will help the poor get a safe, low cost, and decent place to live.

I would suggest that the Department of Housing and Urban Development in its next annual report on national housing goals include a review of the original 1968 housing objectives. Is the 10-year goal of 26 million housing units still valid? Is the goal beyond our reach—or unattainable? Are the right kinds of homes being built?

Recently, we are beginning to get some evidence that the housing industry may be overbuilding. This could lead to a recession and serious consequences in the next year's production. I think it is time that we take a fresh look at current population trends and find out what national housing goals are appropriate for the second half of this decade.

Another of the major faults of administration in the current subsidized housing programs has been an insufficient number and proper usage of personnel with funds made available by the Congress to administer these programs. The Secretary has been battling within the hierarchy for months to get the funds for his department properly apportioned. This has only been done now, and the folly of the delay continues to haunt us.

Finally, we should ask if we have gone too far with the concept of Federal responsibility? Should the Federal Government tell a local authority what rent it should charge in a community—yet exclude a local government from any participation in fiscal and management responsibility for housing in their community?

This last question is one we need to take an especially close look at. Take, for example, the problem of providing Federal operating subsidies for local public housing. I wonder if we are not beginning to kill them with kindness. I have no doubt that current economic realities coupled with maximum rent provisions in the law may require the Congress to provide some public housing authorities with help in the form of operating subsidies. But I am not sure it makes sense for the Federal Government to provide a blank check to cover all operating deficits of these local housing authorities. HUD admits that the LHA's may be inflating their operating budgets to obtain more subsidy payments—and even if this is not the case—I can imagine that a public housing manager would not have much incentive to get the best price on a painting job or a new roof if he knows that Uncle Sam is going to finance any operating deficits incurred. So maybe we should begin thinking about requiring that the local government put up a part of these subsidies—maybe as part of any new revenue sharing or block grants that are under consideration—hopefully, a move that would stimulate local incentive to insure better management and operation of housing projects.

This is just one small aspect of the total subsidized housing picture, but I think this illustrates the kind of rethinking these programs deserve.

As I said, in their operation, these programs have not worked as well as we hoped. It may be possible to salvage their worthy goals through better administration. But if these programs are basically unworkable, it is time we tried something new. Backing away from a poverty program is always politically difficult—and I am not backing away from these problems—but we must muster our courage and begin to weed out what is unproductive and substitute something that works. To do less is to offer false hopes to thousands of Americans and leave the taxpayer holding the bag.

Mr. STEPHENS. Mr. Speaker, I regretfully support House Joint Resolution 1301, a measure to extend the authority for existing housing programs through June 30, 1973. This resolution is necessary in view of the fact that the House of Representatives apparently will not have an opportunity to consider this session H.R. 16704, the omnibus Housing and Urban Development Act of 1972. Although this measure was reported by the House Banking and Currency Committee, it has not been possible to obtain a rule on the bill so that it may receive floor consideration.

I particularly regret that the House of Representatives has been unable to work its will on chapter IX of the bill, dealing with the regulation of settlement charges and practices. These provisions deal directly and, in my view, effectively with abuses which have grown up in settlement procedures. In view of the anti-abuse, disclosure, and other reform provisions of chapter IX, the chapter also repealed the existing authority of the Department of Housing and Urban Development and the Veterans' Administration to establish standards governing settlement costs allowable in connection with FHA and VA transactions. Chapter IX was adopted by the Banking and Currency Committee by a bipartisan 28-to-8 vote.

I am confident that, had it been given the opportunity, the House of Representatives would have enacted chapter IX in the form proposed by the committee. I intend to reintroduce these provisions early next session in the hope that the Congress will give them favorable consideration prior to the expiration of this joint resolution next June 30.

In view of the action taken by the House committee and since the House of Representatives has not yet had an opportunity to express its judgment on the matter, it is my hope that the Department of Housing and Urban Development and the Veterans' Administration will take no action in the interim that will prejudice the opportunity of the Congress to reconsider the desirability of the 1970 legislation and select the most efficient and effective approach to unnecessarily high settlement costs. Federal rate regulation in this new and uncharted area—one traditionally left to State regulation and the forces of competition—should not be undertaken during the pendency of congressional consideration. It is wasteful and disruptive to regulate for a few months and then terminate the activity. Accordingly, I call on HUD and the VA to refrain from making effective a system of maximum charges which might be at odds with ultimate congressional action, and to suspend the current rulemaking proceedings until the Congress has had an opportunity to clarify its wishes in this area.

Mr. FRENZEL. Mr. Speaker, since the failure of the Housing Act of 1972 in the Rules Committee, it is absolutely imperative that House Joint Resolution 1301, the extension of FHA mortgage insurance authority, be passed.

The FHA authority expired this week. The housing needs of this country demand an extension now. I only wish we could have acted on a comprehensive housing act this session, but since that is not now possible, speedy passage of House Joint Resolution 1301 is the next best thing we can do.

Mr. MONAGAN. Mr. Speaker, today's New York Times article entitled "Abandoned Homes Shelter Urban Crime," is clear and compelling evidence of the need for immediate and effective action by the President of the United States in this field with the fullest support and cooperation of the Congress.

In my remarks on the floor last Thursday, I stressed that none of us can take comfort in the failure of the Housing Act of 1972 to receive the approval of the Rules Committee and thus to reach the floor for none of the basic and critical problems in our housing legislation have been solved by this negative action.

The Times' story has restated in dramatic terms the tragic consequence of administrative incompetency and indifference, first brought to light by the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations through its investigative hearings in the city of Detroit last December.

The Government Operations Committee on June 14, 1972, upon approving the subcommittee report on Detroit directed a series of specified recommendations to the Department of Housing and Urban Development, the Department of Justice the Office of Management and Budget, and the Federal National Mortgage Association—House report No. 92–1152; June 20, 1972.

The principal recommendations follow:

The committee recommends:

1. That without regard to executive branch "ceilings" on personnel levels—

(a) HUD review staffing needs in all area offices and seek authorization from OMB to hire such additional personnel as are needed to handle properly HUD's mortgage insurance operations;

(c) All HUD area offices be given hiring authority by HUD and OMB sufficient to permit area office appraisal staffs to respond to the regular workload of the area offices without reliance upon fee appraisers in accordance with departmental policy.

(d) HUD appraisers working in declining, inner city neighborhoods be trained to inspect properties for structural and mechanical soundness and durability;

(e) The Secretary and OMB authorize all HUD area offices to increase their counseling and credit review staffs for the purpose of screening and counseling of applicants for home mortgage insurance under all HUD home ownership programs, not only applicants for 235 home ownership assistance. Preferably HUD area offices should develop "in-house" counseling capabilities rather than rely on outside agencies for this purpose and should coordinate the activities of the counseling, appraisal, and credit review divisions within the area office to insure that home purchasers have the capability to pay for and maintain the homes they purchase.

2. That all fee and staff appraisers employed by HUD be required to make regular disclosures of their related outside interests.

4. That area office directors take prompt action to dismiss those appraisers or supervisory personnel who have consistently recommended overvalued or unsound houses for mortgage insurance.

5. That the Secretary of HUD monitor the implementation of the Department's revised instructions regarding the modified cost approach to assure that they are not misapplied, as were initial instructions on this subject in Detroit

9. That where State agencies have consistently failed to regulate the real estate industry and the consumer as well as HUD have been hurt as a result, HUD itself take steps to regulate that part of the real estate industry which makes use of Federal housing programs.

11. That HUD, LEAA, and the city of Detroit coordinate their efforts to develop new approaches to security in inner city neighborhoods, particularly in the experimental vestpocket renewal projects.

12. That FHA and FNMA suspend mortgagees who through imprudent mortgage lending practices have developed huge portfolios of defaulted mortgages which HUD is committed to acquire.

13. That the Attorney General study the need for the expansion of the fraud section of the Criminal Division of the Department of Justice so that it can effectively assist U.S. attorneys in the preparation of cases against persons who have defrauded the the Government by abusing the Federal housing programs.

14. That the Department of Justice institute urban housing strike forces, modeled after the organized crime strike forces, to combine, on a concentrated basis, the investigative and prosecutive resources of cognizant Federal agencies in selected cities where defaults and acquisitions are high. Agencies represented on the housing strike forces should include the FBI, IRS, the Criminal Division of the Department of Justice, the U.S. attorney, and the Department of Housing and Urban Development.

15. That all referrals from HUD to the Department of Justice be centralized in the Office of the Inspector General of HUD until the Inspector General has determined that such referrals are being handled uniformly by regional personnel. An adequate, central, recordkeeping system with complete cross indexing is essential to assure the integrity of HUD's system of referrals for prosecution and uniformity in the national application of HUD's administrative sanctions against those who have abused the Federal housing programs.

16. That the Secretary of HUD take administrative action to protect the public by barring undesirable brokers and mortgagees from doing business with the Department whether or not indictments have been returned against such individuals. Where months elapse between referral of cases to the Justice Department and a decision on whether to prosecute, the public is left exposd to the depredations of unscrupulous operators. Even if prosecution is declined, HUD has the authority and the duty to refuse to process applications involving parties whom the Department has determined are undesirable risks.

In discharge of my duty to this House, I must report that over 2 months have elapsed since the report was formally transmitted to the affected departments and agencies. To this date, no reply has been received from the Director of the Office of Management and Budget, and the reply from the Department of Justice received on September 27 failed to respond to recommendation No. 11, particularly significant in the light of the increased crime due to abandonment.

Mr. Speaker, the Government Operations Committee has no legislative jurisdiction over the field of policy concerning our housing laws. The Legal and Monetary Affairs Subcommittee, however, does have oversight jurisdiction over both the Department of HUD and the Department of Justice and has been closely scrutinizing the administration of the Federal housing and law enforcement programs. Both the Law Enforcement Assistance Administration and the Department of HUD are administering programs which have had far too much inefficiency, waste, mismanagement, and corruption. The present administration's apparent inability effectively to spend the amounts appropriated by Congress to deal with the problems of crime and housing decay in our cities is graphically demonstrated by the article from today's New York Times, which I am submitting for the consideration by my colleagues.

Mr. Speaker, today we adopt a resolution merely extending various insuring authorities of the Federal Housing Administration. As I stated earlier, this action in no way comes to grips with the basic and critical problems relating to the laws which have permitted undenied profiteering and victimizing of those we sought to help. I strongly urge a resumption of hearings by the House Banking and Currency Committee coupled with a thorough study of all aspects of this complex problem so that statutory weaknesses can be dealt with forthrightly.

Mr. Speaker, I reiterate our pledge as a subcommittee to continue to seek out the facts, to make our recommendations, and to continue to evaluate the effectiveness of administration efforts. I call upon the Congress to commit itself to an approach now that will deal with the facts of crime, the facts of administrative indifference, the facts of insufficient resources, including an inadequate number of trained, dedicated, career employees or incompetent leadership at the area office level.

For this Congress to abandon our cities today would constitute a retreat from one of our basic national problems.

I earnestly commend Mr. Salpukas' article to the attention of my colleagues:

ABANDONED HOMES SHELTER URBAN CRIME

(By Agis Salpukas)

DETROIT, October 1.—Thousands of abandoned houses owned by the Federal Government here and in other major cities have been taken over by narcotics addicts, rapists and muggers.

Thus the program that was pushed in the late nineteen-sixties as a way to solve inner city problems is now contributing to the blighting of still viable, mostly black middle-class neighorhoods.

Under the program, administered by the Department of Housing and Urban Development, inner city poor were given an opportunity through Federal subsidies to buy private, single-family houses.

Many thousands did so, but the program soon became a target of speculators. They would buy the houses at depressed prices, make a few cosmetic repairs, then sell them at a big profit to subsidized families who, when the houses began falling apart, could not afford repairs and simply moved out.

About 10,000 of the houses sold in Detroit have now reverted back to H.U.D. Many of them stand empty and wrecked by vandals, the scenes of crime and violence.

Not long ago, Mrs. Louise Cooper, a nurse at the Detroit General Hospital, drove through a mostly middle-class neighborhood in the northwest section of Detroit and pointed out some of the 127 homes that had been abandoned in her 100-block area in the last few years.

Last February, while on her way to a bus stop shortly after 5 A.M., a young man stopped from an alley, put a gun to her head and dragged her into one of the abandoned houses where he robbed and raped her. "That was the third time I've been robbed this year," she said.

Although the problem of abandoned homes is concentrated mainly in Detroit, cities like New York, St. Louis, Philadelphia and Chicago are also affected, but on a smaller scale.

In New York, H.U.D. holds about 3,000 abandoned homes mostly in Queens and Brooklyn. Many have become hangouts for addicts, who often cause fires when they cook heroin.

In Chicago, H.U.D. owns 830 abandoned houses; in St. Louis, 265, and in Philadelphia, 1,700.

Mrs. Cooper, who works as a nurse in Detroit General Hospital, said: "Our young children come home from school and some can't resist going into those homes and playing. Some have gotten hurt and some have been grabbed in there and molested."

She and 100 other volunteers in the Fifth Legislative District in Detroit made a survey of their neighborhood recently and counted 986 abandoned houses, about 560 of which are now owned by H.U.D.

In many of the houses they found that the wire mesh and boards that were used to keep intruders out had been broken and that the insides were filled with garbage, dead dogs and broken furniture. On the outside, there were often abandoned cars and weeds that reach waist level.

As in other parts of the city, the police report that the houses are used as dope pads, places to hide stolen goods and scenes of rape. They are often stripped of plumbing and fixtures by addicts and are a favorite target of children for vandalism.

IT TAKES ONLY ONE

Mrs. Mari Van Meer, one of the volunteers who this week made a report at a community meeting to officials of H.U.D. said: "I just couldn't believe what happened in my community. The debris, the rats."

William C. Whitbeck, the director of the Detroit area H.U.D. office who has taken the wrath of many neighborhoods over the abandoned homes, agreed in an interview that the houses "contribute to neighborhood deterioration. One abandoned home on a block can do it. It just blows a hole in the block."

He also said that they contributed to crime and were a danger to children. The most severe incident in Detroit has been a murder in one of the houses. A 15-year-old last May cut himself on a jagged piece of window glass and bled to death in one of the houses.

The rate of repossession is now running at about 500 homes a month, while the rehabilitation and reselling is running at about 100 a month.

The rehabilitation effort has been hampered by abuses by contractors. According to an investigation ordered by H.U.D. contractors up to last spring were often paid two or three times for the same work. The report by the National Association of Housing and Rehabilitation Officials found that H.U.D. was cheated out of about $1 million in the repair of 105 homes in Detroit.

The agency is trying to avert further abuses by expanding its staff and imposing strict controls.

This, however, has slowed the rehabilitation effort. Sales of revamped homes were suspended for three months this summer after it became clear that contractors were cheating.

H.U.D. now has only 12 homes for sale, but hopes to have 300 to 400 on the market by the end of the year.

3,000 HOMES LEVELED

At the moment H.U.D. owns about 7,000 abandoned homes in the city itself. As vandalism and fires continue, H.U.D. has been forced to simply bulldoze the homes and hope that it can sell the empty lots to neighbors. By Jan. 1, Mr. Whitbeck estimated about 3,000 homes will have been leveled in the Greater Detroit area.

In some areas, such as the lower east side, large empty spaces have been left in residential areas because often up to half a block is made up of abandoned homes.

There is little likelihood that these areas will be renewed in the near future, since all new urban renewal projects have been held up by H.U.D. until Detroit completes projects already under way.

Mr. Whitbeck said, however, that in the better areas, where block clubs have prevented vandalism, most of them will be rehabilitated.

SPECULATORS BLAMED

In Mrs. Cooper's neighborhood, for example, residents have cut the grass, kept a lookout for intruders and swept the sidewalks. Such upkeep is actually the responsibility of H.U.D., which gets about $2 a day per home for maintenance.

There are many causes for the abandonments, some unique to Detroit, some applicable to other cities.

The main one was the dealings of speculators, who often bought houses for $4,000 or $5,000, made some cosmetic repairs, and then offered them for sale under the H.U.D. program for $10,000 to $15,000.

Federal Housing Administration appraisers often made only cursory inspections of the homes and guaranteed the mortgages for the selling price.

A few months later, however, the buyer often found that the ceilings were caving in, the furnace was broken, the roof leaked and the cheap paint was peeling off the walls.

The owners, often welfare recipients with little savings, could not afford repairs and often just moved out, leaving the Government with the property while the speculators made huge profits.

In Detroit, the situation was aggravated after the riots by pressure on H.U.D. to put as many people into houses as quickly as possible with little thought about the risks. Some 12,000 people on welfare bought homes.

In 1970, the auto industry also went into a slump and thousands of hard core unemployed who had been hired were laid off and many were never rehired. Mr. Whitbeck maintains that this was the main reason for the abandonment—the drying up of incomes—rather than the actions of real estate speculators.

The result has been a slow destruction of property in the city that could surpass the $70-million riot damage of 1967. There are estimates that H.U.D. will lose about $200-million in Detroit.

Mrs. SULLIVAN. Mr. Speaker, in his remarks for the RECORD on House Joint Resolution 1301, the gentleman from Georgia (Mr. STEPHENS) advocated what is, to say the least, a novel approach to laws enacted by Congress. In effect, he recommended that the Department of Housing and Urban Development not implement a law which has been on the books for 2 years, authorizing maximum settlement charges on FHA and VA mortgage loans, because Congress may, at some unknown time in the future, rescind or otherwise change that law.

No legal significance or legislative intent is of any value or importance to any administrative official or court unless it is part of the consideration of legislation that subsequently becomes law. Uncompleted action on legislation really means nothing, and should mean nothing in enforcing existing law.

House Joint Resolution 1301, to extend authorization of various Federal housing programs, must be passed because the Rules Committee declined to grant a rule on H.R. 16704, the Housing and Urban Development Act of 1972, which provides extensions of authority for these various housing programs. There is no controversy about House Joint Resolution 1301. However, the gentleman from Georgia has introduced controversy in his discussion of the circumstances surround chapter IX of H.R. 16704.

Chapter IX constituted the response of the Banking and Currency Committee to widespread settlement transaction abuses which have bilked homebuyers throughout the Nation of millions of dollars. The provisions of the chapter were based on several extensive investigations and hearings conducted by the Banking and Currency Committee and the House Government Operations Committee and an exhaustive series of articles in the Washington Post—all dealing with fraudulent and deceptive real estate settlement practices.

SUBCOMMITTEE BILL WOULD HAVE COVERED ALL RESIDENTIAL MORTGAGE SETTLEMENTS

The heart of chapter IX, as I proposed it, and as it was adopted by the Housing Subcommittee, authorized and directed the Secretary of Housing and Urban Development to establish maximum settlement charges for virtually all residential mortgage loan transactions—conventional as well as federally insured and guaranteed. Of all the provisions of the Housing Subcommittee's draft of the chapter dealing with settlement reform, the required establishment of maximum charges was the most important.

During markup of H.R. 16704 in the full committee, a substitute chapter IX was offered by Mr. STEPHENS and was adopted. The substitute was described by him as being a truly effective approach to settlement reforms, one which fully protected the interests of the homebuying public.

Mr. Speaker, these assertions by the gentleman from Georgia are difficult to understand let alone accept in view of what would have been the immediate effect of his substitute chapter IX. The Stephens substitute deleted the provision requiring the Secretary of Housing and Urban Development to establish maximum settlement charges for virtually all residential real estate transactions. In its place is substituted a provision which simply calls on the Secretary to conduct a study of the need for establishing maximum settlement charges, something the Secretary has already done—and I might add has done thoroughly.

SUBSTITUTE CHAPTER WOULD REPEAL SETTLEMENT PROVISIONS OF 1970 ACT

Of more immediate concern, however, the Stephens substitute rescinds section 701 of the Emergency Home Finance Act of 1970 which authorized and directed the Secretary to determine whether maximum settlement charges should be established for FHA and VA federally insured and guaranteed mortgage transactions and to implement such maximums if he finds they are needed. As I said, such a study has been completed on FHA and VA mortgages and the Secretary, after determining that such a step is needed, issued proposed maximum settlement charges. It is expected that they will be implemented some time this fall.

When fully established, maximum settlement charges issued by HUD on FHA and VA mortgages will benefit one-third of the Nation's housing market and allow home buyers to save 50 to 75 percent of the settlement costs that are now charged in some sections of the country. The effect of the Stephens substitute would be to leave the home buyers of the Nation right where they are—forced to pay exorbitant, unjustified and often fraudulent settlement charges on FHA and VA mortgages.

The Stephens substitute, therefore, would not only deprive conventional home buyers of the opportunity to benefit from maximum settlement charges that would be required under chapter IX as adopted by the Housing Subcommittee, but would also deprive FHA and VA home buyers of the savings that they are now about to achieve under maximum settlement charges for FHA and VA mortgages mandated by Congress 2 years ago. Under these circumstances, the claim by Mr. STEPHENS that his substitute deals "effectively" with settlement abuses can only be described as effectively taking several giant steps backward.

Against this background, the remarks in the RECORD by Mr. STEPHENS on House Joint Resolution 1301, to extend authority for various Federal housing programs, in which he declared that he intended to use his substitute chapter IX as a model for a bill which he will introduce next year, and that therefore HUD should ignore the directive of Congress in the 1970 Act and refuse to im-

plement mandated maximum settlement charges in view of the fact that the Banking and Currency Committee on the divided vote adopted his substitute for chapter IX, indicate Mr. STEPHENS is trying to convince HUD that a vote in the House committee is tantamount to congressional approval to be formally given at some unspecified time in the future.

A NOVEL NEW "RULE" FOR AGENCY ACTION

This would be an entirely new and rather alarming approach to administration of the laws of the Nation. If this view were to be accepted, leading HUD to ignore a 2-year-old law directing HUD to establish maximum settlement charges for FHA and VA mortgage transactions, then the reasoning could properly be applied to all existing laws. Under what might be described as the "Stephens Rule," no law should be implemented or enforced by a Government agency so long as any committee of the Congress recommends, or even plans to consider, legislation which would eliminate the provision in question or alter it. In such a situation, the agency which followed such advice would be ignoring the Constitution, which requires the executive branch of government to carry out laws enacted by Congress and signed by the President.

The facts of the matter are that the Secretary of Housing and Urban Development is required under a 2-year-old law to establish such maximums on FHA and VA settlement charges if they are excessive—as the Secretary has found them to be—and there should be no further delay in doing so. To delay further action on this matter in HUD because Congress might decide next year to change the law—and I doubt that Congress will do so once the facts in this controversy become known—is to mock the authority of Congress and withhold urgently needed assistance from those home buyers most in need of help, those buying homes under the FHA and VA programs.

Mr. STEPHENS has made clear that he believes we should repeal the authority of the Secretary to establish maximum settlement charges for federally insured and guaranteed mortgage transactions. He is certainly free to make the attempt. But until and unless he can persuade Congress to change the law, the Secretary is required to carry out the will of Congress as the 1970 act provides.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Journal Resolution 1301.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and pass the joint resolution (H.J. Res. 1301), as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McCLOSKEY. Mr. Speaker, I was unavoidably detained during the rollcall on H.R. 16742, to restrict travel to certain countries. Had I been present I would have voted "nay."

NIXON'S FALSE PROMISES TO SPANISH-SPEAKING

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

Mr. EDWARDS of California. Mr. Speaker, after nearly 20 years in public office, President Nixon seems suddenly to have "discovered" the Spanish-speaking.

He has not discovered that the Spanish-speaking suffer one of the highest unemployment rates in this country.

He has not discovered that the average Spanish-speaking family earns $3,500 per year less than other American families or that one of every four Spanish-speaking persons lives below the poverty level.

He has not discovered that the Spanish-speaking child is deprived of a decent education, that when he enters first grade the chances are even that he will not speak English as well as his Anglo counterparts, and that he has only a 60-percent chance of ever graduating from high school.

But Richard Nixon has discovered that 12 million Spanish-speaking persons in this country represent a large potential voting block.

In 1968, Nixon campaigned throughout the Southwest seeking votes from the traditionally Democratic Spanish-speaking community. In return for their votes, Richard Nixon promised that immediately after taking office in January he would convene a White House Conference on the problems of Spanish-speaking Americans.

No White House conference took place in January 1969, and none has taken place in the 3 years since. Like so many of his campaign pledges, the promise to hold a special White House conference was soon forgotten.

In 1972, the President is again promising the Spanish-speaking that he will give special attention to the problems of their community.

The President has had 4 years to demonstrate his commitment to the needs of Chicanos and he has chosen instead to ignore those needs.

For the last 4 years Nixon has made hollow promises and now he is asking for 4 more years in which to prove he really means what he says.

But the Nixon record speaks for itself.

In 1969, in 1970, and again in 1972, Nixon vetoed the appropriations bill for HEW. The 1970 veto meant a reduction of $25 million in funds for bilingual education. In my own State of California, only 1.7 percent of Mexican-American students are enrolled in bilingual education classes. Yet, one in three Chicanos does not speak English well enough to effectively compete with Anglo children when he enters first grade.

The need for bilingual education is great, yet the President's response has been to deny funds for bilingual education programs.

When he campaigned in 1968, Richard Nixon promised to curb inflation without increasing unemployment. Yet, today the unemployment rate hovers at 5.5 percent for all Americans, and in the Mexican-American and Puerto Rican communities, the official unemployment rate is 10.1 percent. Nixon's economic policies have created a rise in unemployment in the barrios and ghettos of this land as they have in all sectors.

In 1968, Nixon promised to open the doors of the Federal Government by hiring more Spanish-speaking employees. On November 5, 1970, the President announced a 16-point program which he said would bring new Spanish-speaking persons into the Federal Government. But as chairman of the Civil Rights Oversight Subcommittee of the House Judiciary Committee, I heard testimony on the Federal employment problems of the Spanish speaking which clearly proves that there has been no progress under the Nixon administration. When the President announced his 16-point program, 2.9 percent of Federal employees were Spanish speaking. Today, nearly 2 years later, there are still only 2.9 percent of Federal employees who are Spanish speaking. Even the administration's own spokesmen were forced to admit in testimony before the subcommittee that there has been no substantial progress under the 16-point program and that in some areas of the country, regional directors of Federal agencies are not aware of the existence or purpose of the 16-point program.

If the gap between Nixon's promise and performance is great in bilingual education and employment, it is perhaps greatest in the area of poverty. In his first year in office, 1.2 million new persons entered poverty. Today, 13 percent of the American population lives in poverty, 25.5 million people.

In his 1972 budget message to Congress, the President said that his administration had "taken decisive steps to feed the hungry and eliminate malnutrition in America." Yet, last year alone, the U.S. Department of Agriculture returned $699 million in unspent money for Federal programs to feed the hungry. While the administration refused to spend money allocated by the Congress for Federal food assistance, 43 percent of those living in poverty received no benefits.

Although the President has promised to address himself to the needs of the Spanish speaking, he has certainly neglected the needs of the one-fourth of the Latin community which lives in poverty.

President Nixon's "discovery" has meant little to the average Mexican-American and Puerto Rican family. Although the President has made a handful of high-ranking Federal appointments in the Chicano community, he has been unwilling to authorize the kind of social

spending which would benefit the vast majority of that community.

In 1968, when Richard Nixon sought the votes of Mexican Americans and other Latins, he was willing to promise them anything. Now, in 1972, the President is again addressing the Spanish-speaking community, and he is again making promises.

But the President has waited until the end of his 4-year term to discover the Chicano.

He has waited 4 years to begin talking about the problems of education, employment, and housing in the Spanish-speaking community.

The Spanish-speaking community of this Nation deserves more than election time promises.

Promises will not educate Spanish-speaking children.

Promises will not feed hungry people.

Promises will not provide jobs and a decent living wage for Spanish-speaking workers.

From Union City to the Southside of Phoenix, from East Los Angeles to the west side of San Antonio, from Sal Si Puedes to Spanish Harlem, from the San Joaquin to the Imperial Valley, the cry goes up: Basta. Enough. The Spanish speaking cannot afford 4 more years of Richard Nixon.

THE HIGHWAY TRUST FUND AND MASS TRANSIT

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, later this week when the House begins consideration of the Federal Aid to Highways Act of 1972, an amendment will be offered by my colleague from California (Mr. ANDERSON), designed to provide local officials in urban areas a new measure of flexibility over the manner in which highway trust fund moneys are spent in their communities. This proposal is very similar to the Cooper-Muskie amendment approved by more than a 2-to-1 margin in the Senate a few weeks ago, and its practical effect would be to authorize for the first time expenditure of Federal highway funds for a broad range of mass transit alternatives. I intend to strongly support this amendment and want to take time this afternoon to spell out in more detail than the 5-minute rule will permit when the highway act is actually under consideration, the reasons why I believe that congressional approval of this watershed proposal is so essential to the future health, prosperity, and quality of life in our cities and suburbs alike.

By way of preface let me first say a few words about the spirit in which I approach the heated contest that will no doubt ensue over this proposal. Most certainly some will be tempted to construe the division in our ranks that will be manifested when the tellers take their positions on Thursday as a kind of penultimate political litmus test: Those reaching for a green card will be crowned with a white hat, and those taking a red one will be branded as hidebound defenders of the status quo or servants of some infamous highway lobby intent on enveloping every green space yet remaining in the land under a sea of earthmovers and asphalt. If this amendment should fail to carry, it will likely be charged that the old politics of special interest influence, mindless pursuit of economic growth, and unresponsiveness to public needs and interests will have once again prevailed; that when presented with an opportunity to atone for alleged past derelictions of duty and abuses of the public trust, this body will have remained unpurged of its folly and unrepentant for its sins.

Mr. Speaker, let me say that as strongly as I support this crucial amendment, I nevertheless want no part of such airy moralizing. One need be neither a fool nor a supine handmaiden of the highway interest to conclude that the limited diversion of trust fund moneys called for by this amendment may not be in the best interest of the Nation or that an alternative means ought to be found to meet the unquestionable need for higher levels of mass transit investment. Indeed, I have been a strong supporter of the Interstate Highway System from the very beginning of my service in this body, have seen and appreciated the economic and social benefits that it has conferred on my own district and State, and for that reason have until now had strong reservations about hastily broadening the range of purposes for which highway users taxes may be spent.

It is therefore unfortunate that some elements of the press and the Nation's growing posse of professional crusaders and congenital fault finders have chosen to bill this amendment as a decisive blow against the "highway complex"; it is properly no more that than it is some kind of ominous "raid" on the trust fund, as is so incessantly declaimed by those who oppose it. The truth of the matter is that the angels are hovering above neither side in this debate, nor is the color of one's hat likely to be much affected by the outcome. In my view, the sooner we recognize that, the better. The sooner we dispense with inflated rhetoric and grave warnings of calamity just around the corner if one or the other course is taken, the more likely we will be able to consider this question in the deliberate and objective manner it requires.

I can also certainly understand the fears expressed by some of my friends from nonmetropolitan areas of the country, where there is still great need for new or improved highways, that diversion of funds to mass transit will mean these improvements will not be forthcoming. So, too, I acknowledge the concern of those on the Public Works Committee who have so conscientiously guided and nursed the Federal highway program along through the years, that the step we are proposing may jeopardize the completion of their handiwork. But in response to those fears and concerns let me make this observation: There is no iron law in our politics which ordains that once breached, the citadel is destined inexorably toward collapse and destruction. Indeed, it is precisely such inflexible deterministic thinking on both sides of the political spectrum that has done so much to overcharge and debase political discourse in this country over the past few years.

The fact is that this Nation has again and again, under both Republican and Democratic leadership, proven itself capable of making limited innovations and modest departures from past practices and principles in response to new needs and conditions, without thereby destroying or subverting the solid underlying platform from which those new steps were launched. A decision by Congress this year to make the trust fund moneys available for financing new transportation programs need not mean the end of the highway program, nor need it preclude us from going ahead with those construction plans already on the drawing board for which clear need or benefits have been demonstrated. I certainly intend to continue to fully support such programs.

Indeed, if there is any substance to the forebodings of those friends of the highway program who have now dug in their heels against this amendment, it is surely the possibility that their own recalcitrance will one day give birth to the very menace they now only imagine; that through the rigid and unyielding insistence that this Nation must spend $5 billion a year, come rain or come shine, whether needed or not, for new highways, they may unleash a wave of popular revulsion that truly will bring the great highway machine to a halt. I do not believe that for at least the foreseeable future such an outcome would be in the best interest of our economy or the American people. But in light of our growing national determination to halt the deterioration of the environment, the cooling of America's great love affair with the automobile, and rising demands by citizens of all walks of life that the quality of life in our urban areas be improved, that now remote possibility may yet become a real threat as we move down the road toward the end of this decade.

Fortunately, we still have time to arrive at a reasonable accommodation between the need for more highway construction on the one hand, and the goal of enhancing the environment and building more rational, efficient urban transportation systems on the other. To borrow a concept from the game theorists, this need not be a "zero-sum" game in which highway losses are mass transit gains or vice versa, but rather a "mixed interest" conflict in which the right combination of actions and compromises can accrue to the benefits of both sides over the long haul. I believe that the amendment to be offered by my colleague from California with the strong backing of Secretary Volpe and President Nixon embodies this kind of careful resolution of potentially conflicting objectives. By limiting the diversion of highway funds to only the most critical point of conflict—urban systems—it allows for continuation of the Interstate System toward completion on schedule as well as the other nonurban programs, and at the same time defuses, at least for the present, the ever-intensifying conflict between mass transit and highways for the limited resource that the Nation has available for transportation investment.

I hope that my colleagues who have championed the highway program in the

past, as have I, will find it possible to recognize the promising solution that is within our grasp. I hope they will have the foresight to recognize that by adopting this amendment this year we can be done with what will otherwise become an increasingly bitter biennial struggle over the trust fund; a struggle in which calmer voices on both sides will be most likely drowned out by the shrill charges and countercharges of the extremists, and one in which the real task of fashioning carefully balanced transportation priorities will be submerged beneath a largely symbolic battle.

The great imperative for transportation policy during the next decade will be the careful, deliberate balancing of public investments between various transportation modes and between the need for continued economic growth and the equally important goal of environmental restoration. So long as the field is cluttered with a symbolic struggle over the trust fund it will be most difficult to meet these high standards. In my remaining moments, then, I want to lay out in more concrete detail the reasons why I believe that friends of the highway program ought to take the initiative toward creation of a political environment in which rational decisions are possible by supporting the Anderson amendment to the 1972 highway bill.

INTEGRITY OF THE HIGHWAY TRUST FUND

Mr. Speaker, perhaps the single most important obstacle to the adoption of the kind of reasonable compromise embodied in the Anderson amendment is the persistent notion that highway-derived taxes should be used only for explicit highway construction purposes. The arugment with which we are all fully familiar is that the Federal highway system is self-financing because users pay for the services they derive from the system by means of the various user taxes and charges that are funneled into the trust fund. Yet, if we stop to examine that argument for just a moment it becomes obvious that its apparent persuasive power is more a function of the regularity with which it is intoned than of its inherent logic.

For one thing, I know of no maxim of sound governmental finance requiring that taxes levied on specific products or activities be expended for directly related purposes. Indeed, if that were the case would it not be appropriate that all revenues derived from the alchohol tax be earmarked for the various Federal alcohol abuse prevention and rehabilitation programs? Or that the cigarette tax be channeled to the Cancer Institute to fund its activities?

In 1971, there were more than 30 specific product or excise taxes on the books that brought in over $10 billion in revenue to the Federal Government—all of which was channeled into the general fund and used to finance the entire range of government activities. If you look at the State and local tax structure you will find many similar product or excise taxes used for general revenue purposes. Yet what real conceptual difference is there between the alcohol excise tax which goes into the general fund, and the gasoline excise tax which goes into the highway trust fund? Obviously, there is none. The fact that one is earmarked and the other is not has nothing to do with the nature of the tax itself, and everything to do with expenditure decisions that have been made by Congress over the years, which like any other actions by this body are reversible when changed conditions warrant it.

Of course, it will be argued that it would somehow be a breach of faith with gasoline taxpayers to spend their contributions for purposes other than highway construction. But again, the fact is that 95 percent of the receipts of the highway trust fund in fiscal year 1972 were derived from taxes which were on the books long before the trust fund was created, and which prior to that time were used for general revenue purposes. Specifically, the gasoline tax, which accounted for 67 percent of trust fund receipts in fiscal year 1972 was enacted in 1932. The tire and inner tube tax and the lubricating oil tax, which together accounted for another 15 percent of receipts, were enacted in 1919 and 1932 respectively. Another 10 percent of receipts was accounted for by the user tax on trucks, buses, and trailers, enacted in 1941.

During the period between 1933 and July 1957 when the trust fund began functioning, more than 30 billion in 1971 dollars were generated by these taxes. Yet, nearly every penny of that amount—a sum large enough to finance the highway program for 6 years at current expenditure levels—flowed into the general fund and was used for a whole host of nonhighway purposes.

Thus, while it might have been a wise decision on the part of Congress to earmark all of these taxes for a new trust fund to finance the ambitious program of highway construction launched in 1956, it is clear that these taxes were enacted, billions were collected, and the levies were borne without any serious objection by taxpayers long before that program was even conceived. To pretend that the very legitimacy or viability of these levies depends on their expenditure for concrete and asphalt, then, is more an ex post rationalization than a meaningful guide to public policy decisions in 1972.

If the alleged unbreakable tie between highway related taxes and highway construction expenditures is open to question, so is the notion that the Federal highway program is completely self-financing. The truth of the matter is that only the construction end of the program is self-financing. Governmental units at all levels must make large outlays each year for servicing and maintaining these highways, a large part of which derives from general revenue funds; that is, from taxes contributed by all citizens whether or not they are highway users. In fiscal year 1972 for example, the units of government listed below laid out more than $4 billion for highway purposes from general revenue sources:

Amount from general revenue sources

[In billions]

Cities	$1.8
Counties	1.3
States	.4
Federal	.7
Total	4.2

To be sure, not all of these outlays are for the upkeep of federally funded highways, but certainly a very large share is. And to the extent that these general revenue taxes are attributable to nonhighway users such as the aged, the poor, and those who rely primarily on mass transit it can be hardly maintained that highway users pay the entire fare for the services they receive.

There are yet a number of additional variations on this point. For one, highway users pay a flat 4 cents per gallon Federal gas tax whether they intend to use the most modern link in the Interstate Highway System or a nonfederally funded county road or city street. Yet that 4 cents gas tax goes into the trust fund to be used for Federal highways in all three cases, though some taxpayers may never really recoup a commensurate share of the benefits.

This is particularly true of urban highway taxpayers. Less than 10 percent of Federal aid mileage is found in urban areas; yet urban areas accounted for more than 51 percent of all vehicle miles traveled in 1969 and thereby for more than half of all Federal gas tax revenues. To the extent that a large share of this urban traffic is on non-Federal highways, users are paying for services from which they derive little direct benefits.

General taxpayers, whether or not they are Federal highway users, absorb still another substantial indirect highway cost as a result of erosion of the tax base due to highway preemption of taxable land. There are now almost 4 million miles of road in the United States which consumes approximately 35,000 square miles, an area equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined. In addition, highways leading into urban areas make it necessary to devote large amounts of otherwise taxable land to interchanges, parking facilities, and the like. The percentage of urban land devoted to streets and parking is now probably over 50 percent in the central business districts of most major U.S. cities. All of this property, with the exception of some parking facilities, is removed from the tax roles. While economists are not in agreement as to the portion of this lost tax revenue that is offset by higher land values and tax payments due to highway related property appreciation, most believe that even after this offset is accounted for the burden on general property taxpayers remains substantial.

Finally, it should be noted that even mass transit riders contribute a small though not negligible sum toward financing the Federal highway program, although most local bus systems rely primarily on nonfederally funded routes. Even after the rebate is accounted for, the data shows that mass transit riders have contributed more than $100 million to the highway trust fund since 1957. This amounts to 10 percent of the entire Federal contribution for mass transit prior to fiscal year 1973.

Thus, it can hardly be maintained that the Federal highway program has operated on the kind of neat public enterprise basis often supposed in which highway taxes are the equivalent of prices paid for services or value received. In-

stead of a clear-cut relationship between user charges and user benefits, the system involves a whole, complicated maze of cross subsidies, indirect or hidden contributions by nonhighway users and a substantial degree of direct general revenue support. To pretend, therefore, that the system is entirely self-financing and that the diversion of trust funds to nonhighway purposes would constitute a form of political robbery from highway users is hardly very defensible.

THE HIGHWAY USER INTEREST IN UPGRADING MASS TRANSIT

Mr. Speaker, the case for the Anderson amendment does not rest alone on the fact that highway users really do not pay the entire cost of the services they receive. Even if the Federal highway program were the kind of neat, closed, self-financing system that its proponents would have us believe, there would nevertheless be a strong highway user interest in permitting urban roads funds to be used for support of mass transit alternatives. The reason for this is simply that our interstate highways and federally supported urban freeways have become so clogged and backlogged with commuters and other short haul passenger traffic that those using them for the primary purpose for which they were intended suffer hundreds of millions per year in efficiency losses, to say nothing of frustration and frayed nerves.

As I am sure my colleagues recall, the major intent of the Federal highway program was to speed intercity travel and to eliminate the major transportation problem we faced at that time: The fact that whole sections of the country were isolated, and that the efficient movement of goods and people from one area to another was impeded by an inadequate and disjointed network of State and local highways. Well, on paper anyway we have come a long way toward the solution of that problem as the Interstate System nears completion. Unfortunately, though, the efficiency gains and the real economic benefits that we expected from completing the Interstate System have not been entirely realized due to the monumental traffic tie-ups that these same highways have induced in our major metropolitan areas. Stated differently, we built these highways to speed intercity and long-haul traffic, not the least the rapid shipments of goods via trucks, only to find that the increase in suburbanization and commuting, the switch from mass transit to private autos, and from city streets to freeways, induced by these highways have precluded the original objective from being fully realized.

It makes little difference whether truckers or intercity passenger driving vehicles designed to travel 60 miles an hour are reduced to speeds of 10 to 20 miles an hour because modern multilane thruways are not available, or because such routes are available but so congested with traffic that no greater speeds are possible. In both cases the result is the same: Travel time costs are high, operating efficiency is low, and nerves are frayed. Ironically, one study shows that traffic during peak periods in the central business district in New York actually moved faster in 1900 than it did in 1971. While this may be a somewhat extreme case, the phenomena is approximated in metropolitan areas all over the country.

Though no reliable figures are available on the nationwide costs of congestion it has been estimated that the direct economic loss due to ineffciency in the movement of goods just in the New York metropolitan area alone approaches more than $100 million annually. And this figure says nothing about the real costs to commuters and individual drivers resulting from congestion, though estimates range as high as several billion dollars.

For the sake of illustration consider the case of the New York central business district. Motorists travel at an average of 7 miles per hour and are estimated to spend 165,000 hours traveling 1.2 million miles in the CBD each day. If time is valued at a minimum of $2 an hour and running costs at 9 cents a mile, a mere doubling of this speed to 14 miles per hour could reduce daily costs from $660,000 to $485,000—a decrease of nearly 30 percent. The resulting savings would amount to more than $50 million annually just for the New York CBD alone. Multiply that by a parallel figure for the remaining 268 SMSA's and it is apparent that we are talking about billions of dollars annually in improving transportation efficiency and real economic benefits if only means could be found to reduce urban traffic congestion.

Mr. Speaker, I would certainly hope that we have learned enough by now to agree that the kind of reduction in congestion and improved transportation efficiency that I have been alluding to will not be provided by more urban highways alone. Study after study demonstrates that new urban freeways merely induce additional traffic. For example, transportation specialist Wilfred Owens of the Brookings Institution reported in his study of the Interstate Highway System that the Hollywood Freeway, designed to reach a capacity of 100,000 vehicles per day within 10 years, actually had reached a rate of 168,000 vehicles per day in just 1 year. When the Congress Street Expressway was opened in Chicago during the late fifties "before" and "after" studies showed that traffic on it increased almost 11 percent annually, although the normal Chicago area increase at that time was only 3.5 percent.

Finally, a 1970 Federal Highway Administration study showed the new freeways, on the average, generate an annual 7-percent increase in traffic, although the national average increase in vehicle miles over the last decade has been just over 5 percent. As I have indicated above, the reason for this phenomena is simply that urban freeways alter commuter and residential patterns and divert traffic from other modes and routes, and, because of this, the congestion problem will never be solved by construction of more freeways alone.

I think the public is beginning to recognize this. An opinion poll commissioned by the Highway Users Federation, for example, showed a growing conviction that downtown automobile traffic must be curbed—exactly the kind of result we could expect from improvement and expansion of alternative mass transit systems. When asked whether it would be a good idea to limit traffic in downtown areas more than two-thirds of the respondents living in large metropolitan areas—where the problem is most severe—answered in the affirmative. Even more significantly, 60 percent indicated a willingness to accept such limitations even if it affected their own driving options.

Thus, when we add together the efficiency losses, the growing public frustration with congested urban routes, and the environmental costs of such patterns which I will turn to more fully in a moment, it is clear that the highway program and highway users themselves have much to gain from improved mass transit facilities in urban areas. By relieving congestion, effective public transportation systems would enable our expensive urban highways—some of which cost as much as $50 million per mile as for example the mixing bowl on I–95 here in Washington—to perform their intended tasks of moving people and goods efficiently and safely, with a minimum of external social, economic and environmental costs.

TRANSPORTATION POLICY AND THE GROWING ENERGY SHORTAGE

Mr. Speaker, there is little question that by the end of this decade the United States will be confronted with a severe energy shortage; one that may take on crisis proportions by the mid-1980's if appropriate adjustments in policy are not made in the interim. To some important degrees, these adjustments will have to be concentrated on the supply side of the question, and as a member of the Joint Committee on Atomic Energy I am hopeful that we will have made sufficient progress with both the conventional and fast breeder nuclear power program by that time to at least partially compensate for the looming deficit in traditional fossil fuels. But as much as I support our national atomic energy program, I am realistic enough to recognize that important roadblocks and unresolved difficulties still remain, and that nuclear power will not be a real answer to the entire range of our energy needs for many decades to come.

Since there are at the same time important limitations on our ability to increase the supply of fossil fuels, most notably the lack of sufficient domestic supplies of petroleum, our only alternative will be to find ways of adjusting and limiting energy demand. Specifically, we will have to find means to use the supplies that we do have more efficiently and effectively. And it is at this point, I believe, that the transportation system enters the equation in a very critical manner.

According to a recent comprehensive study of future energy needs by the Chase Manhattan Bank, automobiles—passenger cars only—account for almost 43 million barrels of oil demand daily or 30 percent of the total U.S. daily consumption of 14.7 million. By 1985, the study projects that automobile daily consumption will increase by more than 72 percent to almost 7.4 million. During the same period oil demand from all sources is expected to increase by about 50 per-

cent to more than 30 million daily. However, estimates of supply indicate that only 16 million will be available from domestic sources.

Now the obvious implication of those latter startling figures is that we will have to substantially increase our importation of oil from areas like the Middle East, with all the potential uncertainties associated with that area of the world. Moreover, if such increased imports are not forthcoming, and certainly there is more than a remote chance that they will not, there can be only one possible result: The projected 15 million barrel deficit between daily production and demand will drive petroleum prices right through the ceiling as users bid for scarce supplies. To use a colloquial expression, such a development could make the 35-cent gallon of gasoline as much a relic of the past as is the 5-cent cigar today.

Now we obviously cannot solve the entire problem merely by shifting some of the expected growth in auto travel onto more energy efficient mass transit. Nevertheless, such a shift could play an important role in a total energy conservation strategy, as is indicated by the figures in the table below. These figures express the efficiency of various modes of surface transportation in terms of passenger-miles per gallon of gasoline, or its equivalent energy content. The table indicates that commuter rail systems are seven times more energy efficient than autos, that commuter buses are more than four times as efficient, and that even local intracity buses are almost twice as energy efficient as passenger automobiles.

On the basis of these figures it can be roughly calculated that just a 25-percent diversion of this expected auto traffic growth from private passenger cars to the three transit modes listed in the table—and we are here talking only about the growth increment, not 25 percent of all current auto travel—could reduce petroleum demands by the equivalent of almost one-half million barrels daily:

Passenger miles/gasoline gallon equivalent

Transportation mode:	
Autos	30
Local bus	59
Commuter bus	120
Commuter rail	200

Source: Department of Transportation Professor Richard Rice, Carnegie Mellon University.

I should mention in closing on this point that if we do not begin to move toward more energy efficient forms of transportation in our urban areas in situations where mass transit alternatives are feasible, it is the highway user who will once again end up bearing an important part of the cost. As I mentioned above, the price of gasoline and petroleum products is bound to rise substantially if means are not found to both increase supplies and more efficiently allocate demand. Yet, by opposing effort to infuse new life into mass transit now for fear that diversion will mean fewer highways and thereby increased operating costs, highway users will most likely only end up incurring far greater costs over the long run due to the upward pressure on petroleum prices—increases which may result in some part from their own shortsighted behavior today.

POLLUTION CONTROL AND THE HIGHWAY AUTO SYSTEM

Mr. Speaker, in the past 3 years we have passed a number of far-reaching measures designed to halt the deterioration of our environment, including a $24 billion, 10-year water pollution control bill just this week. For the most part, these measures have centered on what might be called the "abatement" approach, in which efforts are made to transform, purify or dilute emissions from our current productive apparatus before they pass into the air, water and land; for example, stack scrubbers on industrial plants, emission control devices on autos, cooling towers, et cetera. While this approach certainly promises to yield important improvements as new air and water standards are implemented, I think we are beginning to recognize that the "abatement" approach alone will not be sufficient to do the entire job.

As we have begun to understand the complexity and enormity of pollution control problems, it has become increasingly more apparent that changes will have to be made in the production system itself, in certain instances, if these problems are to be adequately coped with. This will mean, for example, new energy conversion processes such as the coal gasification process now in the development stage, altered industrial production methods designed to reduce emissions per unit of output, or shifts in product mixes from those which are accompanied by high pollution emissions to those with lower associated pollution levels.

Now this is again extremely pertinent to the question of urban transportation investment because it is clear that autos are far more damaging to the environment than are other transit modes. According to the EPA, the highway-auto system is directly responsible for at least 40 percent of the Nation's air pollution and up to 80 percent of the air pollution in some of our major cities. Autos account for nearly two-thirds of all carbon monoxide emissions, more than one-half of hydrocarbons, and two-fifths of nitrogen oxide. The percentages for other modes of ground transportation are negligible in comparison.

Even when the tough auto emission standards of the Clean Air Act takes full effect, simple abatement measures will not be sufficient. According to EPA Administrator Ruckleshaus, "drastic measures" will have to be taken to limit the number of automobiles entering such major cities as Chicago, Denver, Los Angeles, New York, Philadelphia, and Washington, D.C., if ambient air standards mandated by the Clean Air Act are to be achieved. In short, in the case of these cities and presumably many others, we will not be able to achieve our environmental objectives merely by grafting abatement devices onto current transportation and production systems, but rather we will have to make changes in the underlying systems themselves; changes designed to reduce the amount of pollutants emitted per unit of productive activity or output. Obviously, this means a fundamental altering of priorities in our urban transportation systems.

The table below indicates emissions ratios per passenger mile for the three major types of surface transportation. The figures for buses and rail are expressed as a proportion of those for autos which have been given a value of 1. It is obvious from this table that greater use of alternative transportation modes in our urban areas, where auto pollution is the primary source of the problem, could make a substantial difference in air quality levels:

RATIO OF BUS AND RAIL EMISSIONS PER PASSENGER TO AUTOS

Type of emission	Automobile	Buses	Rail
Lead	1	0	0
Organic compounds	1	0.053	0.027
Carbon monoxide	1	.005	.002
Nitrogen oxide	1	.13	.069
Carbon dioxide	1	.20	.09
Sulfur dioxide	1	1.060	.53

Source: EPA.

THE NEED TO CHANGE URBAN TRANSPORTATION PRIORITIES

Mr. Speaker, I hope that the points I have made thus far underscore the need to substantially upgrade and expand mass transit facilities in our major urban areas. As I stated at the outset of my remarks, none of this need be viewed as a call for termination of the highway program, nor should it be interpreted as a wholesale condemnation of one of the greatest and most beneficial public investment programs ever undertaken by this Nation. Rather, I would simply hope that those who have long supported the highway program, like I have, will begin to recognize that changing needs and conditions—especially with respect to our metropolitan centers—require that we begin to rethink our transportation investment policies.

As I have tried to outline this afternoon, we are confronted with a new set of facts and conditions as we enter the decade of the 1970's that were dimly if at all perceived at the time the interstate highway program was launched in 1956. At that time energy supplies were abundant, urban air pollution had not yet reached really serious levels, the great suburban migration had just begun to take on its current dimensions, the traditional transit industry was still healthy if not robust, and few of us were farsighted enough to see that merely expanding the mileage of modern urban freeways would be a treadmill like proposition due to the increased traffic that we now know such routes inevitably generate. Yet, if we could not know these things then, we are aware of them now. Therefore, to persist as if nothing has changed, whether out of nostalgia for bygone days, out of inflexible adherance to programs or principles that may have served the Nation will in the past but which are now of much more limited applicability, or for any other reason is surely a recipe for failure. A failure, however, that we nevertheless need not suffer if we will now only muster the good sense to get on with business of fashioning a new set of urban transportation priorities.

A BILL TO PROTECT THIS NATION'S ARTS AND CRAFTS—ITS IMPORTANCE IN ALASKA

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, earlier this week I introduced a bill, H.R. 16792, to promote the development of American arts and handicrafts within the United States and foreign countries.

The purpose of this bill was to fill the large gap in our existing crafts programs and to aid our citizens and the citizens of other nations to better understand and appreciate our American culture.

Alaska has long had a rich tradition of exceptional arts and handicraft production. The goat wool and cedar bark ceremonial blanket of the Tlingits, perfected by the Chilkats of Klukwan, has always been in great demand as a trade item. Each clan house of the Tlingit had its own design, and all blankets produced were similar. Designs varied from clan to clan, frequently illustrating a story or part of a story important to the history of that family or clan. Colors also figured prominently in the design. Nearly a year was required to produce a Chilkat blanket, including the transfer of the design, which first had to be carved in a pattern board of yellow cedar.

Totem poles were also important to the culture of both the Tlingit and the Haidas. These totem poles served as a decorative record of the outstanding events in the life of a family or clan. Selecting and cutting a red cedar, transporting it to the village, and carving it often took many workers several years to complete. The pole was then raised by the owner at a huge celebration feast.

Early missionaries and teachers, mistakenly believing the totems to be pagan idols, induced the Indians to destroy many of these works of art. The Indians, however, assisted by the Civilian Conservation Corps in the 1930's preserved many of the finer poles and they are prized possessions today. Large poles are seldom carved now, but smaller sizes are available for purchase as souvenirs from Indian carvers. Wooden bowls, beautiful carvings in bone, horn, or shell, and ornamental baskets of spruce root and grass fibers are other examples of the beautiful handicrafts made by these talented people.

Aleutian grass basketry, once classed with the world's finest, was produced from a type of grass that grows only on Attu Island. Since World War II, when all Attu people were resettled, basketry has become less important to the Attu culture and only a small quantity is still woven today.

The Eskimos, the best known and most numerous of the Native Alaskans, are known for their skill and craftsmanship. Their exceptional carving ability in wood, jade, and ivory is known to enthusiastic handicraft collectors around the world.

Still a familiar part of Alaskan life is the beautiful and extremely functional fur parka and mukluk of the Eskimo. Unfortunately, the making of these furcoats is a fast disappearing art, known only to the older Eskimo women. More and more, this type of clothing is being replaced by items chosen from a mail-order catalog.

The importance of arts and handicrafts in Alaska cannot be minimized. For some these ancient crafts are a revered tradition passed from generation to generation; for many others, it is an important source of income to supplement meager earnings, or even a primary source of income.

The legislation I introduced provides for the establishment and administration by the Secretary of Commerce, in cooperation with the Interagency Crafts Committee, of a program to insure a lasting supply of authentic American arts and handicrafts. Previously, a similar piece of legislation had been introduced in the Senate by Senator MATHIAS. The program would provide assistance to skilled craftsmen in advertising, conducting market research, shipping, display, and selling crafts within the United States and other countries. This Office of American Arts and Handicrafts could provide the expertise, the guidance, and the coordination so badly needed by the many producers of American arts and handicrafts, while also offering assistance in the training of persons to design and produce quality handicrafts. Hopefully this Office would aid in the revitalization and perpetuation of the American arts and handicrafts which are in danger of being lost forever.

TO PRESERVE THE GLORY THAT WAS ROME

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, Montaigne wrote of Rome in the 16th century:

> There is no place here on earth that the heavens have embraced with such influence of favors and grace, and with such constancy. Even her ruin is glorious with renown and swollen with glory.

The glory and renown of those ruins is a precious ingredient in the life of the Eternal City in every age. They speak to each generation of the greatness of the past; they summon powerful memories of the common heritage of Western civilization.

Today, however, the people of Rome are faced with a challenge of unprecedented seriousness if the magnificent antiquities of that city are to be saved from destruction. Having survived centuries of war and upheaval, the ruins of Rome's past are now threatened with destruction at the hands of the elements. The "acids of modernity," aggravated by vandalism, bureaucratic neglect, and the impact of the city traffic, are steadily and inexorably at work, undermining the monuments of what a Latin poet once called "first among cities, home of the gods, golden Rome."

The crisis which confronts Rome is not only a crisis for that city and for the Government and people of Italy, but for all of the civilized community in this Nation, in Europe, and throughout the world. Napoleon of St. Helena said:

> The history of Rome is pretty much the history of the world.

Certainly there can be no understanding of the story of Western culture through the ages apart from the crucial role of Rome—classical, medieval, and renaissance. Present-day Rome is largely the creation of the era of the baroque, with all its creative energies and splendid ideals.

The ruins of Rome have touched the hearts and minds of innumerable visitors, past and present, recalling for them the words of the greatest Latin poet Virgil:

> Here are the tears of things; mortality touches the past.

The rediscovery of the classical past in the 18th century aroused a romantic enthusiasm for the ruins of ancient Rome, the enthusiasm which moved Gibbon to write his masterpiece on the "Decline and Fall of the Roman Imperium," and which later moved Lord Byron to write:

> "O Rome! My Country! City of the soul!
> The orphans of the heart must turn to thee,
> Lone mother of dead empires! . . .
> The Niobe of nations! There she stands,
> Childless and crownless, in her voiceless woe . . ."

Yet the preservation of Rome's heritage is far more than romanticism. As the Italian writer, Georgio Bassani, president of Italia Nostra, an organization for the protection of Italian art treasures, has said:

> Monuments are not decoys to attract the tourist and keep him awed while the innkeepers and boutique owners despoil him of his pennies . . . . They are reminders of what we still are, in spite of television and cars, and we very much need them in order to remain what we are and not become savages again.

As long ago as the eighth century of the Christian era, the Venerable Bede spoke those words of warning familiar to lovers of Rome everywhere:

> While stands the Colosseum, Rome shall stand;
> When falls the Colosseum, Rome shall fall;
> And when Rome falls, with it shall fall the world.

Our own American poet, Poe wrote of "the grandeur that was Rome," a grandeur whose character is vividly represented in the ruins of her monuments, a grandeur whose imprint has shaped our laws, our religion, and our whole cultural inheritance. The art treasures of Rome alone are sufficient cause for preservation efforts on a grand scale.

The task of saving the Roman heritage demands the concern and support of all who cherish those values and ideals which give dignity and glory to man. "It is not a question of saving one statute or one column," wrote the editor of Milan's respected Corriere della Sera, "(it) is an entire archaeological complex, unique in the world. The Forum is in agony."

As Americans, as members of a world community which honors the artistic patrimony of Rome, Italy, we must find ways to act now if the process of destruction is to be stopped. Too much damage, much of it beyond repair, has already been done. The hour is late. May we respond to Rome's agony, mindful of the

praise spoken long ago by the last great poet of Latin antiquity, Claudian:

She (Rome) alone has received into her bosom those whom she has conquered, and has cherished all humanity as her sons, and not as her slaves.

MANPOWER PROGRAM A FAILURE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Labor Department's $675 million program to find jobs for long term, low income unemployed individuals has been a dismal failure.

In New York City, mismanagement, poor planning and a high turnover in staff have all combined to make the program nothing less than a total disaster. Only 40 percent of those actually enrolled in the New York City program ever found a job.

About half of those who actually found jobs kept their positions for more than 3 months, according to a General Accounting Office sample. In addition, about 70 percent of one group of participants were either ineligible for the program or their eligibility could not be determined.

The purpose of the Labor Department's program, known as the concentrated employment program, is to train and then find work for poor, chronically unemployed individuals living in low income areas.

The CEP program is currently operating in 69 urban and 13 rural locations and has attempted to train and find work for more than 380,000 individuals.

If the experience in New York is any indication, then this program has been a bureaucratic nightmare that has done practically nothing to alleviate high unemployment among low income, unemployed people.

The GAO concludes that the program in New York City has been unsatisfactory and supervision of the administration of CEP has been inadequate.

Unless this program is immediately reorganized and strengthened, then hundreds of millions of dollars will be wasted and little will be done to alleviate the crisis of unemployed amongst the chronically unemployable.

CONGRESSMAN GIAIMO REPORTS TO CONNECTICUT'S THIRD CONGRESSIONAL DISTRICT

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 30 minutes.

Mr. GIAIMO. Mr. Speaker, at the conclusion of each session of Congress, I have customarily reported to my constituents in Connecticut's Third Congressional District, summarizing the major actions taken by the Congress during the past 2 years and the problems still to be faced. Along with many of my colleagues on both sides of the aisle, I believe these summations should be part of the public record—open to the scrutiny of all. For this reason, I take this opportunity to insert these remarks in the CONGRESSIONAL RECORD.

In my view, these past 2 years have been a time of transition for both the Congress and the Nation. Some old solutions are no longer working; yet, few new remedies have appeared, and many major tasks are yet to be faced.

Legislation passed by the Congress and invoked by the President has been used to control inflation; regretfully, the methods used leave much to be desired, and so, more must be done. Because of pressure from the people and the Congress, U.S. involvement in the Vietnam conflict is winding down; here again, however, more must be done because we are not yet out of this foreign entanglement. With the help of legislation passed by Congress, we are trying to meet new and growing needs of our country while remaining ever mindful of the damaging inflation that runaway Government spending can cause.

Because of my position on the House Appropriations Committee, I have been in the center of these and other complex issues. None of them, I believe, are susceptible to easy solutions. Our National Government and the programs it has undertaken have grown immensely in recent years. In many respects, what is needed now are not new programs and agencies, but better administration and greater efficiency in the activities already undertaken.

APPROPRIATIONS COMMITTEE WORK

In my Appropriations Committee, which passes on funds for the operation of the Housing and Urban Development Department, NASA, the National Science Foundation, and the Veterans' Administration, I have insisted that the Congress—comprising the elected representatives of the people—must exercise closer scrutiny of the nonelected administrators of the bureaus and agencies so that the interests of the people are better served. I am proud of the fact that my committee has helped to reverse the trend of deteriorating airport-airway safety by encouraging the installation of new safety equipment at our airports and in our aircraft. I remember quite vividly the tragedy at New Haven Airport last year in which many people lost their lives. As air traffic increases, such accidents will occur with greater frequency unless something is done about it. In my committee, which controls the purse strings of the agencies that govern our airports and airways, we have been able to force corrective action and, hopefully, prevent many such tragedies.

In this same committee, we have been taking a very hard look at the Nation's housing programs because we realize that, over the years, what was originally pioneering legislation is now obsolete. Our basic housing programs must now be reevaluated and, wherever necessary, revamped so that the Nation can get on with the task of providing Americans with decent, adequate, private and public housing. We have made a start along these lines, but I believe much more needs to be done.

Another one of my committee assignments is on the subcommittee which oversees funds for the District of Columbia—our Nation's Capital City. Working on this subcommittee, I have become very familiar with many of the major problems that afflict not only the city of Washington but all of our urban areas. Many of my subcommittee colleagues and I have insisted that the administrators of the Nation's Capital prudently balance municipal economy with the need to build for the future. In this respect, I am pleased that I was able to play a major role in the development of a modern metropolitan rapid transit system that will not only provide jobs in Washington but in manufacturing plants throughout the country and, when completed, will serve as a model for mass transportation in other congested areas.

NATIONAL HEALTH NEEDS

Because the Appropriations Committee is in such a key position to oversee all of the work of the Federal Government, I have found my position on it extremely useful in helping to meet what I consider some of the more pressing needs of our citizens. Among these is the need to improve greatly the manner in which we guard the health of our individual citizen. I am extremely pleased that I was able to convince the Congress, through an amendment to the Labor-Health, Education, and Welfare appropriation measure for fiscal year 1972, of the need to provide additional funds to help in the rehabilitation of crippled children and adults. Through this amendment, which I sponsored, we have made an investment in those who want to help themselves but are physically unable—an investment which I believe will be repaid many times with the increased earning power of the handicapped that will, under my program, be rehabilitated and trained for useful jobs. In addition, I have taken an active part in the development of other critical health programs, including those intended to provide preventative measures that will eliminate costly diseases from our society. One such program which I sponsored will combat the genetic blood disorder commonly known as Cooley's Anemia.

These programs to strengthen the health of our society will benefit the people of my district and the people of the entire Nation. Knowing this gives me great satisfaction.

THE AGED, EDUCATION, JOBS, AND THE ENVIRONMENT

The 92d Congress, of course, had to deal with a great number of issues, and it is impossible in this brief report to touch upon them all. I will, therefore, single out but a few that my mail and conversations indicate are of major concern to the people of my district.

One such issue involves the well-being of the aged in our population. Too often, the special needs of the elderly are ignored. I am pleased, therefore, that this Congress has taken great strides to improve the economic situation confronting our senior citizens by increasing social security pensions to conform with rising costs and has also moved to assist the elderly in special ways such as a new plan to help satisfy their basic need for wholesome food at a price they can afford. In this area, as in some others I have mentioned, a great deal more must

be done. For example, I have worked for legislation that would extend medicare coverage to help pay for costly prescription drugs needed by the many elderly citizens who are ill but are not hospitalized. Right now, as I write this report, I am working for legislation to make sure that when the recently enacted 20 percent social security increase goes into effect, it will not result in the deprivation of other benefits for some 190,000 aged, blind, and disabled people. This can happen unless legislation is enacted to prevent it, because many of the special programs cease when the income of the recipient goes up—even though the increase stems from a rise in social security benefits.

Another area of great concern to all Americans always has been and still is civil rights and civil liberties. Here I believe the 92d Congress has made a good record, particularly with regard to the achievement of the vote for 18-year-olds and the passage in the House of a constitutional amendment guaranteeing equal rights for women and equal employment opportunities for all Americans. I supported these measures, along with legislation that provides a long overdue reform of the language requirements for naturalization.

Education was another area where Congress was active during the past few years. Unfortunately, I found it necessary to oppose one major education funding measure, primarily because I believe it did not contain adequate safeguards against unreasonable and unnecessary busing of elementary and secondary schoolchildren. Another very important bill which I have supported is aimed at easing the burden on families who send their children to college, private or parochial schools. The bill would provide a measure of tax relief to compensate partly for rising tuition costs. The bill constitutes another piece of unfinished business which I believe Congress must under take in the very near future.

Environmental protection continued to win much attention in the Nation and in the Congress. Measures were approved by the House that would further control water pollution, air pollution, dangerous pesticides, excessive noise, and polluting of our oceans through indiscriminate dumping. While I firmly believe that we must act to protect our environment before it is too late, I insist that such controls be responsible—that is, that the benefits to our environment be clear and that they outweigh any hardships that may be imposed on communities, businesses, employees, and others who are required to conform.

Numerous attempts have been made in this Congress to provide emergency employment for the victims of a recession which, in many instances, can be traced to the sudden and drastic curtailment of Federal contracts for defense and space activities. Unemployment is a tragedy for the individual involved and an awful loss to the Nation as well. Manpower is our most vital resource. When it is underutilized or unemployed, it is being wasted. I believe the National Government has a role to play in preventing such waste—particularly when the unemployment is due to the actions of the Federal Government itself. For this reason, I have actively supported various pieces of legislation that would help get our unemployed back to work at jobs that must be done if the quality of life in our Nation is to be improved.

Other key House actions during the past 2 years that had my support are those that have reformed our campaign financing and reporting laws, improved consumer protection programs, and increased the minimum wage.

RELATIONS BETWEEN THE CONGRESS AND THE PRESIDENT

Moving from specific legislation to a more general view, I would like to comment upon a largely unnoticed trend in this 92d Congress. I refer to the growing impatience of Representatives from both parties with the rapidly growing power of the Office of the President and a corresponding decline of congressional authority and the authority of our State and local governments.

A strong and independent-minded Congress as conceived by the authors of our Constitution is essential to the well-being of our democracy. This 92d Congress has insisted on a greater voice in foreign policy and military affairs, and it is fully justified in doing so because the Constitution says that the power to declare war and raise armies shall rest with the Congress, and not with the President. This Congress has begun to look more intensively at wasteful practices in Federal programs, and I believe it should do more in this regard because the Constitution says that it is the Congress that has the responsibility to raise and appropriate funds, not the President. I think it is time to right the balance between the powers of the President and the powers of our National Legislature, the Congress. An all-powerful Executive is a danger to our Republic no matter who he may be and no matter what his policies. The concept of checks and balances in Government has worked well for our Nation. I sincerely hope that the next Congress will continue efforts to reassert the authority of Congress which were begun in this 92d Congress.

CONCLUSION

I have tried to touch upon some of the highlights, some of the issues which are most pressing, and some of the thoughts that have governed my actions. I hope that those of you who read this report will write me if there are matters which you would like to discuss in greater detail.

It is a great honor to serve in the Congress. It is also a great responsibility. I have earnestly attempted to fulfill this responsibility in such a way as to justify the honor inherent in the support I have received from the people of my district. In this effort, I have been guided by the thoughts of Thomas Jefferson who once described a wise government as one—

> Which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor that which it has earned.

"This," said Jefferson, "is the sum of good government." It was in his time, and I believe it is still today.

SUMMARY OF BILLS DURING 92d CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I have compiled a summary of some of the bills passed during this 92d Congress on certain subjects and would like to list them.

HEALTH AND WELFARE

Public Law 92–255 establishes a Special Action Office for Drug Abuse Prevention in the Federal Government and contains other provisions for developing a national program to coordinate drug abuse control.

Public Law 92–258 amends the Older Americans Act to provide low-cost meals to the elderly through community center programs.

Public Law 92–153 was passed by Congress to prevent an effort in 1971 by the administration to reduce financial support for the school lunch program and to reaffirm the policy, established by Congress in 1970, that the program should provide meals to as many needy children as possible.

Public Law 92–32 amends the Child Nutrition Act to continue and expand the program under which the Federal Government provides financial assistance to States and local school districts for breakfasts for needy children.

Public Law 92–5 includes a provision increasing social security benefits by an average of 10 percent, effective January 1, 1971.

Public Law 92–336 also includes a provision for a 20-percent increase in social security benefits, effective September 1972.

Public Law 92–218, the National Cancer Act, specifically declares that additional Federal resources will be used to aid in the search for a cure for cancer and authorizes the National Cancer Institute to establish 15 new centers for clinical research, training, and advanced diagnostic and treatment methods relating to cancer.

ENVIRONMENT

Public Law 92–7, which provided appropriations for the Department of Transportation, includes a provision cutting off funds for further development of the supersonic transport plane. Work on the American SST has now been halted.

Public Law 92–288 provides additional funding authorization for Federal assistance in forest improvement and includes a provision for technical assistance to urban areas to protect trees and open spaces.

Public Law 92–32 amends the Child struction standards for ships carrying oil and similar cargoes to protect against pollution of the marine environment.

Public Law 92–347 extends indefinitely the Golden Eagle passport program under which persons may purchase an annual permit for admission to national parks and certain other recreation areas.

Public Law 92–195 gives the Department of Interior authority to protect wild and free-roaming horses and burros in

the Western United States to save them from extermination.

EDUCATION

Public Law 92–318 is a far-reaching bill to assist higher education. It continues and expands many of the existing programs for assistance in college facilities and programs and for aid to students, and also includes a provision for Federal assistance to institutions of higher education based on the number of federally assisted students. In addition, it contains some provisions designed to restrict the busing of students to achieve racial balance.

Public Law 92–157, the Health Manpower Training Act, continues and expands the Federal programs for assistance to students preparing for a career in the medical profession and for grants to schools of medicine for the construction of teaching and other facilities. The law provides for Federal assistance in starting new schools and also grants to schools of dentistry, osteopathy, veterinary medicine, optometry, podiatry, and pharmacy in ratio to the number of students.

Public Law 92–158, the Nurse Training Act, provides for continuation of the Federal student assistance program for nurses and establishes new programs for startup grants for schools of nursing, loans for construction assistance and for grants to schools of nursing based on the number of attending students. It is hoped that the law will increase the number of nurses in this country by about 300,000 in the next 10 years.

I have proposed that new health care legislation permit payments to nurses—practitioners who provide services delegated by or under the direction of a physician even though the physician is not present at all times. This would permit them to operate a well baby clinic, make house calls on the elderly, give penicillin shots and do many things, provided they have access to a physician's advice at all times by telephone, radio or other modern means.

ECONOMIC POLICY

Public Law 92–15 includes a provision extending until May 1972, the authority contained in the Economic Stabilization Act of 1970 giving the President standby authority to impose wage and price controls.

When the President signed the 1970 law, he said he was against the use of wage and price controls and would not exercise the standby authority. However, in August 1971, the President used this authority to establish a 90-day wage-price freeze.

Public Law 92–210 continues the provisions of the Economic Stabilization Act, with some changes, through April 1973. This legislation was requested by the administration in connection with phase two.

VIETNAM

Public Law 92–156, the military procurement law, includes a modified version of the so-called Mansfield amendment which declares it to be the "policy of the United States" to end all U.S. military operations in Indochina as soon as possible. The amendment also calls upon the President to set a final date for withdrawal of all U.S. troops from Indochina, provided North Vietnam agrees to release U.S. prisoners of war.

The President signed this legislation into law, but said he would ignore the provisions of the Mansfield amendment.

FOREIGN AFFAIRS

Congress approved a 5-year interim agreement with the Soviet Union on limiting nuclear weapons. The agreement was recommended by the President after returning from Moscow and is designed as a first step toward a permanent nuclear arms control treaty.

The Senate adopted an amendment calling for numerical missile equality in the permanent treaty. The administration gave its support to this amendment, even though it had not proposed it and despite fears of some that the amendment would make a final arms control treaty more difficult to achieve.

The Senate ratified a treaty under which the United States and the Soviet Union agree to limit ABM installations to two sites in each country.

The Senate ratified a treaty with Japan returning Okinawa to Japan in 1972 but permitting the United States to retain its military bases on the island.

TAXATION AND REVENUE

Public Law 92–178, the Revenue Act of 1971, increased the personal exemption for Federal income tax purposes, liberalized deductions for child care expenses, repealed the excise tax on cars and light-duty trucks, provided a 7-percent investment tax credit to encourage purchase of new machinery and estabilshed a tax credit for employers who hire persons on a long-term basis through the work incentive program.

AGRICULTURE

Public Law 92–181 the Farm Credit Act, seeks to aid the farmer-owned cooperative system which makes credit available to farmers and farm cooperatives by modernizing and consolidating the existing farm credit laws to assure an adequate and flexible flow of money into rural areas.

Public Law 92–12 amends the Rural Electrification Act to establish a Rural Telephone Bank to finance rural telephone cooperatives by selling obligations to the public, instead of through direct appropriations by Congress.

Public Law 92–152 authorizes the Department of Agriculture to cooperate with other Western Hemisphere nations to control livestock epidemics such as the epidemic of sleeping sickness in horses.

Public Law 92–138 extends the Sugar Act. The purpose of this law is to authorize entering into contracts guaranteeing both the price and supply of sugar for U.S. consumers. Although the price fluctuates, world market sugar not under contract is considerably higher than our contract price at the present time.

CIVIL RIGHTS

Senate Joint Resolution 7 provides that persons 18 years or older shall have the right to vote in Federal, State and local elections. This bill, which is now the 26th amendment to the Constitution, was approved by Congress in early 1971 and ratified by the necessary number of States on July 1, 1971.

House Joint Resolution 208, which would amend the Constitution to provide that equality of rights shall not be denied on account of sex, was approved by Congress and sent to the States for ratification. This is generally referred to as the women's rights amendment.

Public Law 92–269 provides that persons 18 years or older may serve on juries in Federal courts.

Public Law 92–261 provides additional authority to the Equal Employment Opportunities Commission to prohibit discrimination in hiring.

Public Law 92–128 repeals a provision of the Internal Security Act under which the Government had authority to establish so-called emergency detention camps. This authority was never used and many felt that the law which was repealed was unconstitutional.

Public Law 92–64 increases the amount of money which may be appropriated for activities by the U.S. Civil Rights Commission.

CONGRESSIONAL REFORM

At the beginning of this Congress, the Democratic majority caucus in the House which selects the chairmen of the various committees, adopted the recommendations of a special 11-member committee, of which I am a member, dealing with changes in the rules concerning the seniority system. The new rules require that each committee chairman be elected by a vote of the members, and that seniority need not be followed in selecting the chairman of a committee. Specific provisions were made to assure a secret ballot and that any member can be a candidate. Also, in order to spread the work of the House, the new rules prohibit a Member from being chairman of more than one subcommittee.

NATIONAL DEFENSE

Public Law 92–129 extends the Selective Service Act until July 1973, and provides for a $2.4 billion increase in pay and allowances for members of the Armed Forces, including a 100 percent increase in basic pay for those just entering the service. It is directed at recruiting enough volunteers so the draft will not be used.

CONSUMER PROTECTION

Public Law 92——— includes a provision authorizing the Department of Transportation to establish regulations requiring auto manufacturers to construct front and rear bumpers that will withstand low-speed collisions.

Public Law 92–75 establishes a new national program to promote safety in pleasure boating and authorizes the Department of Transportation to regulate safety in the construction and operation of pleasure boats.

LABOR

Congress in 1971 passed, but the President vetoed, a bill that would have established an accelerated public works program to reduce unemployment by providing Federal assistance for the construction of such public works facilities as sewage treatment plants.

Public Law 92–54, the Emergency Employment Act of 1971, establishes a 2-year program to reduce unemployment by providing Federal assistance to finance public service jobs with State and

local agencies. The law requires that the jobs involve services that are needed and that the make work approach be avoided.

Public Law 92–203 extends benefits to certain coal miners with black lung disease and also establishes a more equitable procedure to determine if miners are entitled to benefits.

Public Law 92–46 provides for a 10 percent increase in railroad retirement benefits, retroactive to January, 1971.

Public Law 92– ——— provides for a 20-percent increase in railroad retirement benefits from September 1973 through June 1973. The increase was not extended for a longer period at this time because of a need to assure that the system is actuarially sound in the future.

ELECTION REFORM

Public Law 92–225, the Federal Election Campaign Act, is the first important effort to control spending in Federal elections in more than 40 years. The law contains limitations on spending for those running for Congress and President and also establishes certain requirements with respect to disclosure of the source of campaign funds.

BUSINESS AND FINANCE

Public Law 92–412 extends until 1974 the authority to control exports of strategic materials to Communist bloc nations. It also includes an amendment, which I promoted and supported, to revoke the administration's July 1972, order imposing restrictions on exports of cattle hides. If the order had remained in effect, it would have reduced money received by farmers and probably raised retail met prices as well.

Public Law 92–70 authorized the Federal Government to guarantee loans not to exceed a total of $250 million to the Lockheed Aircraft Corp.

Public Law 92–268 authorizes the Treasury Department to establish a lower international valuation of the dollar. This law was requested by the administration in accordance with an international agreement concluded earlier.

GENERAL GOVERNMENT

Public Law 92–271 provides that the territories of Guam and the Virgin Islands shall be represented by nonvoting delegates in the House of Representatives.

Public Law 92–203 establishes a program to settle the century-old claims of native Alaskans to the lands in and about their villages.

TRANSPORTATION

Public Law 92–316 provides increased funding authority for the National Railroad Passenger Corp., popularly called Amtrak, and established to provide intercity rail passenger service in certain areas.

Public Law 92–348 provides for research by the Department of Transportation into high-speed ground transportation.

VETERANS

Public Law 92–197 provides an increase in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities.

Public Law 92–95 provides mortgage protection life insurance for service-connected disabled veterans who have received Veterans' Administration grants for specially adapted housing.

Public Law 92–198 provides for an average increase of 6.5 percent in non-service connected disability benefits for about 1.1 million veterans and veterans' dependents. The law also provides for an increase in outside income limitations for these beneficiaries.

SMALL BUSINESS

Public Law 92–16 increases by about $900 million the total amount of loans, guarantees and other obligations which the Small Business Administration may have outstanding at any one time.

RECOGNITION OF NEW POSTAL SERVICE FOR SOCIAL SECURITY ADMINISTRATION MAIL

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

Mr. ANNUNZIO. Mr. Speaker, I wish to take this opportunity to congratulate Mr. Robert Rota, the newly elected Postmaster of the House of Representatives for working out a new system for the mail delivery between the House of Representatives and the Social Security Administration in Baltimore.

For some time there has been great concern on the part of many Members regarding the lag time in getting replies from the Social Security Administration.

On Wednesday of this week all Members and their staffs will be advised of a new system to send correspondence directly by messenger from the House of Representatives to the congressional section of the Social Security Administration Office in Baltimore, Md. This new service will eliminate as much as a week's delay in the delivery of this critically important mail, and an absolute minimum of elapsed time will now be assured.

On or after the effective date, correspondence addressed to the Social Security Administration headquarters in Baltimore may be sent through this messenger system by showing on the envelope, in addition to the typewritten address, this legend "Special Messenger Service—to S.S.A. Baltimore", above the regular address. When this correspondence is collected it will be placed in a special box in the Postmaster's office. All correspondence handled in this manner will be picked up by Social Security Administration messengers twice a day. The same messengers will also bring mail back from Baltimore and deposit it directly in the Postmaster's office. This procedure will not result in any additional cost to the Government as we are taking advantage of the regular shuttle service between the Social Security Administration in Baltimore and HEW in Washington, D.C.

This procedure was developed with the fine cooperation of Chairman WAYNE L. HAYS, of the House Administration Committee, the staff of the Special Subcommittee on Personnel, of which I am chairman, and Mr. Hugh Johnson, assistant to the Commissioner of the Social Security Administration and members of his staff.

This system outlined herein will provide all Members with greatly improved response time on all Social Security Administration—Baltimore—correspondence. This system will enable all Members to better service their constituents on social security matters.

I again want to congratulate Mr. Robert Rota, our Postmaster, Chairman WAYNE HAYS, Hon. Robert Ball, Commissioner of Social Security Administration, and everyone else who made this worthwhile change possible.

STATEMENT ON H.R. 16732

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

Mr. ANNUNZIO. Mr. Speaker, it is generally agreed that institutional sources of short-term credit are more widely available today than they were 20 years ago. Commercial banks, finance companies, and other channels of financial assistance are usually better geared to meet the particular needs of the smaller company than they were in 1952. The operations of the Small Business Administration over the past 19 years have certainly expanded and, in many parts of the country, have encouraged private sources of credit to take a closer look at the needs of new and independent firms, and at the fine record of repayment these companies have compiled.

On the other hand, equity capital is still hard to raise. The potential entrepreneur has few institutional sources of venture capital. The SBIC program has partially filled the equity gap we have long talked about, but the needs of the new business and of the growth company far outstrip the resources of our present SBIC's.

It is for that reason I support this legislation. H.R. 16732 recognizes this shortcoming in our financial structure and encourages the formation and growth of SBIC's to meet the shortages of equity capital which exist today. I believe H.R. 16732 is a good bill for all segments of our small business community and I hope it will pass unanimously.

THE POLICY OF SOVIET UNION TOWARD RUSSIAN JEWISH EMIGRANTS

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

Mr. SIKES. Mr. Speaker, it is now a matter of world concern that the Soviet Union has put a price on the head of every educated Russian Jew who wants to emigrate from that country to Israel. This shocking and callous disregard for human rights tells us once more that there is no place for freedom, justice, and human dignity in the Communist program. Soviet actions toward the Jewish people follow the same pattern as that of the North Vietnamese who for years have held American prisoners of war and

MIA's for ransom at a constantly increasing price.

Without a doubt this is a matter of serious import to our own Government. However, it is questionable that adequate steps have been taken by the U.S. Government to reflect the real thinking of the people of our country or our Nation's insistence upon a reversal of Russian policies toward the Jews. We cannot let it be said that we are so anxious to achieve happier relationships with Russia that we are willing to overlook whatever policies that nation adopts toward captive peoples within Russia's borders. We can deal much more firmly with Russia than we now are doing. For instance, we are told new trade agreements are in the offing. The American Government should take a new look at any trade agreements which are now in negotiation. It would be fully consistent with U.S. policy to withhold trade and other economic and diplomatic advantages to the Russians until they rescind their policy of demanding ransom for the right of Jewish people to leave that country.

In the meantime, Congress can act and Congress should act. For instance, we can pass resolutions expressing the sense of the Congress toward the Russian Government and their leaders on the issue of Jewish emigration. We can make it very clear that we condemn these and similar policies by the Russian Government. Toward this goal the House should move without delay.

SOVIET JEWS NEED PRESIDENT NIXON'S HELP NOW

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

Mr. KOCH. Mr. Speaker, the plight of the Soviet Jews has reached a critical state. Indeed, there is now apparent physical danger to that community. I have written a letter to the President which I would like to bring to the attention of my colleagues with the hope that those who feel as I do will advise him of their concern.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 2, 1972.

The Honorable RICHARD M. NIXON,
President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I know that you have already received the report authored by Leonard W. Schroeter, who recently returned from the Soviet Union. Most alarming was his statement that "there is grave danger of government inspired and/or spontaneous physical attacks upon the Jewish population."

The validity of his warning is reinforced by the news reports appearing in today's papers, that Soviet officials have imposed new restrictions on the Moscow Jewish community and have prevented the customary celebration of the Simchus Torah holiday in front of the Moscow Synagogue. According to the news reports, Moscow officials refused to close the street in front of the Moscow Synagogue, which I visited in April, 1971 and which would be the place for hora dancing on this holiday. To thwart that holiday expression, the police prohibited people from stopping outside the synagogue and even more cruelly, diverted traffic onto the street, which is only occasionally used by cars, so that traffic was quite heavy. These same news reports state that Jewish sources in the Soviet Union claim that more than thirty Jews have been apprehended in the last two weeks and that six are still being held, two of them in mental hospitals.

All of these repressive actions are intended to intimidate the Jewish community and add to the already exhorbitant and heinous exit visa fees imposed on those wishing to emigrate. These exit fees, which if paid, would total half a billion dollars, can be compared to the fine imposed by Nazi Germany on the Jewish community after the infamous "crystal nacht." There are some who feel that the United States is lending its support to this exit fee operation by selling wheat to the Soviet Union under the recent agreement entered into with the USSR. They alleged that it will be, in fact, the worldwide Jewish community, interested in saving their brethren, who will be compelled to raise the ransom and that these monies will then be used by the Soviet Union to pay for the wheat.

Mr. President, such a situation is intolerable. I respectfully suggest to you that it is not sufficient from a moral point of view for our country to take less than affirmative leadership action in this matter. The world community must be alerted to the frightening and appalling treatment of the Jewish community in the Soviet Union. And further, it is imperative that we exercise whatever economic measures are available to us vis-a-vis the Soviet Union to make its leadership realize that they cannot with impunity continue on this course of action.

I urge you to speak out on this matter using your leadership position to assist those forces in the world who consider the Soviet action to be barbaric. One immediate way that you could demonstrate your opposition to the Soviet action would be to state publicly your support of the congressional efforts to bar most favored nation privileges to the Soviet Union unless it lifts from the necks of these Soviet Jews wishing to leave the USSR, the requirements that ransom be paid.

Sincerely,

EDWARD I. KOCH.

U.S. EXERCISES COMPASSION AND ADMITS 1,000 STATELESS UGANDANS

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

Mr. KOCH. Mr. Speaker, I have been advised by the State Department that Attorney General Kleindienst has informed the Department that he will authorize the admission of up to 1,000 stateless Asian Ugandans and that action will be announced at noon today. I want to take this opportunity to commend both the Attorney General and Secretary of State William Rogers for their compassion and leadership in this matter. On September 1, I wrote to Secretary Rogers urging that this country admit 5,000 Asian Ugandans.

Maj. Gen. Idi Amin of Uganda, the dictator of that African state, has threatened the security and indeed, the lives of approximately 90,000 Asian Ugandans. He has directed the explusion of those holding British passports, approximately 55,000, and his racist statements directed to those of Asian ancestry living in that country have made untenable the continued residence of even those Asians who became Ugandan citizens in 1962 when that country was founded. General Amin's statements vis-a-vis Asians rival those of Adolph Hitler. Indeed, General Amin has specifically stated his support of the Nazi regime and its destruction of 6 million Jews.

Today I have contacted the International Rescue Committee, United HIAS, the U.S. Catholic Conference, and the Church World Service and received assurances that they will assist in the resettlement of these immigrants in the United States. In addition, the Intergovernmental Committee for European Migration has indicated that it will assist in the airlifting of the Ugandans to this country, as well as other countries giving refuge to them.

There are those who say that so long as we have unemployed, we should not accept these refugees. But I say there is a morality and Judao-Christian ethic which requires us to extend our help to those who are in such great physical danger. Hopefully, every country appalled by the racist actions of Uganda will similarly open its doors so as to permit the ultimate exodus of approximately 90,000 Asians from Uganda, which will ultimately rue their loss, to friendly countries willing to receive them. These men and women with their children, are educated and skilled in so many professions and occupations that they will not be a burden to our society. They will make contributions far surpassing the cost of the assistance that we extend at this time. But even if that were not the case, it would be incumbent upon us not to repeat the grievous sin which we committed in the late thirties and early forties when we refused to permit Jews then able to leave Nazi Germany to come to this country and instead left them to perish.

Today's announcement by the State Department is as gratifying for me as the statement issued by the Attorney General and the Secretary of State in September 1971 when they agreed to permit the entry of Soviet Jews into this country without regard to quota restrictions, a proposal I had first made in March 1971.

PERSONAL ANNOUNCEMENT

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

Mr. MIKVA. Mr. Speaker, I regret that I was necessarily absent last week when the House voted on several matters. Had I been present, I would have voted as follows:

Yes on roll 386, final passage of H.R. 1121 establishing the William F. Ryan Gateway National Seashore;

Yes on roll 387, final passage of House Joint Resolution 1306, continuing appropriations resolution for fiscal year 1973;

Yes on roll 388, final passage of H.R. 16012, Reclamation Project Authorization Act;

No on roll 390, adoption of an amendment to H.R. 13694 continuing for 6 months the American Revolution Bicentennial Commission;

Yes on roll 391, final passage of H.R.

13694, continuing for 6 months the American Revolution Bicentennial Commission.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on the bill H.R. 15276 that was passed earlier today.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. MURPHY of New York (at the request of Mr. O'NEILL), for today, on account of a death in the family.

Mr. CULVER (at the request of Mr. O'NEILL), for today and October 3, on account of illness.

Mr. HAGAN (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ANDERSON of Illinois (at the request of Mr. LANDGREBE), for 30 minutes, on October 2.

(The following Members (at the request of Mr. JAMES V. STANTON) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. BEGICH, for 10 minutes, today.
Mr. PODELL, for 10 minutes, today.
Mr. ASPIN, for 10 minutes, today.
Mr. ROYBAL, for 5 minutes, today.
Mr. GIAIMO, for 30 minutes, today.
Mr. SMITH of Iowa, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL, on S. 1497 on the Consent Calendar today.

Mr. ASPINALL, on H.R. 3986 on the Consent Calendar today.

Mr. PEPPER to extend his remarks immediately following vote on the anti-hijacking bill, H.R. 16191.

(The following Members (at the request of Mr. LANDGREBE) and to revise and extend their remarks and include additional matter:)

Mr. MAILLIARD in two instances.
Mr. SPRINGER in four instances.
Mr. CARLSON.
Mr. ESCH.
Mr. FINDLEY in five instances.
Mr. DERWINSKI in three instances.
Mr. WYMAN in two instances.
Mr. HOSMER in three instances.
Mr. SMITH of New York.
Mr. WIDNALL in two instances.
Mr. YOUNG of Florida in five instances.
Mr. ASHBROOK in three instances.
Mr. VEYSEY.
Mr. GOLDWATER in two instances.
Mr. CRANE in five instances.
Mr. COLLINS of Texas in four instances.
Mr. BRAY in three instances.
Mr. DUNCAN.
Mr. WYDLER.
Mr. STEIGER of Wisconsin.
Mr. KEITH.
Mr. WHITEHURST.
Mr. THOMPSON of Georgia.
Mr. MCCLOSKEY.

(The following Members (at the request of Mr. JAMES V. STANTON) and to revise and extend their remarks and include additional matter:)

Mr. CARNEY in two instances.
Mr. REUSS in six instances.
Mr. MONTGOMERY in two instances.
Mr. CONYERS in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. VANIK in three instances.
Mr. MATHIS of Georgia.
Mr. ABOUREZK in three instances.
Mr. MOLLOHAN in three instances.
Mr. LONG of Maryland.
Mr. JONES of Tennessee.
Mr. CLARK.
Mr. ANNUNZIO in three instances.
Mr. DANIEL of Virginia.
Mr. FRASER in five instances.
Mr. ASHLEY.
Mr. HELSTOSKI in 10 instances.
Mr. JACOBS.
Mr. EVINS of Tennessee in six instances.
Mr. DANIELSON.
Mr. JOHNSON of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3994. An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. Con Res. 100. Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of Regular Forces; and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 28, 1972:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pubelo de Acoma in Indian Claims Commission docket No. 266, and for other purposes;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; and

H.J. Res. 1306. A joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On October 2, 1972:

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile areas; and

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 3, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on September 28, 1972, the following report was filed on September 29, 1972)

Mr. MILLS of Arkansas: Committee on Ways and Means. S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; with amendments (Report No. 92–1478). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2384. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense" as included in the Department of Defense Appropriation Act, fiscal year 1972 (Public Law 92–204); to the Committee on Appropriations.

2385. A letter from the Secretary of the Army, transmitting a report on Army military construction contracts awarded without formal advertisement for the period January 1—June 30, 1972, pursuant to section 704 of Public Law 92–145; to the Committee on Armed Services.

2386. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the Annual Report of the Commission for calendar year 1971, pursuant to 79 Stat. 1312, 50 U.S.C. App. 2008, and 22 U.S.C. 1622(c); to the Committee on Foreign Affairs.

2387. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of June 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 14628. A bill to amend the Internal Revenue Code of 1954 with respect to the tax laws applicable to Guam, and for other purposes; with amendments (Rept. No. 92–1479). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15735. A bill to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes (Rept. No. 92–1480). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON: Committee on Ways and Means. H.R. 15795. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; with amendments (Rept. No. 92–1481). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 15442. A bill to continue for a temporary period the existing suspension of duty on certain istle; with an amendment (Rept. No. 92–1482). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1142. Resolution conferring authority on the Speaker to entertain motions to suspend the rules and waiving the rule requiring a two-thirds vote for consideration of reports from the Committee on Rules on the same day reported during the period October 10, 1972 through the balance of that week (Rept. No. 92–1483). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. House Joint Resolution 1300. Joint resolution providing for a special deficiency payment to certain wheat farmers. (Rept. No. 92–1484). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee of Conference. Conference report on H.R. 15883. (Rept. No. 92–1485). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15627. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; with amendments (Rept. No. 92–1486). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14385. A bill to amend section 7 of the Fishermen's Protective Act of 1967 (Rept. No. 92–1487). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee of Conference. Conference report on H.R. 10420 (Rept. No. 92–1488). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14384. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended; with an amendment (Rept. No. 92–1489). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16074. A bill to authorize appropriations to carry out jellyfish control programs until the close of fiscal year 1977 (Rept. No. 92–1490). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 16921. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. DENT:

H.R. 16922. A bill to provide reimbursement to State accounts in the unemployment trust fund for extraordinary unemployment compensation outlays resulting from the effects of hurricane and tropical storm Agnes, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 16923. A bill to make permanent the existing temporary provision for disregarding income of social security and railroad retirement recipients in determining their need for public assistance, and to provide that no individual presently eligible for medical assistance under a State plan approved under title XIX of the Social Security Act shall lose such eligibility by reason of the recent 20-percent increase in social security benefits; to the Committee on Ways and Means.

By Mr. FISHER (for himself and Mr. BRAY):

H.R. 16924. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 16925. A bill to amend title 37, United States Code, to extend the authority for special pay for nuclear-qualified naval submarine officers, authorize special pay for nuclear-qualified naval surface officers, and provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 16926. A bill to amend the Housing and Urban Development Act of 1968 with respect to flood insurance by establishing the national disaster insurance fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. FRASER (for himself and Mr. RANGEL):

H.R. 16927. 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. FRENZEL:

H.R. 16928. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia:

H.R. 16929. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 16930. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 16931. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. RODINO (for himself, Mr. EILBERG, Mr. FLOWERS, Mr. SEIBERLING, Mr. DANIELSON, Mr. HOGAN, and Mr. MCKEVITT):

H.R. 16932. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 16933. A bill to amend the Public Health Service Act to extend for 1 fiscal year the authorizations of appropriations for programs of assistance under that act for medi-

cal libraries, to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself, Mr. BEGICH, Mr. BLATNIK, Mr. BURTON, Mr. DANIELSON, Mr. DINGELL, Mr. MELCHER, Mr. MITCHELL, Mr. O'KONSKI, Mr. PODELL, Mr. REES, Mr. ROSENTHAL, Mr. ROUSH, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. WIDNALL, Mr. CHARLES H. WILSON, Mr. YATES, and Mr. BRADEMAS):

H.R. 16934. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 16935. A bill to revise and simplify the Federal disaster relief program, to assure adequate funding for such program, and for other purposes; to the Committee on Public works.

By Mr. SEIBERLING:

H.R. 16936. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 16937. A bill to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. STUCKEY:

H.R. 16938. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 16939. A bill to amend title 23 of the United States Code to provide that certain highways in the economic growth center development highway program be built to Interstate System standards, to provide that highways not on a Federal-aid system may participate in such development program, to provide that such program be permanent, and for other purposes; to the Committee on Public Works.

By Mr. WHALLEY:

H.R. 16940. A bill to amend title II of the Social Security Act to increase to $3,600 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 16941. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself and Mr. ANDERSON of Illinois):

H.R. 16942. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes, to the Committee on Public Works.

By Mr. GUBSER:

H.R. 16943. A bill to authorize the Secretary of the Army and the Secretary of the Navy to make certain property under their jurisdiction available for transfer for national park purposes; to the Committee on Armed Services.

By Mr. BURKE of Massachusetts (for himself and Mr. WOLFF):

H.R. 16944. A bill to amend the Trade Expansion Act of 1962 to prohibit the application of the most-favored-nation principle to certain countries; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 16945. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. BROYHILL of North Carolina, Mr. STUCKEY, Mr. ECKHARDT, Mr. CARNEY, Mr. WARE, and Mr. MCCOLLISTER):

H.R. 16946. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of securities depositories, clearing agencies, and transfer agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.R. 16947. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of California (for himself and Mr. ANDERSON of Illinois):

H.R. 16948. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. CELLER:

H.J. Res. 1317. Joint resolution authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren; to the Committee on House Administration.

By Mr. KEITH (for himself, Mrs. HICKS of Massachusetts, Mr. BURKE of Massachusetts, Mr. COLLINS of Texas, Mr. FISHER, Mr. BEGICH, Mr. VAN DEERLIN, Mr. EILBERG, Mr. WARE, Mr. BRASCO, Mr. SIKES, Mrs. HECKLER of Massachusetts, Mr. GIBBONS, Mr. MATSUNAGA, Mr. CLEVELAND, Mr. KEMP, Mr. LANDGREBE, Mrs. GRASSO, Mr. ICHORD, Mr. MANN, Mr. FRASER, and Mr. STUCKEY):

H.J. Res. 1318. Joint resolution authorizing the President to proclaim 1973 as "America the Beautiful Year"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.J. Res. 1319. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

424. The SPEAKER presented a memorial of the Legislature of the State of New York, requesting the Congress to call a Constitutional Convention for the purpose of proposing an amendment to the Constitution of the United States relative to the use of public funds for secular education, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16949. A bill for the relief of Pike Sales Co. and Pike Industries, Inc.; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 16950. A bill for the relief of Robert J. Pitman, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

287. The SPEAKER presented a petition of the City Council, Rochester, N.Y., relative to the city of Rochester's share of revenue sharing, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

JOSEPH F. LIZZADRO—OUTSTANDING CITIZEN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 1972

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the passing of Mr. Joseph F. Lizzadro of Elmhurst, Ill.

Mr. Lizzadro, an immigrant who came to the United States in 1909, rose to become chairman of the board of one of the largest electrical companies in my State, the Meade Electric Co. in Chicago.

I have known Joe Lizzadro personally for over 25 years. He was a tower of strength in our community having given generously of his time and money to Villa Scalabrini, the Italian old peoples home in Melrose Park, Ill.

He established and directed the operation of the Lizzadro Museum of Lapidary Art in Elmhurst, Ill. Mr. Lizzadro's extensive private collection of lapidary art was on display at this unique museum which first opened in 1962, and which is believed to be the only museum in America solely devoted to the display of lapidary art, including precious and semiprecious stones, minerals, fossils, carvings of jade and ivory, and other items relating to stone.

Only 3 months ago Joe Lizzadro sponsored a special exhibit at the Museum of Lapidary Art of a moon rock from the Apollo 11 space flight. The moon rock was released for this purpose by the National Aeronautics and Space Administration.

Joe Lizzadro was a compassionate, generous, and gentle man who supported every worthwhile cause to make America strong and a better place in which to live for all our citizens. He will be missed not only by his many friends but by all those who had the opportunity of becoming acquainted with him.

I know that all of my colleagues on the board of Villa Scalabrini, where I serve as chairman of the development fund, join me in extending to Mrs. Lizzadro, their two sons, John and Joseph, Jr., and their four daughters, our deepest sympathy on the loss of their beloved husband and father.