

tarded in a facility that meets the requirements established under the act;

Third, home care—care and services which are furnished to an individual in his home for the purpose of maintaining his health. Such service will include the provision of medication, medical equipment, nursing care, homemaker services, and rehabilitation including occupational counseling;

Fourth, paramedical care—medically related care and services which are furnished by an agency approved by the Secretary of HEW;

Fifth, emergency medical care—the effective delivery of health care services under emergency conditions which are a result of the patient's condition;

Sixth, education and training—services provided to physically and mentally handicapped children and adults, tailored to their individual needs and provided by nonprofit agencies;

Seventh, day nursing home care—care and services provided to an individual in an approved facility which does not provide its patients with 24-hour accommodations subject to the same limitations as provided for nursing home care;

Eighth, night nursing home care—care and services provided to an individual in an approved facility which furnishes nursing home care and other custodial care during the night-time hours, but does not provide the patients with 24-hour accommodations, subject to the same limitations as provided for nursing home care; and

Ninth, weekend nursing home care—care and services provided to an individual in an approved facility which is primarily engaged in furnishing nursing home care and other custodial care and services from Friday evening to Sunday evening, subject to the same limitations as provided for nursing home care.

The part-time nursing home programs are based on successful experience in Great Britain. The purpose of this kind

of care is to provide needed treatment while keeping the patient in close contact with his family.

The restrictions on nursing homes are similar to, but more stringent than, those proposed in the Kennedy-Griffiths bill. These regulations include:

First, the establishment of a 10-member utilization review board which will consist of four members of the general public, two physicians, one registered nurse, one paraprofessional, and two patients, not more than two of whom shall be on the staff of the facility. This board will meet every 30 days to determine the need of future care in each case;

Second, annual policy review on the advice of the utilization review board;

Third, designation of a physician responsible for the execution of such policies;

Fourth, operation by an accredited hospital or under the supervision of a nursing home administrator licensed by the State in which the facility is located;

Fifth, the requirement that the health care of every patient be under the supervision of a physician, and that a physician be available to furnish the necessary medical care in case of an emergency;

Sixth, maintenance of adequate clinical records on all patients;

Seventh, provision of 24-hour registered nurse service sufficient to meet the needs of the patients. At least one registered nurse would be on duty at all times;

Eighth, appropriate methods for the prescription and dispensing of drugs; and

Ninth, designation of an officer charged with the duty of protecting the legal rights of patients.

Any other custodial care facility must be a nursing home, a public or private institution or training school which is primarily engaged in providing care or training or both to the chronically ill. The facility must meet other appropriate

requirements as determined by the Secretary of HEW.

All institutions participating in the act must keep written policies and procedures which are subject to the review of the Secretary of HEW. They must also meet the standards and regulations of the State in which they are located.

Payment to the providers will be determined by the Secretary of HEW. The act will be funded through general revenues. There will be no duplication of benefits between this act and other governmental programs.

Over a 5-year period, the Secretary of HEW shall complete a study on the costs of providing the care under this act, and he shall transmit his report to the Congress and to the President.

The act will be effective on the first day of the first calendar month which begins 6 months after the date of the enactment.

Mr. Speaker, this program will adequately meet the needs of the chronically ill in America. They have been neglected too long.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—Monday, October 9, 1972

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

The heavens declare the glory of God; and the firmament sheweth His handiwork.—Psalm 19: 1.

O God, we thank Thee for this universe, our great home; for its vastness and its riches. We are thankful for all the life that teems upon it of which we are a part.

As we remember one who with courage, vision, and wisdom set forth to find new land in this universe, we pray that we might have courage, vision, and wisdom to face the challenge of our day. In Thy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 10655. An act to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft;

H. Con. Res. 679. Concurrent resolution to provide for the printing of additional copies

of the report of the Commission on the Organization of the Government of the District of Columbia;

H. Con. Res. 681. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections," parts I through VI; and

H. Con. Res. 716. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 56.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and joint resolutions of the House of the following titles:

H.R. 1. An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis in improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and require-

ments for employment and training to improve the capacity for employment of members of such families, and for other purposes;

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973;

H.J. Res. 1268. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears; and

H.J. Res. 1301. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages under the National Housing Act.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1) entitled "An act to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs and emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15475) entitled "An act to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis"; 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. WILLIAMS, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15657) entitled "An act to strengthen and improve the Older Americans Act of 1965, 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. EAGLETON, Mr. CRANSTON, Mr. KENNEDY, Mr. RANDOLPH, Mr. WILLIAMS, Mr. HUGHES, Mr. STEVENSON, Mr. BEALL, Mr. SCHWEIKER, Mr. TAFT, Mr. PACKWOOD, and Mr. STAFFORD to be the conferees on the part of the Senate.

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

H.R. 56. 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 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. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 976) entitled "An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 520. An act to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes; and

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

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. 3843. An act to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972;

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes; and

S. Con. Res. 98. Concurrent resolution authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document.

THE ADVERSE EFFECT ON THE STATE OF WASHINGTON OF THE SOCIAL SERVICES LIMITATION CONTAINED IN THE CONFERENCE REPORT ON H.R. 14370.

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

Mr. ADAMS. Mr. Speaker, I am seriously concerned regarding the proposed limitation on social service expenditures contained in title III of the conference report on the State and Local Fiscal Assistance Act, and the impact of this limitation on Washington State.

While some form of control over these expenditures is undoubtedly needed, the ceiling as presently proposed is particularly inequitable for Washington State. Washington is one of the five States that will receive less money in fiscal year 1973 than it did in fiscal year 1972, and the impact is worsened by the retroactive imposition of the ceiling to July 1, 1972. Further, by allocating these funds only on the basis of population, a State such as Washington which is relatively small in population but relatively progressive in

the provision of social services is additionally handicapped.

Under the proposed formula, Washington State would be allocated \$41,750,000 for the entire fiscal year 1973. This can be compared to a fiscal year 1972 fourth quarter expenditure of \$12.5 million and a first quarter fiscal year 1973 expenditure of \$15 million, which if annualized would amount to \$60 million. Worthwhile programs dealing with mental health and retardation, day care, consumer protection, and legal aid, to mention only a few, will face either severe cutbacks or abolition; and planned expansion of such programs as those dealing with drug abuse, treatment of alcoholism, and certain services for the elderly would be precluded.

A number of proposals to modify the requirements under the limitation have been made which would result in more equitable funding for existing programs and would alleviate the current punitive aspects of the imposed ceiling.

I sincerely hope that these modifications can be considered and adopted.

THE PROPOSED \$250 BILLION EXPENDITURE CEILING

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

Mr. MAHON. Mr. Speaker, tomorrow the House is scheduled to debate the proposed \$250 billion expenditure ceiling in conjunction with the proposed increase in the debt ceiling.

Hereafter in this RECORD, I will insert a statement in regard to the proposed expenditure ceiling.

A portion of House Concurrent Resolution 713 will be offered in lieu of title II of the debt ceiling bill. The committee bill, in addition to fixing an expenditure ceiling, provides that the executive branch is authorized to amend existing law, the legislative prerogative and responsibility of Congress. This goes far beyond the concept of the traditional expenditure ceilings which have been adopted in the past in that it authorizes the President to assume legislative authority.

The solution to our fiscal problems does not lie in the abdication by Congress of its legislative authority. It lies in the submission of more realistic budgets and the approval by Congress of spending programs based upon the availability of funds to finance them.

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1972

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

Mr. MAHON. Mr. Speaker, under leave to extend I include a release highlighting the August 1972 Federal civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of

August was 2,847,582 as compared with 2,855,056 in the preceding month of July. This was a net decrease of 7,474, due largely to a reduction in temporary summer employment under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

	Full time in permanent positions	Change	Temporary, part time, etc.	Change	Total employment	Change
Change this month:						
July 1972	2,468,423		344,354		2,812,777	
August 1972	2,469,538	-1,115	336,238	-8,116	2,805,776	-7,001
12-month change:						
August 1971	2,524,098		366,062		2,890,160	
August 1972	2,469,538	-54,560	336,238	-29,824	2,805,776	-84,384

The decrease of 84,384 during the 12-month period since August 1971 reflects a reduction of 57,358 in Defense agencies and 44,214 in Postal Service, partially offset by a net increase of 17,188 in all other agencies. Full-time permanent employment over the 12-month period was reduced by 54,560 (reflecting a shift of about 30,000 Postal Service employees from temporary to full-time permanent status).

Executive branch employment in the month of August totaled 2,805,776, a net decrease of 7,001 as compared with the preceding month of July. Changes in total employment in August in civilian agencies of the Executive branch as compared with civilian employment in military agencies were as follows:

	August	July	Change
Civilian agencies	1,713,478	1,717,474	-3,996
Military agencies	1,092,298	1,095,303	-3,005
Total, civilian employment	2,805,776	2,812,777	-7,001

The civilian agencies of the Executive branch reporting the largest decreases in August were Postal Service with 1,276, Veterans Administration with 963 and Treasury with 603. The largest increases were in Interior with 562 and Commerce with 518.

In the Department of Defense the largest decreases were reported by Air Force with 1,819 and Navy with 1,682. The largest increase was reported by Army with 1,454.

Total Executive branch employment inside the United States in August was 2,651,017, a decrease of 12,755 as compared with July. Total employment outside the United States in August was 154,759, an increase of 5,754 as compared with July.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative branch in August totaled 33,491, a decrease of 507 as compared with the preceding month of July. Employment in the Judicial branch in

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of August is compared with the preceding month of July and with August a year ago as follows:

August totaled 8,315, an increase of 34 as compared with July.

DISADVANTAGED PERSONS

The total of 2,847,582 reported by the Committee for August includes 48,910 disadvantaged persons employed under Federal opportunity programs. This was a decrease of 12,344 from the preceding month of July the peak employment month for the temporary summer youth program. (See table 3 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during August 1972, showing comparisons with June 1972, June 1971, and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	August 1972	Estimated June 30, 1973 ¹	Major agencies	June 1971	June 1972	August 1972	Estimated June 30, 1973 ¹
Agriculture	84,252	82,511	81,508	83,400	Environmental Protection Agency	5,959	7,835	7,915	8,500
Commerce	28,435	28,412	28,251	29,700	General Services Administration	38,076	36,002	35,803	39,400
Defense:					National Aeronautics and Space Administration	29,478	27,428	27,263	26,800
Civil functions	30,063	30,585	30,003	31,300	Panama Canal	13,967	13,777	13,642	14,000
Military functions	1,062,741	1,009,548	994,497	1,005,800	Selective Service System	5,569	5,791	5,738	6,100
Health, Education, and Welfare	104,283	105,764	106,134	99,500	Small Business Administration	4,004	3,916	3,822	4,000
Housing and Urban Development	16,030	15,200	15,136	16,000	Tennessee Valley Authority	13,612	14,001	14,021	14,000
Interior	57,570	56,892	56,303	56,900	U.S. Information Agency	9,773	9,255	9,301	9,400
Justice	42,662	45,446	45,736	46,300	Veterans' Administration	158,635	163,179	165,304	174,100
Labor	11,352	12,339	12,352	12,600	All other agencies	31,333	33,499	33,427	34,600
State	23,398	22,699	22,663	22,800	Contingencies				5,000
Agency for International Development	13,477	11,719	11,406	11,800	Subtotal	1,955,530	1,910,854	1,894,364	1,933,300
Transportation	68,482	67,232	66,132	69,200	U.S. Postal Service	564,782	594,834	575,174	618,500
Treasury	90,135	95,728	95,900	99,200	Total ²	2,520,312	2,505,688	2,469,538	2,551,800
Atomic Energy Commission	6,920	6,836	6,835	6,900					
Civil Service Commission	5,324	5,260	5,272	6,000					

¹ Source: As projected in 1973 budget document: figures rounded to nearest hundred.

² August figure excludes 3,115 disadvantaged persons in public service careers programs as compared with 2,901 in July.

THE PROPOSED \$250 BILLION SPENDING CEILING

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

Mr. MAHON. Mr. Speaker, the House is scheduled to consider on Tuesday, October 10, the debt limit bill, which includes a title providing for a \$250 billion expenditure limitation for the current fiscal year. Under the rule reported by the House Committee on Rules, it is provided that the text or a portion of the text of House Concurrent Resolution 713 may be offered as a substitute for title II, the expenditure ceiling title, of the bill. The text of House Concurrent Resolution 713 is as follows:

CONCURRENT RESOLUTION

Whereas the President has requested authority to impose a limitation on expenditures and net lending for fiscal year 1973 in the amount of \$250,000,000,000, including authority to change existing laws and make unspecified reductions in existing mandatory spending programs such as social security, impacted area school aid, veterans' benefits, education and health programs, and other programs on which Congress has acted to date; and

Whereas consistent with the constitutional responsibility of the Congress to make appropriations for support of the Government, it is the practice for Congress to make specific appropriations for the various activities of the Government; and

Whereas the Congress is concerned about the fiscal plight of the country, especially in view of continued and mounting budget deficits and inflationary pressures; and

Whereas the total deficits in Federal funds for the last three fiscal years have exceeded \$70,000,000,000; and

Whereas the most recent estimate of the executive branch of the Federal funds deficit for fiscal year 1973 is \$32,400,000,000; and

Whereas approximately one-fourth of the Federal debt will have accumulated in just these last four years; and

Whereas in the annual appropriation bills for the fiscal year 1973, the Congress is in the process of reducing spending in excess of \$1,000,000,000; and

Whereas in other bills, including bills raising social security benefits, "black lung" benefits, and veterans benefits, the Congress, with the concurrence of the President, has exceeded the related budget estimates; and

Whereas in certain other bills, including general revenue sharing and water pollution control, the Congress is in the process of enacting spending authority for fiscal year

1973 in excess of the related budget estimates for 1973; and

Whereas the President has not advised Congress of the specific reductions in budget authority and budget outlays which he would make to limit outlays to not more than \$250,000,000,000; and

Whereas to grant the authority to impose such a limitation on expenditures, including authority to amend basic legislation governing mandatory programs, would in effect transfer legislative authority to the executive branch; and

Whereas the Congress cannot responsibly act on the proposed limitation of \$250,000,000,000 on expenditures and net lending without an advance opportunity to assess the impact of the consequent reductions (which, it now appears, would approximate \$6,000,000,000) on specific programs and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is hereby respectfully requested to advise the Congress not later than January 2, 1973, of the specific reductions in budget authority and budget outlays (by appropriation or fund), and changes in existing law affecting same, that in his judgment may best be made in order to limit budget outlays for the fiscal year 1973 to not more than \$250,000,000,000; and that it is the sense of the Congress that, upon receipt of the list of such specific reductions and modifications, the Congress shall consider legislation dealing with the President's recommendations.

CONSTITUTIONAL RESPONSIBILITY AND AUTHORITY FOR LEGISLATION

Mr. Speaker, shall Congress authorize the President to amend existing law? Shall Congress surrender the heart of its legislative responsibility and power and vest it in the executive branch? That is the sharpest point of issue before us. My answer is that we should not.

In my judgment, it is true that we face a grave fiscal situation. The Federal budget is chronically out of balance, as anybody familiar with the situation knows. I am not in any way seeking to minimize the gravity of the fiscal crisis we face by my opposition to certain provisions in the measure before us.

Neither am I seeking to impugn the motives and good faith of the President. I am confident that he would undertake to do the best he could with the legislative power granted to him by the Congress.

Is some retrenchment in spending programs and some restructuring of laws creating Federal programs a part of the solution to the fiscal crisis?

In my judgment, yes. Should we surrender our legislative responsibility to meet this crisis to the Executive and ask him to do the job? In answer to that question, I must hold out for our constitutional system. It may be cumbersome and frustrating, but I do not believe that the American people are yet ready to throw it overboard for anything yet proposed as second best.

AN ALTERNATIVE

If it is unreasonable for Congress to delegate its authority and responsibility to the executive branch to meet the fiscal crisis, the next question must be, "What alternatives are available to it?"

The President's budget is the most comprehensive statement of policy available under our system of government. It invariably includes recommendations to eliminate or deemphasize outmoded pro-

grams and, just as invariably, proposals to strike out in new directions. During the course of any given budget year, changed circumstances often make particular budget requests obsolete. In such circumstances, it is the practice for the President to submit a budget amendment, taking account of the new set of circumstances and his restructured request.

The alternative which I propose to the surrender of legislative power to the Executive is House Concurrent Resolution 713. It respectfully requests of the President a budget amendment indicating his recommendations for reductions and the changes in law necessary to bring them about.

This would not deny the Executive the traditional and often exercised authority to defer spending of Federal funds, but neither would it sanction the amendment of existing law by Executive decree. House Concurrent Resolution 713 would not constitute a surrender by Congress to the Executive of the right to legislate.

I am firmly convinced that Federal retrenchment is in the public interest and would expect the Congress to give careful consideration of the President's recommendations. I am concerned that many do not understand that the manner in which Congress goes about resolving this issue has far reaching implications for the future role of Congress.

HISTORY OF EXPENDITURE CEILINGS

It is very important to establish the fact in this debate that the spending ceiling we are now being asked to approve is unlike any ever enacted by Congress.

The Revenue and Expenditure Control Act of 1968 established an overall spending ceiling but it exempted programs covering half the total spending proposed in the budget.

The two spending ceilings reported by the House Committee on Appropriations for fiscal years 1970 and 1971 provided a cushion for unexpected increases in certain uncontrollable programs for which it was difficult to precisely estimate expenditures. These ceilings also were adjustable to reflect congressional actions on the budget. A main benefit of these ceilings was to focus on the total spending impact of congressional actions and inactions on the budget.

The proposed \$250 billion ceiling is absolutely rigid, providing for no flexibility should Executive estimates of uncontrollable expenditures be understated—as they historically have been. This proposed ceiling is also completely comprehensive, excepting no program whatsoever. I quote here from the bill the language requesting the delegation of legislative authority that would facilitate this objective—beginning on page 2, line 7:

The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligatory authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

Subsection (2), of course, sets a limit on total outlays of \$250 billion.

When Secretary of the Treasury Shultz was before the House Committee on Ap-

propriations in January of 1971 in his capacity of Director of the Office of Management and Budget, I asked him if he would favor a flat fixed, unadjustable ceiling on spending. His reply was that such a ceiling would be unworkable. I quote:

No, sir. . . . As you know, Mr. Chairman, there are many programs in the budget for which spending is relatively uncontrollable under present law. Spending for such programs as social security and interest on the debt cannot be avoided. Further, the estimates of spending for such programs can only be guesses; they can never be completely accurate. No one can predict the actual rise and fall of interest rates a year in advance. For this reason, an inflexible ceiling which would apply to total budget outlays could result in heavy, even chaotic, reductions in essential Government services to accommodate spending increases in the programs that cannot be cut.

My basic point here is that the spending ceiling proposal before us is unlike all those enacted heretofore in very basic and material ways. Unlike its predecessors, this one would encompass the entire Federal Establishment under a rigid ceiling:

The objective would be accomplished through the delegation of legislative authority and responsibility to the Executive, including the authority to change existing law. That is the key to my opposition to this proposed ceiling.

ITEM VETO

The pending bill does not specifically provide for an item veto, but its effect in many cases would be exactly the same. Every appropriation bill passed by the Congress includes a general provision limiting the use of funds in the bill to 1 fiscal year, unless specifically provided otherwise in the bill.

Many tens of billions of dollars amounting to a large share of the budget and covering a wide range of activities are appropriated for on a 1-year basis every year. For these programs and activities the operation of the proposed spending ceiling could result in an item veto. These funds could be deferred only until June 30, at which time they would revert to the Treasury.

FEDERAL BUDGET CHRONICALLY OUT OF BALANCE

It is obviously true that in view of the fiscal plight, the Federal Government has a desperate need to bring about an improvement in our fiscal system. As so many studies have recently pointed out, State and local governments have come out of the red and are now in the aggregate registering budget surpluses. The Federal budget, on the other hand, is in a condition of chronic imbalance.

CONGRESSIONAL VIEWPOINT OF A NONPARTISAN PROBLEM

The executive branch has spoken in its own behalf on this matter, taking the hard line that if Congress fails to adopt the rigid \$250 billion ceiling it will have been derelict in its duty and dire consequences will result. House Concurrent Resolution 713 was written to present the problem from the standpoint of the legislative branch. It is not intended to be a partisan statement. I repeat, the situation we face resulted from nonpartisan policies and actions and its solution

will require responsible nonpartisan attention.

THE FACT IS WE ALL ARE SPENDERS

As one indication of the nonpartisan origin of our problem, let me cite some figures on budget deficits going back over the last four administrations. The average annual Federal funds deficit for the Eisenhower administration was \$2.7 billion; for the Kennedy administration it was \$7.4 billion; for the Johnson administration, \$11.6 billion; and for the present administration, including fiscal 1973, about \$26 billion. Both political parties and both the executive and legislative branches have contributed to this trend toward intolerably large Federal deficits.

ONE QUARTER OF FEDERAL DEBT ACCUMULATED IN THE LAST 4 YEARS

Consider that during the 4-year period ending June 30, 1973 we will have accumulated just under one-fourth of the total Federal debt.

CONGRESSIONAL ACTION ON SPENDING REQUESTS 1970-72

For the first 3 of these fiscal years, 1970-72, Congress made many changes and adjustments in the spending proposals of the Executive. But the net result of congressional action and inaction was to virtually endorse the total spending program recommended by the Executive. Over this period when Federal outlays increased by \$47 billion, congressional action and inaction with regard to Executive spending proposals resulted in a total addition of about \$350 million, a change of less than 1 percent.

I might add that during those same 3 years congressional actions on appropriation bills resulted in an average reduction of about \$1.5 billion in spending per year. Congressional action on nonappropriation measures that also authorize or mandate spending resulted in the net stand-off for those 3 years.

CONGRESSIONAL SPENDING INITIATIVES IN FISCAL YEAR 1973

In fiscal year 1973 congressional actions on appropriations will probably result in a spending reduction in excess of \$1 billion. But again, the net result of all congressional actions and inactions—including nonappropriation bills that authorize spending—probably will be to increase the spending budget by about \$6 billion.

SOCIAL SECURITY, BLACK LUNG, REVENUE SHARING

While the President announced his disapproval of some of the larger components of this increase, he nevertheless did concur with congressional action by signing into law the bills involved. Increases in social security benefits, for instance, account for \$2.1 billion of the increase. Black lung benefits account for another \$1 billion. The retroactive feature of the President's own high-priority revenue-sharing program accounts for \$2.25 billion of the increase.

CONGRESSIONAL CONTROL OF SPENDING

Some have endorsed the idea of putting a spending ceiling on each appropriation bill as it was passed by the Congress as a means of getting a handle on Federal spending. I would only comment at this point, since I have just recited

the pertinent facts, that congressional actions on appropriations bills have resulted in reductions in Federal spending in recent years. It is congressional action on nonappropriation bills, which also authorize and sometimes mandate spending, that have produced spending over budget requests.

Members usually are well aware that their votes on appropriations bills for whatever purpose somehow have to square with their responsibility to face the fiscal situation. Many Members, however, were probably not aware that bills involving retroactive revenue sharing, social security, black lung, and veterans benefits, and water pollution control also substantially affected the budget this year. If Congress wants to improve its record on the budget, it should perhaps find a way to bring into sharp focus the budget implications of spending authorized and mandated by nonappropriation bills.

The total situation, of course, calls for the submission by the Executive of more realistic budgets in the first place, followed by congressional approval of spending programs based on the availability of funds.

Without launching further into a terribly complicated subject, I would only like to make a final point. Historically Congress has exercised its power over the purse by authorizing the Executive to continue or initiate programs and activities and thereby commit the Federal Government to pay its bills and honor its contracts. Not one penny can be spent without this initial commitment. This is what we must keep in mind when we vote for attractive new programs. The bills must finally be paid if the full faith and credit of the Federal Government is to be upheld.

EXECUTIVE SPENDING INITIATIVES IN THE 1973 BUDGET

Every Congress and every administration usually favors some new initiatives. New Executive initiatives as projected in the 1973 budget would cost \$33 billion by their fifth year.

SPENDING ASSUMPTIONS IN \$250 BILLION CEILING

The proposed \$250 billion spending ceiling itself, it should be pointed out, assumes a spending increase over the previous fiscal year of \$18 billion.

It is also part of a package submitted to the Congress in the Mid-Session Review of the budget that includes a recommended increase of about \$30 billion in new budget—obligational—authority for fiscal 1973 over 1972. Budget authority to spend is but the cutting edge of Federal commitment. Sooner or later, the bills must be paid. This \$30 billion increase in new budget—obligational—authority represents a significant contribution to the momentum of Federal spending programs.

A \$300 BILLION SPENDING BUDGET BY 1975

Estimates of private researchers now suggest that outlays under existing administration programs and initiatives would amount to \$300 billion by 1975. That would amount to a 2-year spending increase of \$50 billion over the proposed \$250 billion ceiling.

The situation in which we find ourselves I would strongly maintain is not largely the result of policies or actions of a particular party or of a particular branch of Government. We have walked down this road together hand in hand. It is a serious national problem with long-range implications that require the responsible attention of the Federal Government and the citizen.

CONFERENCE REPORT ON H.R. 15641, CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. FISHER submitted the following conference report and statement on the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1545)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15641) to authorize certain construction at military installations, 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:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND (First Army)

Fort Belvoir, Virginia, \$11,027,000.
Carlisle Barracks, Pennsylvania, \$1,078,000.
Fort Dix, New Jersey, \$1,215,000.
Fort Eustis, Virginia, \$7,535,000.
Fort Knox, Kentucky, \$20,244,000.
Fort Lee, Virginia, \$1,048,000.
Fort George G. Meade, Maryland, \$1,818,000.

(Third Army)

Fort Penning, Georgia, \$6,040,000.
Fort Bragg, North Carolina, \$964,000.
Fort Campbell, Kentucky, \$10,957,000.
Fort Gordon, Georgia, \$5,225,000.
Fort Jackson, South Carolina, \$18,650,000.
Fort McClellan, Alabama, \$333,000.
Fort Rucker, Alabama, \$3,232,000.

(Fifth Army)

Fort Bliss, Texas, \$3,382,000.
Fort Benjamin Harrison, Indiana, \$1,966,000.
Fort Hood, Texas, \$36,193,000.
Fort Leavenworth, Kansas, \$1,054,000.
Fort Polk, Louisiana, \$4,997,000.
Fort Riley, Kansas, \$787,000.
Fort Sill, Oklahoma, \$14,958,000.
Fort Leonard Wood, Missouri, \$18,578,000.

(Sixth Army)

Fort Carson, Colorado, \$16,098,000.
Presidio of Monterey, California, \$4,118,000.
Fort Ord, California, \$8,451,000.
Presidio of San Francisco, California, \$12,367,000.

MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, \$120,000.
Fort Myer, Virginia, \$1,815,000.

UNITED STATES ARMY MATERIEL COMMAND
Anniston Army Depot, Alabama, \$1,460,-
000.

Army Materials and Mechanics Research
Center, Massachusetts, \$332,000.
Harry Diamond Laboratories, Maryland,
\$20,867,000.

Edgewood Arsenal, Maryland, \$1,902,000.
Lexington-Blue Grass Army Depot, Ken-
tucky, \$1,610,000.

Fort Monmouth, New Jersey, \$475,000.
Pueblo Army Depot, Colorado, \$654,000.
Redstone Arsenal, Alabama, \$547,000.
Rock Island Arsenal, Illinois, \$444,000.
Sierra Army Depot, California, \$2,633,000.
Yuma Proving Ground, Arizona, \$926,000.

UNITED STATES ARMY AIR DEFENSE COMMAND
Various locations, \$1,923,000.

UNITED STATES ARMY SECURITY AGENCY
Vint Hill Farms, Virginia, \$1,549,000.

UNITED STATES ARMY STRATEGIC COMMUNICA-
TIONS COMMAND
Fort Ritchie, Maryland, \$545,000.

UNITED STATES MILITARY ACADEMY
United States Military Academy, West
Point, New York, \$3,493,000.

ARMY MEDICAL DEPARTMENT
Fitzsimons General Hospital, Colorado,
\$685,000.

Walter Reed Army Medical Center, Dis-
trict of Columbia, \$13,161,000.

MILITARY TRAFFIC MANAGEMENT AND
TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New
Jersey, \$3,245,000.

Military Ocean Terminal, Sunny Point,
North Carolina, \$802,000.

UNITED STATES ARMY, ALASKA
Alaska General, Alaska, \$673,000.
Fort Richardson, Alaska, \$1,273,000.

UNITED STATES ARMY, HAWAII
Fort Kamehameha, Hawaii, \$1,245,000.
Schofield Barracks, Hawaii, \$2,918,000.
Tripler Army Medical Center, Hawaii,
\$1,589,000.

BARRACKS MODERNIZATION
Various Locations, \$103,225,000.

POLLUTION ABATEMENT
Various Locations, Air Pollution Abate-
ment, \$22,776,000.
Various Locations, Water Pollution Abate-
ment, \$36,502,000.

OUTSIDE THE UNITED STATES
UNITED STATES ARMY FORCES, SOUTHERN
COMMAND

Canal Zone, Various Locations, \$8,129,000.

UNITED STATES ARMY, PACIFIC
Korea, Various Locations, \$2,018,000.

KWAJALEIN MISSILE RANGE
National Missile Range, \$13,289,000.
Site Defense of Minuteman, \$19,000,000.

UNITED STATES ARMY SECURITY AGENCY
Various Locations, \$3,273,000.

UNITED STATES ARMY STRATEGIC
COMMUNICATIONS COMMAND
Various Locations, \$1,412,000.

UNITED STATES ARMY, EUROPE
Germany, Various Locations, \$11,953,000.
Various Locations: For the United States

share of the cost of multilateral programs for
the acquisition or construction of military
facilities and installations, including inter-
national military headquarters, for the col-
lective defense of the North Atlantic Treaty
Area, \$58,000,000: *Provided*, That, within
thirty days after the end of each quarter, the
Secretary of the Army shall furnish to the
Committees on Armed Services and on Ap-
propriations of the Senate and the House of
Representatives a description of obligations
incurred as the United States share of such
multilateral programs.

SEC. 102. The Secretary of the Army may
establish or develop Army installations and
facilities by proceeding with construction
made necessary by changes in Army missions
and responsibilities which have been occa-
sioned by (a) unforeseen security consid-
eration, (b) new weapons developments,
(c) new and unforeseen research and de-
velopment requirements, or (d) improved
production schedules if the Secretary of De-
fense determines that deferral of such con-
struction for inclusion in the next Military
Construction Authorization Act would be in-
consistent with interests of national security,
and in connection therewith to acquire, con-
struct, convert, rehabilitate, or install per-
manent or temporary public works, includ-
ing land acquisition, site preparation, ap-
purtenances, utilities, and equipment, in the
total amount of \$10,000,000: *Provided*, That
the Secretary of the Army, or his designee,
shall notify the Committees on Armed Ser-
vices of the Senate and House of Representa-
tives, immediately upon reaching a final de-
cision to implement, of the cost of construc-
tion of any public work undertaken under
this section, including those real estate
actions pertaining thereto. This authoriza-
tion will expire as of September 30, 1973,
except for those public works projects con-
cerning which the Committees on Armed
Services of the Senate and House of Rep-
resentatives have been notified pursuant to
this section prior to that date.

SEC. 103. (a) Public Law 91-511, as amend-
ed, is amended under the heading "Inside
the United States" in section 101 as follows:

(1) With respect to "Burlington Army
Ammunition Plant, New Jersey", strike out
"\$384,000" and insert in place thereof
"\$650,000".

(2) With respect to "Sierra Army Depot,
California", strike out "\$369,000" and insert
in place thereof "\$761,000".

(3) With respect to "Tobyhanna Army
Depot, Pennsylvania", strike out "\$115,000"
and insert in place thereof "\$261,000".

(b) Public Law 91-511, as amended, is
amended by striking out in clause (1) of sec-
tion 602 "\$180,502,000" and "\$265,699,000"
and inserting in place thereof "\$181,306,000"
and "\$266,503,000", respectively.

SEC. 105. (a) Public Law 92-145 is amend-
ed under the heading "Pollution Abatement"
in section 101 as follows: With respect to
"Various Locations, Water Pollution Abate-
ment Facilities", strike out "\$34,791,000" and
"\$2,000,000" and insert in place thereof "\$35-
291,000" and "\$2,500,000", respectively.

(b) Public Law 92-145 is amended by
striking out in clause (1) of section 702
"\$363,126,000" and "\$404,500,000" and in-
serting in place thereof "\$363,626,000" and
"\$45,000,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may
establish or develop military installations
and facilities by acquiring, constructing,
converting, rehabilitating, or installing per-
manent or temporary public works, includ-
ing land acquisition, site preparation, ap-
purtenances, utilities and equipment for the
following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine,
\$2,499,000.

Naval Hospital, Newport, Rhode Island,
\$423,000.

Navy Public Works Center, Newport,
Rhode Island, \$546,000.

Naval Station, Newport, Rhode Island,
\$2,050,000.

Naval Underwater Systems Center, New
port, Rhode Island, \$2,257,000.

Naval War College, Newport, Rhode Island,
\$8,469,000.

Naval Air Rework Facility, Quonset Point,
Rhode Island, \$1,460,000.

Naval Air Station, Quonset Point, Rhode
Island, \$3,636,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Con-
necticut, \$7,647,000.

Naval Submarine School, New London,
Connecticut, \$728,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey,
\$107,000.

Naval Air Test Facility, Lakehurst, New
Jersey, \$1,504,000.

Navy Finance Center, Cleveland, Ohio,
\$2,777,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, \$9-
323,000.

Naval Air Test Center, Patuxent River,
Maryland, \$4,914,000.

Naval Electronic Systems Test and Evalu-
ation Facility, St. Inigoes, Maryland, \$140-
000.

Naval Ordnance Laboratory, White Oak,
Maryland, \$438,000.

Naval Hospital, Quantico, Virginia, \$185-
000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center,
Dam Neck, Virginia, \$294,000.

Naval Amphibious Base, Little Creek, Vir-
ginia, \$1,300,000.

Navy Public Works Center, Norfolk, Vir-
ginia, \$3,319,000.

Naval Shipyard, Norfolk, Virginia, \$5,116-
000.

Naval Station, Norfolk, Virginia, \$3,186,000.

Naval Supply Center, Norfolk, Virginia, \$5-
968,000.

Naval Air Station, Oceana, Virginia, \$2-
347,000.

Naval Ophthalmic Support and Training
Activity, Yorktown, Virginia, \$421,000.

Naval Security Detachment, Sugar Grove,
West Virginia, \$475,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida,
\$479,000.

Naval Air Rework Facility, Jacksonville,
Florida, \$6,950,000.

Naval Air Station, Jacksonville, Florida,
\$3,676,000.

Naval Training Center, Orlando, Florida,
\$1,058,000.

Naval Coastal Systems Laboratory, Pan-
ama City, Florida, \$1,216,000.

Naval Air Rework Facility, Pensacola, Flor-
ida, \$6,275,000.

Naval Air Station, Pensacola, Florida, \$2-
850,000.

Naval Communications Training Center,
Pensacola, Florida, \$4,998,000.

Naval Hospital, Pensacola, Florida, \$19-
156,000.

Naval Air Station, Whiting Field, Florida,
\$756,000.

Naval Air Station, Glynnco, Georgia, \$1-
213,000.

Naval Home, Gulfport, Mississippi, \$3,300-
000.

Naval Air Station, Meridian, Mississippi,
\$6,584,000.

Naval Shipyard, Charleston, South Caro-
lina, \$5,316,000.

Naval Station, Charleston, South Caro-
lina, \$3,452,000.

Naval Air Station, Memphis, Tennessee,
\$10,512,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana,
\$11,680,000.

Naval Ordnance Missile Test Facility,
White Sands, New Mexico, \$160,000.

Naval Ammunition Depot, McAlester, Okla-
homa, \$6,336,000.

Naval Air Station, Corpus Christi, Texas
\$642,000.

Naval Air Station, Kingsville, Texas, \$250-
000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, \$108,000.
Naval Training Center, Great Lakes, Illinois, \$5,147,000.

ELEVENTH NAVAL DISTRICT

Naval Amphibious Base, Coronado, California, \$2,761,000.
Naval Air Station, Imperial Beach, California, \$1,252,000.
Naval Shipyard, Long Beach, California, \$5,586,000.
Naval Station, Long Beach, California, \$1,844,000.
Naval Air Station, Miramar, California, \$4,372,000.
Naval Air Rework Facility, North Island, California, \$3,015,000.
Naval Air Station, North Island, California, \$12,144,000.
Pacific Missile Range, Point Mugu, California, \$665,000.
Naval Construction Battalion Center, Port Hueneme, California, \$470,000.
Navy Public Works Center, San Diego, California, \$1,758,000.
Naval Station, San Diego, California, \$8,291,000.
Navy Submarine Support Facility, San Diego, California, \$631,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, \$3,134,000.
Naval Facility, Centreville Beach, Ferndale, California, \$664,000.
Naval Air Station, Lemoore, California, \$3,981,000.
Naval Schools Command, Mare Island, Vallejo, California, \$5,153,000.
Naval Shipyard, Mare Island, Vallejo, California, \$4,450,000.
Naval Air Station, Moffet Field, California, \$5,491,000.
Fleet Numerical Weather Central, Monterey, California, \$2,830,000.
Naval Station, Treasure Island, San Francisco, California, \$2,690,000.
Naval Security Group Activity, Skaggs Island, California, \$615,000.
Naval Air Station, Fallon, Nevada, \$214,000.
Naval Ammunition Depot, Hawthorne, Nevada, \$6,003,000.

THIRTEENTH NAVAL DISTRICT

Naval Communication Station, Adak, Alaska, \$591,000.
Naval Arctic Research Laboratory, Barrow, Alaska, \$1,114,000.
Naval Shipyard, Puget Sound, Bremerton, Washington, \$5,992,000.
Naval Torpedo Station, Keyport, Washington, \$96,000.
Naval Air Station, Whidbey Island, Washington, \$8,744,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, \$100,000.
Naval Ammunition Depot, Oahu, Hawaii, \$10,089,000.
Naval Dispensary, Pearl Harbor, Hawaii, \$3,593,000.
Naval Shipyard, Pearl Harbor, Hawaii, \$424,000.
Naval Station, Pearl Harbor, Hawaii, \$2,623,000.
Naval Submarine Base, Pearl Harbor, Hawaii, \$2,755,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, \$5,233,000.
Marine Corps Development and Education Command, Quantico, Virginia, \$6,492,000.
Marine Corps Base, Camp Lejeune, North Carolina, \$9,672,000.
Marine Corps Air Station, Cherry Point, North Carolina, \$2,143,000.
Marine Corps Air Station, New River, North Carolina, \$3,748,000.

Fleet Marine Force, Atlantic, Norfolk, Virginia, \$2,602,000.

Marine Corps Supply Center, Albany, Georgia, \$236,000.

Marine Corps Air Station, Beaufort, South Carolina, \$2,757,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, \$4,612,000.

Marine Corps Air Station, Yuma, Arizona, \$2,030,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, \$2,996,000.

Marine Corps Base, Camp Pendleton, California, \$14,972,000.

Marine Corps Air Station, El Toro, California, \$523,000.

Marine Corps Air Station, Orange County, California, \$40,379,000.

Marine Corps Base, Twentynine Palms, California, \$2,017,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, \$1,050,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, \$25,194,000.

Various Locations, Water Pollution Abatement Facilities, \$55,016,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Communication Station, Ponce, Puerto Rico, \$586,000.
Naval Facility, Ramey Air Force Base, Puerto Rico, \$207,000.
Naval Station, Roosevelt Roads, Puerto Rico, \$1,497,000.
Naval Security Group Activity, Sabana Seca, Puerto Rico, \$660,000.
Naval Facility, Grand Turk, The West Indies, \$271,000.

ATLANTIC OCEAN AREA

Naval Air Facility, Lajes, Azores, \$120,000.
Naval Air Station, Bermuda, Bermuda Islands, \$90,000.
Naval Air Station, Guantanamo Bay, Cuba, \$144,000.
Naval Hospital, Guantanamo Bay, Cuba, \$738,000.
Naval Station, Guantanamo Bay, Cuba, \$3,310,000.
Naval Station, Keflavik, Iceland, \$1,297,000.

EUROPEAN AREA

Naval Communication Unit, London, England, \$88,000.
Naval Detachment, Souda Bay, Crete, Greece, \$5,308,000.
Naval Air Facility, Sigonella, Sicily, Italy, \$8,932,000.
Naval Station, Rota, Spain, \$860,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, \$6,100,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$1,743,000.
Naval Air Station, Agana, Guam, Mariana Islands, \$1,008,000.
Naval Hospital, Guam, Mariana Islands, \$598,000.
Naval Magazine, Guam Mariana Islands, \$968,000.
Navy Public Works Center, Guam, Mariana Islands, \$158,000.
Naval Station, Guam, Mariana Islands, \$202,000.
Naval Air Station, Cubi Point, Republic of the Philippines, \$4,470,000.

Naval Communications Station, San Miguel, Republic of the Philippines, \$395,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, \$267,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, \$1,200,000.

Sec. 202. The Secretary of the Navy may

establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 203. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: With respect to Naval Shipyard, San Francisco, California, strike out "\$3,412,000" and insert in place thereof "\$4,017,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602 "\$123,909,000" and "\$148,072,000" and inserting in place thereof "\$124,514,000" and "\$148,677,000", respectively.

Sec. 204. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "\$1,590,000" and insert in place thereof "\$2,575,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (2) of section 802, "\$422,599,000" and "\$470,796,000" and inserting in place thereof "\$423,584,000" and "\$471,781,000", respectively.

Sec. 205. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Observatory Flagstaff Station, Flagstaff, Arizona, strike out "\$286,000" and insert in place thereof "\$1,804,000".

(2) With respect to Marine Corps Base, Camp Lejeune, North Carolina, strike out "\$1,384,000" and insert in place thereof "\$1,703,000".

(b) Public Law 91-511, as amended, is amended under the heading "OUTSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Magazine, Guam Mariana Islands, strike out "\$3,287,000" and insert in place thereof "\$7,457,000".

(c) Public Law 91-511, as amended, is amended by striking out in clause (2) of section 602, "\$246,118,000", "\$21,994,000" and "\$269,086,000" and inserting in place thereof "\$246,955,000", "\$26,164,000" and "\$274,093,000", respectively.

TITLE III

Sec. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, \$5,423,000.
Tyndall Air Force Base, Panama City, Florida, \$388,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, \$138,000.
Hill Air Force Base, Ogden, Utah, \$2,755,000.
Kelly Air Force Base, San Antonio, Texas, \$4,444,000.
McClellan Air Force Base, Sacramento, California, \$9,318,000.
Robins Air Force Base, Macon, Georgia, \$8,149,000.
Tinker Air Force Base, Oklahoma City, Oklahoma, \$10,569,000.
Wright-Patterson Air Force Base, Dayton, Ohio, \$14,074,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, \$300,000.
Brooks Air Force Base, San Antonio, Texas, \$3,566,000.
Edwards Air Force Base, Muroc, California, \$534,000.
Eglin Air Force Base, Valparaiso, Florida, \$10,920,000.
Kirtland Air Force Base, Albuquerque, New Mexico, \$893,000.
Satellite Tracking Facilities, \$151,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, \$5,875,000.
Keesler Air Force Base, Biloxi, Mississippi, \$4,454,000.
Lackland Air Force Base, San Antonio, Texas, \$3,644,000.
Laredo Air Force Base, Laredo, Texas, \$133,000.
Laughlin Air Force Base, Del Rio, Texas, \$711,000.
Lowry Air Force Base, Denver, Colorado, \$987,000.
Mather Air Force Base, Sacramento, California, \$1,558,000.
Randolph Air Force Base, San Antonio, Texas, \$674,000.
Reese Air Force Base, Lubbock, Texas, \$2,235,000.
Sheppard Air Force Base, Wichita Falls, Texas, \$5,074,000.
Williams Air Force Base, Chandler, Arizona, \$329,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, \$3,000,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, \$2,885,000.
Various Locations, \$2,012,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, \$3,714,000.
Bolling Air Force Base, Washington, District of Columbia, \$20,226,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, \$543,000.
Dover Air Force Base, Dover, Delaware, \$3,164,000.
McChord Air Force Base, Tacoma, Washington, \$1,470,000.
McGuire Air Force Base, Wrightstown, New Jersey, \$4,509,000.
Norton Air Force Base, San Bernardino, California, \$1,009,000.
Scott Air Force Base, Belleville, Illinois, \$359,000.
Travis Air Force Base, Fairfield, California, \$274,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, \$4,330,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, \$2,708,000.
Blytheville Air Force Base, Blytheville, Arkansas, \$92,000.
Davis-Monthan Air Force Base, Tucson, Arizona, \$2,665,000.
Ellsworth Air Force Base, Rapid City, South Dakota, \$103,000.
Grand Forks Air Force Base, Grand Forks, North Dakota, \$1,812,000.
Griffiss Air Force Base, Rome, New York, \$3,306,000.
Grissom Air Force Base, Peru, Indiana, \$138,000.
K. I. Sawyer Air Force Base, Marquette, Michigan, \$338,000.
Loring Air Force Base, Limestone, Maine, \$2,523,000.
Malmstrom Air Force Base, Great Falls, Montana, \$1,145,000.
March Air Force Base, Riverside, California, \$4,512,000.
Minot Air Force Base, Minot, North Dakota, \$1,664,000.
Offutt Air Force Base, Omaha, Nebraska, \$5,271,000.
Vandenberg Air Force Base, Lompoc, California, \$3,185,000.
Westover Air Force Base, Chicopee Falls, Massachusetts, \$455,000.
Wurtsmith Air Force Base, Oscoda, Michigan, \$948,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, \$210,000.
Cannon Air Force Base, Clovis, New Mexico, \$558,000.
England Air Force Base, Alexandria, Louisiana, \$2,095,000.
George Air Force Base, Victorville, California, \$501,000.
Holloman Air Force Base, Alamogordo, New Mexico, \$772,000.
Homestead Air Force Base, Homestead, Florida, \$3,184,000.
Langley Air Force Base, Hampton, Virginia, \$2,514,000.
MacDill Air Force Base, Tampa, Florida, \$4,428,000.
Mountain Home Air Force Base, Mountain Home, Idaho, \$318,000.
Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, \$145,000.
Nellis Air Force Base, Las Vegas, Nevada, \$2,722,000.
Pope Air Force Base, Fayetteville, North Carolina, \$1,955,000.
Shaw Air Force Base, Sumter, South Carolina, \$4,000,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, \$3,312,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, \$1,564,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, \$7,300,000.
Various Locations, Water Pollution Abatement Facilities, \$9,691,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, \$12,000,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Satellite Tracking Facilities, \$310,000.

AEROSPACE DEFENSE COMMAND

Naval Station Keflavik, Iceland, \$1,704,000.

PACIFIC AIR FORCES

Various Locations, \$4,612,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, \$800,000.
UNITED STATES AIR FORCES IN EUROPE
Germany, \$11,422,000.
United Kingdom, \$5,605,000.
Various Locations, \$3,404,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, \$171,000.

Various Locations, Water Pollution Abatement Facilities, \$4,537,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$18,660,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 91-142, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows: With respect to Williams Air Force Base, Chandler, Arizona, strike out "\$4,462,000" and insert in place thereof, "\$5,008,000".

(b) Public Law 91-142, as amended, is amended by striking out in clause (c) of section 702 "\$208,611,000" and "\$268,994,000" and inserting in place thereof "\$209,157,000" and "\$269,540,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE INTELLIGENCE AGENCY

Arlington Hall Station, Virginia, \$1,600,000.

DEFENSE NUCLEAR AGENCY

Naval Ordnance Laboratory, White Oak, Maryland, \$2,236,000.

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, \$360,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing Facility, Tracy, California, \$137,000.

Defense Construction Supply Center, Columbus, Ohio, \$1,199,000.

Defense Documentation Center, Alexandria, Virginia, \$98,000.

Defense Depot, Mechanicsburg, Pennsylvania, \$722,000.

Defense Depot, Memphis, Tennessee, \$828,000.

Defense Depot, Ogden, Utah, \$1,091,000.

Defense Depot, Tracy Annex, Stockton, California, \$682,000.

Defense Electronics Supply Center, Dayton, Ohio, \$159,000.

Defense General Supply Center, Richmond, Virginia, \$1,171,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, \$5,221,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$17,500,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, three thousand nine hundred and forty-eight units \$100,089,000:

National Guard Battalion Headquarters, Bethel, Alaska, two units.

National Guard Battalion Headquarters, Nome, Alaska, two units.

Fort Huachuca, Arizona, one hundred units.

Sierra Army Depot, California, eighty units.

Fort Carson, Colorado, three hundred units.

Walter Reed Army Medical Center, District of Columbia, three hundred units.

Fort Benning, Georgia, four hundred and seventy-four units.

United States Army Installations, Oahu, Hawaii, six hundred and forty units.

Fort Riley, Kansas, one hundred units.

United States Army Installations, St. Louis, Missouri, two hundred units.

Fort Monmouth, New Jersey, one hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, five hundred units.

Fort Hood, Texas, one thousand units.

Fort Belvoir, Virginia, one hundred and fifty units.

(2) The Department of the Navy, four thousand six hundred units, \$119,900,000.

Naval Complex, Long Beach, California, four hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred units.

Naval Complex, Washington, District of Columbia, six hundred units.

Naval Training Center, Orlando, Florida, three hundred units, and additional real estate.

Naval Complex, Oahu, Hawaii, five hundred units.

Naval Complex, Great Lakes/Glenview, Illinois, three hundred and fifty units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Air Station, Meridian, Mississippi, two hundred units.

Naval Air Station, Lakehurst, New Jersey, two hundred units.

Naval Complex, Newport, Rhode Island, one hundred and fifty units.

Naval Complex, Charleston, South Carolina, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units, and additional real estate.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty units.

Naval Complex, Guam, Marianas Islands, two hundred and thirty units.

Naval Air Station, Bermuda, two hundred and fifty units.

(3) The Department of the Air Force, three thousand one hundred and sixty-eight units, \$76,024,000:

Maxwell/Gunter Air Force Bases, Alabama, two hundred units.

Davis-Monthan Air Force Base, Arizona, four hundred units.

Lowry Air Force Base, Colorado, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Nellis Air Force Base, Nevada, two hundred units.

Laredo Air Force Base, Texas, two hundred units.

Hill Air Force Base/Defense Depot, Ogden, Utah, three hundred and eighteen units.

Langley Air Force Base, Virginia, five hundred units.

San Vito Air Station, Italy, one hundred and fifty units.

Incirlik Air Base, Turkey, two hundred units. (b) Mobile home facilities:

(1) The Department of the Army, four hundred and twenty-one spaces, \$1,662,000.

(2) The Department of the Navy, four hundred and thirty-two spaces, \$1,725,000.

(3) The Department of the Air Force, five hundred and fifty spaces, \$2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed \$24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding \$42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed \$33,500 and in no event shall the cost of any unit exceed \$42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

SEC. 503. The Secretary of Defense, or his

designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, \$22,511,000.

(2) for the Department of the Navy, \$9,121,000.

(3) for the Department of the Air Force, \$11,955,000.

SEC. 504. Notwithstanding the limitations contained in section 502 of this Act, the Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four-family housing units in Brazil at a total cost not to exceed \$215,000. This authority shall include the authority to acquire lands and interests in land.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the \$10,000 limitation prescribed in section 610(a) of Public Law 90-110, as amended (81 Sec. 279, 305), as follows:

The United States Naval Academy, Annapolis, Maryland, eleven units \$275,000.

Royal Air Force Station, Mildenhall, New Market, United Kingdom, one unit, \$18,500.

SEC. 506. Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is amended by (1) striking out "1972 and 1973" in the first sentence and inserting in lieu thereof "1973 and 1974", and (2) striking out the third sentence and inserting a new sentence as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of \$210 per month for each military department, or the amount of \$290 per month for any one unit; and, for Hawaii, an average of \$255 per month for each military department, or the amount of \$300 per month for any one unit."

SEC. 507. Section 507 of Public Law 88-174 (77 Stat. 307, 326), as amended, is amended by (1) striking out "1972 and 1973" and inserting in lieu thereof "1973 and 1974", and (2) striking out "\$210" and inserting in lieu thereof "\$225".

SEC. 508. (a) Notwithstanding the provisions of any other law, members of the uniformed services (as defined in section 101 (3) of title 37, United States Code), with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of a military department notwithstanding that such quarters may have been constructed or converted for assignment as public quarters, subject to a charge against their basic allowance for quarters in the amount of the fair rental value of the housing facility: *Provided*, That notwithstanding the fair rental value of such family housing facility, no charge for occupancy thereof shall be made against the basic allowance for quarters of the occupant in excess of 75 per centum of such allowance, except that in no event shall the total charge to the occupants' basic allowance for quarters for such housing at any installation be less than the cost of maintenance and operation thereof. The net difference between the basic allowance for quarters and the occupancy charge shall be paid to the occupant from otherwise available appropriations.

(b) The Secretaries of the Military Departments are each authorized, subject to regulations approved by the Secretary of Defense—

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and,

(2) to lease inadequate housing to personnel of any of the mentioned services for occupancy by them and their dependents. In no event shall more than a total of 20,000 housing units be determined inadequate as

public quarters under authority of this section.

(c) On the effective date of this section, section 407 of Public Law 85-241 (71 Stat. 556), as amended (42 U.S.C. 1594j), is repealed.

Sec. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed \$319,792,000, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$730,949,000.

TITLE VI

HOMEOWNERS ASSISTANCE

Sec. 601. Effective November 30, 1970, section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) as amended, is amended by (1) deleting the period at the end of subsection 1013(d) and adding the following: ", except in connection with compensation for property located on a base or installation pursuant to subsection (1)", and by (2) adding the following new subsection:

"(1) Notwithstanding the provisions of subsection (a) (2) and the second proviso of subsection (b), Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) for losses sustained in private sales. Such employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such property, may surrender their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however,* That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term 'United States' means the several States and the District of Columbia."

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act

without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public work projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, \$441,704,000; outside the United States, \$117,074,000; or a total of \$558,778,000.

(2) for title II: Inside the United States, \$474,450,000; outside the United States, \$41,217,000; or a total of \$515,667,000.

(3) for title III: Inside the United States, \$232,925,000; outside the United States, \$32,565,000; section 302, \$18,660,000; or a total of \$284,150,000.

(4) for title IV: A total of \$33,004,000.

(5) for title V: Military family housing, \$1,050,741,000.

Sec. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is \$250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to

which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts, which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest possible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 705. (a) As of October 1, 1973, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394), and all such authorizations contained in Acts approved before October 28, 1971, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1973, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394, 410), authorizations for the following items which shall remain in effect until October 1, 1974:

(A) utilities in the amount of \$2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(B) utilities in the amount of \$2,333,000 at Radford Army Ammunition Plant, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(C) utilities in the amount of \$876,000 at Fort Ritchie, Maryland, that is contained in title I, section 101 of the Act of October 26, 1970 (85 Stat. 1204), as amended.

(D) land acquisition contiguous to the Marine Corps Air Station, El Toro, California, as authorized in title II, section 204 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(E) land acquisition contiguous to the Marine Corps Air Station, Santa Ana, California, as authorized in title II, section 205 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) \$27.00 per square foot for permanent barracks;

(2) \$29.00 per square foot for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 2683, title 10, United States Code (relating to relinquishment of legislative jurisdiction) is amended by revising subsection (a) thereof to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

SEC. 708. Section 709 of Public Law 92-145 (85 Stat. 394, 414) is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code."

SEC. 709. Section 2662 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of \$50,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the expiration of thirty days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the Committees on Armed Services of the Senate and the House of Representatives."

SEC. 710. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1973".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

- (1) For the Department of the Army:
 - (a) Army National Guard of the United States, \$33,570,000.
 - (b) Army Reserve, \$33,500,000.
- (2) For the Department of the Navy: Naval and Marine Corps Reserves, \$19,215,000.
- (3) For the Department of the Air Force:
 - (a) Air National Guard of the United States, \$14,500,000.
 - (b) Air Force Reserve, \$6,400,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1973".

And the Senate agree to the same.

O. C. FISHER,
LUCIEN N. NEDZI,
ALTON LENNON,
G. ELLIOTT HAGAN,
SPEEDY O. LONG,
W. C. "DAN" DANIEL,
G. V. MONTGOMERY,
WILLIAM G. BRAY,
ALEXANDER PIRNIE,
DONALD D. CLANCY,
WALTER E. POWELL,

Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, JR.,
HOWARD W. CANNON,
HARRY F. BYRD, JR.,
STROM THURMOND,
JOHN G. TOWER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On July 20, 1972, the House of Representatives passed H.R. 15641 which is the fiscal year 1973 military construction authorization for the Department of Defense and Reserve components.

On August 4, 1972, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 15641, as passed by the House of Representatives, provided new construction authorization to the military departments and the Department of Defense for fiscal year 1973 in the total amount of \$2,567,334,000.

The bill as passed by the Senate provided new authorizations in the amount of \$2,539,304,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 15641, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1973 in the amount of \$2,549,525,000.

The Department of Defense and the respective military departments had requested a total of \$3,047,961,000 for new construction authorization for fiscal year 1973. This amount included \$399.4 million for ABM related construction later transferred by the Senate to the Military Procurement bill. The action of the conferees, therefore, reduces the departmental request by \$99 million rather than \$498 million as it would appear.

Total authorization granted fiscal year 1972

Title I—Army:	
Inside the United States...	\$441,704,000
Outside the United States...	117,074,000
Subtotal	558,778,000
Title II—Navy:	
Inside the United States...	474,450,000
Outside the United States...	41,217,000
Subtotal	515,667,000
Title III—Air Force:	
Inside the United States...	232,925,000
Outside the United States...	32,565,000
Sec. 302	18,660,000
Subtotal	284,150,000
Title IV—Defense Agencies:	
Inside the United States...	33,004,000
Title V—Military Family Housing	
	1,050,741,000
Total, Titles I, II, III, IV, and V	
	2,442,340,000

Title VIII—Reserve Components:

Army National Guard.....	33,570,000
Army Reserve.....	33,500,000
Naval and Marine Corps Reserve.....	19,215,000
Air National Guard.....	14,500,000
Air Force Reserve.....	6,400,000
Total	107,185,000

Grand total granted by titles I, II, III, IV, V, and VIII.....

2,549,525,000

TITLE I—ARMY

The House had approved construction in the amount of \$568,920,000 for the Department of the Army. The Senate approved construction for the Army in the amount of \$557,762,000. This was a reduction of \$11,158,000.

The conferees agreed to a new total for Title I in the amount of \$558,778,000.

Among the items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Rucker, Alabama—Field house, \$2,093,000

The Senate deleted this particular project believing that due to fiscal restraints the three temporary buildings now in use could be utilized for another year. However, House conferees pointed out that a new facility would not only make it possible to have all sports activities under one roof making supervision easier, but would also greatly increase the scope of the athletic program. House conferees also pointed out that there are no other facilities on or off post that can be used for indoor sports activities. The relatively remote location of Fort Rucker from a metropolitan area prevents use of other community recreation facilities.

The Senate receded.

Fort Hood, Texas—Helicopter parking and maintenance facility, \$2,464,000; Hangar, \$1,313,000

The House deleted the Army's requests for these two projects due to uncertainties of the TRICAP test division and its maintenance requirements. Senate conferees pointed out that present operations from unpaved and inadequate surfaces compound maintenance and safety problems resulting from blowing dust and surface erosion. They further pointed out to the House conferees that these facilities will be required and fully utilized regardless of possible future refinements of the TRICAP concept. The Senate conferees insisted that denial of these projects would compound maintenance problems and present serious safety conditions to crews and high value equipment.

The House receded.

Presidio of Monterey, California—Academic facilities, \$4,118,000

The Senate deleted authorization for the academic facilities requested for the Presidio of Monterey stating that the project was not an urgent requirement and could be deferred for at least a year.

House conferees pointed out that present facilities consist of three permanent academic buildings for a total of 116,640 square feet and nine temporary buildings with 85,000 square feet. These temporary buildings are scattered, in poor physical condition, and are seriously lacking in acoustical treatment, interior lighting, heating, ventilation, and sanitary facilities. The continued maintenance and operation of these nine temporary buildings, some of which are 70 years of age and the best of which is a World War II temporary structure, is very uneconomical.

After a thorough discussion of the problems, the Senate receded.

TITLE II—NAVY

The House approved \$520,966,000 in new construction authorization for the Depart-

ment of the Navy. The Senate approved \$514,726,000.

The conferees agreed to a new total in the amount of \$515,667,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Underwater System Center, Rhode Island—Systems Engineering and Computer Facility, \$2,257,000

The House deleted this particular project believing that it was of relatively low priority in this year's Navy program. The Senate approved the project. In conference, Senate conferees pointed out that deficiencies in space for this activity have been occasioned by growth as ASW workload at NUSC laboratories. Personnel have increased from 2,615 in 1967 to 3,180 in June of 1972. Also, this facility will collocate from eight scattered and diverse location sonar, communications, fire control and ordnance personnel and provide more effective problem solutions to total ASW system by close and interrelated group and team association.

The House receded.

Naval Academy, Annapolis, Maryland—Engineering Studies Complex, Phase III, \$9,323,000

The House deleted this project because of testimony during authorization hearings which revealed the Phase II contract on this complex had not been awarded. In conference, it was pointed out by Senate conferees that the most economical means of constructing the remaining structure is to contract for Phases II and III together. If Phase III is not authorized and funded this year, the utilization of a combined construction contract for Phases II and III will not be feasible because the time interval between the authorized construction of Phases II and III could result in a period of less than full production by the contractor. It was further pointed out that a delay between Phases II and III will likely increase the cost of both phases.

The House receded.

Naval Ammunition Depot, McAlester, Oklahoma—Bomb Loading Plant modernization, \$5,946,000

This project was deferred by the Senate without prejudice to a future year's program. The House approved this project.

In conference, the House conferees pointed out that the plan to modernize the High Explosive Cast Fill plant at NAD, McAlester arose from a decision by the Joint Munitions Production Panel to consolidate the production of general purpose bombs for DOD under one service—the Navy. This decision was dictated by economic considerations. The single modernized plant will be capable of producing bombs at a sizable reduction in cost and with significant reduction in hazards to personnel. It is expected that labor costs per bomb can be reduced from \$22 to \$14, for an average annual savings of \$6.2 million.

The Senate receded.

Naval Finance Center, Cleveland, Ohio—Data Processing Center, \$2,777,000

The Senate version of the bill eliminated this project because the Senate felt that existing facilities could continue to service the desired functions. The House version included this project.

During the conference, House conferees pointed out that the requirement for this project is generated by the assignment of the Joint Uniform Military Pay System (JUMPS) to the Naval Finance Center (NFC). JUMPS means that the NFC will become the central processor of all active-duty pay throughout the world. This will require secure space for the additional computers required to implement the system. Since secure space is needed, it will not be practicable to utilize the existing facilities in the Federal Office Building in downtown Cleveland.

The Senate receded.

Trident Program

This year the Navy requested \$14.3 million for the first phase of a Trident submarine base, which is currently estimated to eventually cost over \$880 million. At this point in time the Navy is unable to state where the base is to be located—four different sites being under consideration. However, Navy authorities maintain that a decision will be made in time to begin land acquisition and some site preparation during fiscal year 1973. They insisted that some authorization was essential in fiscal year 1973 if the base construction program is to be kept in phase with the readiness date of the submarine.

The House approved the Navy's request, but it was denied by the Senate. The position of the Senate conferees was that funds should not be authorized for a base at an unknown location. They were adamant in their position that no accurate estimate of requirements could be arrived at until a site location is determined, and that the location had the approval of the Congress.

The House conferees were equally adamant that the program should not be delayed by the denial of some authority for the base. They were willing to compromise for \$3½ million. The Senate conferees would not agree, and took the problem back to the full Committee of the Senate, which sustained the position of the Senate conferees. When it became apparent that there would be no authorizing legislation for military construction for fiscal year 1973, the House conferees most reluctantly receded to the Senate position.

TITLE III—AIR FORCE

The House approved \$283,813,000 in new construction authorization for the Department of the Air Force. The Senate approved \$284,299,000.

The conferees agreed to a new total in the amount of \$284,150,000.

Among the major items in conference which were resolved after much deliberation were the following:

Griffiss AFB, New York—Electronic Research Laboratory, \$3,306,000

The House approved, but the Senate denied, \$3,306,000 for an electronic research laboratory at Griffiss AFB, New York. This project converts existing warehouse space into a suitable laboratory which, in addition to rectifying current deficiencies, will also provide additional unique laboratory space required to develop promising new concepts in communications switching and multiplexing and video communications using the millimeter and optical portions of the frequency spectrum.

The Senate believed that existing facilities would suffice for the present. However, the House conferees pointed out the need for effective reliable ground navigation systems to guide piloted and remotely piloted aircraft and ground electronic surveillance systems to detect personnel and vehicles for the purposes of air base or tactical interdiction.

The Senate receded.

Ramstein AB, Germany—Air Freight Terminal, \$3,261,000

The House version of the bill included the Air Force request for an air freight terminal at Ramstein AB, Germany. The Senate denied the request since they felt that the air freight terminals at Rhein-Main in Frankfurt could be continued in use for at least another year.

House conferees pointed out to the Senate conferees that it was not economically or physically feasible to continue this operation in existing facilities at Rhein-Main and, if the operation were to remain there, a new air freight terminal would be required. At Rhein-Main, we have lost the use of 22,000 square yards of concrete aircraft parking areas because of the construction of a new all-weather landing system by the Federal Republic of Germany. \$500,000 for new park-

ing space would be required if the operation were continued at Rhein-Main, whereas adequate aircraft parking space is available at Ramstein. Another \$300,000 would be required for the construction of a new fleet services facility to continue the operation at Rhein-Main. Besides this \$800,000 additional cost to continue the operation at Rhein-Main, the Air Force would continue to be faced with serious operational limitations due to airfield congestion, a very undesirable mix of military/civilian air traffic, and the 90-mile surface transportation from Rhein-Main to the Army activities being supported.

After a thorough discussion, the Senate receded.

Kelly AFB, Texas—Aircraft Jet Engine Test Facility, \$961,000

The House Committee deferred this project without prejudice because it was felt that the project could be deferred to a future program without impinging upon the mission of the Air Force. The Senate bill included this project.

In conference, the Senate conferees were adamant in pointing out to the House conferees that this test facility for the F-100-PW engine is needed to (1) carry out the F-15 Integrated Logistics System Plan, (2) prevent overruns in the F-15 procurement program, and (3) establish organic logistics support for this mission-essential weapons system. The F-15 is on schedule with the sixth highly successful flight conducted on 3 August 1972.

The Senate conferees pointed out that a year's delay during the critical rapid buildup of workload could jeopardize logistics support to operational units.

The House recedes.

TITLE IV—DEFENSE AGENCIES
Section 402

The Department of Defense requested \$30 million for the Secretary of Defense's contingency fund. This figure is double the amount requested last year. Testimony revealed that the average use of the contingency authority for calendar years 1968 through 1971 has been \$27 million per year. Also, Defense witnesses testified that just under \$37 million was presently available in the contingency fund. Therefore, the House authorized \$20 million and the Senate authorized \$15 million.

After a thorough discussion of the possible needs in FY 1973, the conferees agreed to an authorization of \$17,500,000.

TITLE V—FAMILY HOUSING

The House denied but the Senate approved one unit of housing for the Director of the Cold Region Research Engineering Laboratories, Hanover, New Hampshire, at the cost of \$45,000, which includes the cost of about one half acre of land on which to locate the set of quarters. A set of quarters have heretofore been leased from Dartmouth College, which quarters are no longer available. The Senate took the position that this set of quarters should be approved since the increased activity at Dartmouth College makes it extremely difficult, if not impossible, to locate adequate quarters on the economy. The House was adamant in their position that the cost of the proposed set of quarters is excessive, being some \$3,000 above the maximum statutory limitation, and they believe that through concentrated efforts adequate quarters can be located on the economy. The Senate reluctantly agreed.

The Senate denied, but the House approved, a request of the Army for \$5,525,000 to repair 2,838 sets of quarters occupied by American military families at five locations in Germany. The Senate did not question the need for these repairs, which relate primarily to updating plumbing and electrical systems. The Senate pointed out that these quarters were built by the Germans for use by American military families, and will revert

to the Germans when no longer used. They were strongly of the opinion that these units should be repaired by the Germans under the Offset Agreement. The House does not disagree, but was of the opinion that authority for these repairs should be granted but funding denied in order that the repairs can be performed from savings or when funds do become available. The Senate agreed.

This year the Department requested an increase in the number of units that may be leased under the Domestic Leasing Program. The statutory limitation would be increased from 10,000 to 12,900 units. The request was denied by both the House and the Senate. This resulted in the reduction by the House in the amount requested for the leasing program of \$4,089,000. While denying the increase in units, the Senate permitted the funds to remain in the Housing account to be applied against a great backlog of deferred maintenance. The House reluctantly agreed in consideration of the fact that the deferred maintenance backlog is in excess of \$173 million.

The Senate added a new section to the bill (sec. 508) which will authorize the Secretaries of the Military Departments, based upon regulations laid down by the Secretary of Defense, to designate as rental housing such housing units now in inventories that are determined to be inadequate as public quarters, and that cannot be economically upgraded to meet the standards of adequacy. Such housing could then be leased to eligible personnel at the fair market rental value, but not to exceed 75 percent of their basic allowance for quarters, except that in no event shall the total charge be less than the cost of operation and maintenance thereof. The House conferees reluctantly agreed to the Senate language on inadequate quarters with an amendment limiting the number of units that could be declared inadequate under this section to 20,000.

The House conferees pointed out that the House Committee has consistently opposed this theory of declaring the quarters inadequate because it would seem to perpetuate marginal housing for our military families. However, with the amendment mentioned above, the House conferees stated they would try this concept for one year and again review the housing situation to see whether or not consideration should be given to a modest increase in this limitation in the future if there appears to be definite need to do so.

TITLE VII—GENERAL PROVISIONS

The Senate added a provision (Section 707) amending Section 2683 of Title 10, United States Code, which would amend the existing authority of the Military Departments to retrocede legislative jurisdiction over military installations within the 50 States to also include any Commonwealth, territory, or possession.

Section 2683 of Title 10, United States Code, provides an expeditious administrative procedure for retroceding legislative jurisdiction over military installations located in the several States. There is considerable question as to the application of the law with respect to such installations located in any other Governmental entity subject to the United States. Parenthetically, this problem was recently brought to light in connection with the proposed outgranting of a portion of Ramey Air Force Base to the Commonwealth of Puerto Rico.

In order to remove any doubt as to the application of Section 2683 in situations such as that involving Ramey Air Force Base, the Senate added, after the word State in said code section, "or to a Commonwealth, territory, or possession of the United States, . . ."

House conferees agreed that the technicality brought on by joint use of Ramey AFB with the Commonwealth of Puerto Rico

should be cleared up with the proposed Senate amendment.

The House receded.

TITLE VIII—RESERVE FORCES FACILITIES

During the extensive review of the Reserve Forces facilities program, the House Committee developed considerable concern as to the adequacy for Air National Guard facilities. The House Committee also expressed a similar concern over the adequacy of the Naval Reserve program and concluded that additional authorization would be needed for these programs in fiscal year 1973.

Accordingly, the House Committee added \$5 million to the Air National Guard and Naval Reserve requests.

In its deliberation, the Senate adjusted the figures to add \$5.5 million to the Air National Guard program and \$4.5 million to the Naval Reserve program.

After much discussion as to the needs of each of these Reserve programs, the House receded.

O. C. FISHER,
LUCIEN N. NEDZI,
ALTON LENNON,
G. ELLIOTT HAGAN,
SPEEDY O. LONG,
W. C. "DAN" DANIEL,
G. V. MONTGOMERY,
WILLIAM G. BRAY,
ALEXANDER FIRNIE,
DONALD D. CLANCY,
WALTER E. POWELL,

Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
SAM J. ERVIN, JR.,
HOWARD W. CANNON,
HARRY F. BYRD, JR.,
STROM THURMOND,
JOHN G. TOWER,
PETER H. DOMINICK,

Managers on the Part of the Senate.

**CONFERENCE REPORT ON H.R. 9727,
RESTRICTION ON DUMPING OF
MATERIAL IN OCEANS, COASTAL,
AND OTHER WATERS**

Mr. LENNON, on behalf of Mr. GARMATZ, filed the following conference report and statement on the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1546)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727), to regulate the dumping of material in the oceans, coastal, and other waters, 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 to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1972".

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the

dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control.

Sec. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151-1175), under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: *Provided further*, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: *And provided further*, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the 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, which court

shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

(k) "Transport" or "transportation" refers to the carriage and related handling of any material by a vessel, or by any other vehicle, including aircraft.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

Sec. 101. (a) No person shall transport from the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or except as may be authorized in a permit issued under this title, and subject to regulations issued under section 108 hereof by the Secretary of the Department in which the Coast Guard is operating, any other material for the purpose of dumping it into ocean waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, transported from any location outside the United States, (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport from any location outside the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material for the purpose of dumping it into ocean waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

Sec. 102. (a) Except in relation to dredged material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearings, for the transportation from the United States or, in the case of an agency or instrumentality of the United States, for the transportation from a location outside the United States, of material for the purpose of dumping it into ocean waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shore lines and beaches.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(1) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,

(2) potential changes in marine ecosystem diversity, productivity, and stability, and

(3) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.

(H) The effect on alternate uses of oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.

(I) In designating recommended sites, the Administrator shall utilize wherever feasible locations beyond the edge of the Continental Shelf.

In establishing or revising such criteria, the Administrator shall consult with Federal, State, and local officials, and interested members of the general public, as may appear appropriate to the Administrator. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) No permit is required under this title for the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location. Where the Administrator makes such a finding, such material may be deposited only as authorized by a permit issued by the Administrator under this section.

CORPS OF ENGINEERS PERMITS

Sec. 103. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, the Secretary may issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a), the Secretary shall apply those criteria, established pursuant to section 102(a), relating to the effects of the dumping. Based upon an evaluation of the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Secretary shall make an independent determination as to the need for the dumping. The Secretary shall also make an independent determination as to other possible methods of disposal and as

to appropriate locations for the dumping. In considering appropriate locations, he shall, to the extent feasible, utilize the recommended sites designated by the Administrator pursuant to section 102(c).

(c) Prior to issuing any permit under this section, the Secretary shall first notify the Administrator of his intention to do so. In any case in which the Administrator disagrees with the determination of the Secretary as to compliance with the criteria established pursuant to section 102(a) relating to the effects of the dumping or with the restrictions established pursuant to section 102(c), relating to critical areas, the determination of the Administrator shall prevail. Unless the Administrator grants a waiver pursuant to subsection (d), the Secretary shall not issue a permit which does not comply with such criteria and with such restrictions.

(d) If, in any case, the Secretary finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in noncompliance with the criteria established pursuant to section 102(a) relating to the effects of dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, he shall so certify and request a waiver from the Administrator of the specific requirements involved. Within thirty days of the receipt of the waiver request, unless the Administrator finds that the dumping of the material will result in an unacceptably adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas, he shall grant the waiver.

(e) In connection with Federal projects involving dredged material, the Secretary may, in lieu of the permit procedure, issue regulations which will require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under subsections (a), (b), (c), and (d) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary, as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Consistent with the requirements of sections 102 and 103, but in lieu of a requirement for specific permits in such case, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) Any permit issued under this title shall be reviewed periodically and, if appropriate, revised. The Administrator or the Secretary, as the case may be, may limit or deny the issuance of permits, or he may alter or revoke

partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both, of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for a hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or its designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than \$50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing of such violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than \$50,000, or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation

a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g) (1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or if the Administrator, or the Secretary, has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall

not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661-666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a non-reimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 108, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may require in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this title.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISIONS

SEC. 110. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, and not to exceed \$5,500,000 for fiscal year 1974, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 112. The Administrator shall report annually, on or before June 30 of each year, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

(c) In January of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to coop-

erate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000.

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

(d) The Secretary shall submit an annual

report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

(g) The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

Sec. 303. (a) Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

Sec. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed \$10,000,000.

That the House recede from its disagreement to the amendment of the Senate to

the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes."

And the Senate agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
ALTON LENNON,
THOMAS M. Pelly,
CHARLES A. MOSHER,

Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
PHILIP A. HART,
TED STEVENS,

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. 9727), to regulate the dumping of material in the oceans, coastal and other waters, 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; it also amended the title of the bill. 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

Sec. 3(b). As enacted, the House bill extended the coverage of this act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate amendment provided coverage only to the oceans, coastal and other waters beyond the territorial jurisdiction of the United States, insofar as the act regulates dumping of materials. The conferees resolved the conflict by drawing the line at the "base line"—the line from which the 3- and 12-mile limits are computed, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on April 29, 1958. This action was taken not only in recognition of the fact that the ocean waters should be treated as a single unit, but also because of the potential administrative and enforcement difficulties attendant upon making the permit provisions applicable only to ocean waters outside the territorial sea. Dumping of materials within internal waters, that is, inside the base line is, according to information provided to the conference, adequately covered by existing and proposed legislation regulating water quality, and need not be covered under this act.

Sec. 3(f). The House bill specifically included "radioactive materials" under the definition in subsection (c) of "material" covered by the act; the Senate bill did not. The conference resolved to include such material, but excluded, in subsection (f) the coverage of such material where it passes through outfalls already regulated under the terms of the Atomic Energy Act of 1954, as amended. Thus, discharges from nuclear powerplant outfalls, to the extent that they contain quantities of radioactive material which are subject to regulation and control by the Atomic Energy Commission, need not be also covered by a dumping permit issued under the terms of this act.

Sec. 102. Organic fish wastes (derived from commercial fishing and cannery operations) while not specifically listed as such, were

encompassed within the description of "material" in the House bill, but were specifically excluded from coverage in the Senate version. This conflict was resolved by the conferees by allowing such material, including fish, shellfish, crustaceans, other marine life or parts thereof, to be dumped without a permit from either floating or fixed facilities unless (a) placed in harbors or other protected or enclosed coastal waters, or (b) where the Administrator made a positive finding that such material could endanger health, the environment, or ecological systems, placed in a specific location. He may make such a finding only after investigations on the location involved disclosed that such effects might be anticipated. In this case, the Administrator might require any person wishing to deposit such materials to obtain a general or specific permit to do so, although materials placed elsewhere may continue to be placed without such a permit. The exception relating to harbor and other enclosed waters is intended to prohibit the dumping of such materials in areas where tidal flushing action may be inadequate to disperse quantities of discarded fish wastes within a reasonable period of time.

Sec. 103. The House bill assigned the responsibility for issuing dumping permits to the Administrator of the Environmental Protection Agency in all cases except those involving dredge and fill operations; in this instance the U.S. Army Corps of Engineers, which presently is responsible for such operations, was to continue in its responsibilities. As to Corps-issued dredge permits, the Administrator was given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only where the Secretary of the Army certified that no economically feasible alternative was reasonably available.

The Senate alternative was to concentrate the disposal permit issuing responsibilities in EPA, but permitted the Secretary of the Army to request the issuance of such a permit, and indicated that the permit would issue unless the Administrator made a positive finding that the material would adversely affect municipal water supplies, shellfish beds, wildlife, fisheries or recreation areas.

This extremely complex and controversial question was resolved by the committee on conference by allowing the Secretary to issue permits for transportation of dredged material for dumping, following the criteria set down by the Administrator under section 102(a) of the act.

Before issuing a permit, the Secretary must notify the Administrator of his intention to do so, and may proceed unless the Administrator disagrees with the determination of the Secretary as to the proper application of EPA criteria on dumping effects or as to EPA restrictions relative to critical areas. It is expected that the first notice by the Secretary to the Administrator of his intent to issue a permit shall be from the date of public notice. In making the determination, the Secretary is required to evaluate the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States. It is expected that the Secretary, in selecting a site for the disposal of dredged material, will select economically feasible sites.

The Secretary is authorized to request a waiver from EPA in any case in which he finds that there is no economically feasible site which would not violate the EPA criteria or the EPA restrictions as to critical areas, and the Administrator must grant such a waiver unless he finds that the proposed dumping will result in an unacceptably adverse impact upon the area concerned.

The section also authorized the Secretary to handle Federal dredging projects through the use of regulatory powers in lieu of the permit procedures described above, subject to the same general requirements for issuance of permits.

This system, as agreed upon by the conferees, leaves to the Secretary of the Army the permit authority for disposal of dredged material, which would be used in connection with his existing authority to issue permits for dredging. The Secretary is required to utilize this disposal permit authority consistent (1) with the criteria established between the Administrator as to the effects of the proposed dumping and (2) with the restrictions established by the Administrator relating to critical areas.

It is expected that permit applications will be processed promptly and that there will be a minimum of delay in agency review of these applications before a final decision has been made. While the Administrator is given a 30 day review period over proposed waivers by the Corps of Engineers, this does not in any way indicate that the review period should or could be protracted once all of the information required has been received and processed. It is also anticipated that, to the greatest extent practicable, the permit review process will be consolidated to allow review and decision on all aspects of the proposed permit operations known at the time application is made by the proposed permittee. The permit review process was not designed, and is not intended to be used, as a bottleneck to prevent otherwise meritorious activities from being carried out.

To facilitate processing of permit applications the Administrator is expected to review the requirements for maintenance dredging of non-Federal dock and berthing facilities contiguous to the authorized Federal project at the same time as consideration is given to the Federal project requirements. The Secretary is also encouraged to use general dredging permits to maintain such non-Federal facilities where the work is in the same general area and the character of the work is similar.

The conferees fully expect that the Secretary is capable of performing, and will perform, his duties reasonably and intelligently, and foresee very few occasions where the Administrator would disagree with the Secretary in his determinations relative to the two specific points raised. Nevertheless, to take care of the rare case, subsection (c) provides that in the case of such a disagreement, the Administrator's determination shall prevail.

As the conferees expect the Secretary to perform his duties reasonably and intelligently, they are also confident that the Administrator will perform likewise and not whimsically or capriciously. It is, therefore, expected that it will be a rare occasion when the subsection (c) disagreement provision will be invoked.

In any case, where the Secretary finds that there is no economically feasible alternative to a site which, if used, would violate either the "effects" criteria or the "critical area" restrictions, whether that violation determination is made initially by the Secretary or results from a determination by the Administrator under subsection (c), the Secretary is enjoined to certify that fact and to request a waiver of the disabling provision. That waiver must be granted by the Administrator, without option on his part, unless he finds that the result of the dumping would be so unacceptable in its adverse impact on one of the specifically named considerations as to justify denial of the permit which could terminate the Federal project.

It is intended that designation of critical areas by the Administrator shall be exercised with circumspection. Such confined areas are expected to be limited in size and numbers. For the most part, the conferees assume that existing sites for the disposal of dredged material will continue to be used and available. Where this proves impractical, the review and waiver provisions of the bill would be used.

It is expected that until such time as economic and feasible alternative methods for disposal of dredge material are available, no unreasonable restrictions shall be imposed on dredging activities essential for the maintenance of interstate and foreign commerce, and that, consistent with the intent of this act, the disposal activities of private dredgers and the Corps of Engineers will be treated similarly.

SEC. 105. The House bill contained a provision allowing "finders' fees" to citizens notifying enforcement officials of criminal violations of the act. This was eliminated by the Senate. The Senate version was accepted by the conferees.

Both bills contained citizens' action provisions allowing the public to intervene to enjoin violations of the act; the House allowed such actions to be brought according to existing requirements under the Judicial Code, whereas the Senate version permitted actions to be brought only in the judicial district where the violation occurred. The House version was accepted by the conferees.

SEC. 106. As it passed the House, H.R. 9727 contained language permitting any State, territory, or subdivision to impose additional requirements to those imposed by the act. The Senate restricted the right to cases in which a State proposed additional criteria, which were accepted by the Administrator and thereafter treated as Federal. The Senate version of this provision was adopted by the conference.

SEC. 111. The House version of the bill contained on open-ended authorization, whereas the Senate version authorized not to exceed \$3,600,000 for fiscal year 1973, and \$5,600,000 for fiscal year 1974. The conference adopted the Senate version, and added that later fiscal years would be provided for by subsequent congressional action.

SEC. 112. The Senate version of the bill provided for annual reports by EPA on the administration of title I of the bill, while the House was silent on the issue. The conferees adopted the Senate language, with the reports to begin in 1973.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

The House version of H.R. 9727 provided for research by the Secretary of Commerce, the Department in which the National Oceanic and Atmospheric Administration is currently operating, on the effects of dumping and on global monitoring of ocean problems. It authorized \$2 million for these purposes. The Senate bill increased the authorization to \$12 million, added a reporting requirement and instructed the Secretary of Commerce to do research to determine means of ending all dumping within 5 years. The conferees decreased the authorization to \$6 million, incorporated an annual reporting requirement and instructed the Secretary, in cooperation with other interested agencies, to do research aimed at reducing or eliminating ocean dumping within 5 years.

TITLE III—MARINE SANCTUARIES

The House bill incorporated a title allowing the establishment of marine sanctuaries by the Secretary of Commerce, acting through NOAA. The concurrence of the governors of affected States was required where the proposed sanctuary fell within State jurisdiction, either territorially or as to resources. The Senate bill was silent on the subject.

The committee on conference adopted the House approach, but modified the language in some respects to make it clear that the regulations and enforcement activities under the title would apply to non-citizens of the United States only to the extent that such persons were subject to U.S. jurisdiction, either by virtue of accepted principles

of International law, or as a result of specific intergovernmental agreements.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
ALTON LENNON,
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CHARLES A. MOSHER,

Managers on the Part of the House.

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ERNEST F. HOLLINGS,
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TED STEVENS,

Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to recognize Members with respect to conference reports. This is legislative action, and, of course, can lead to legislative action of the House in the nature of motions to instruct.

The Chair, in view of the announcement of the leadership, would feel that conferees could meet informally and get permission tomorrow. They would not really lose much time.

LEGISLATIVE PROGRAM

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

Mr. YOUNG of Texas. Mr. Speaker, I rise for the purpose of addressing an inquiry to the majority leader with respect to the schedule. Would the majority leader please advise whether or not it is the intention to bring up the debt expenditure limitation tomorrow.

Mr. BOGGS. That is the schedule, and it will be brought up tomorrow.

Mr. YOUNG of Texas. I thank the gentleman.

BILL TO REFORM PENTAGON PRACTICES

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 Pentagon has literally wasted billions of dollars because of its pro-contractor bias. On Tuesday, I will introduce legislation to establish an independent board to monitor defense contractors' profits, claims, and incentive payments.

For too long, the giant defense contractors and the military brass in the Pentagon have had a free rein to pay large profits, excessive claims, and incentives without any independent review. My legislation would make permanent an existing temporary five-man panel known as the Renegotiation Board, which currently examines some companies' overall profits.

It is high time to expand the Renegotiation Board's authority and give it some muscle to make sure contractors are not paid any excessive fees. My bill would require the Renegotiation Board to review all claims in excess of \$1 million.

At present, contractors can file claims with the Pentagon for any increased cost of a contract that is allegedly not the contractor's fault. But time and time again, independent reviews by the Gen-

eral Accounting Office have found that excessive claim payments are given to contractors.

Mr. Speaker, my legislation would permit the Renegotiation Board to reject any claim in excess of \$1 million when the Board found the payment was unjustified. The new permanent Renegotiation Board would also enforce existing penalties and withhold incentive payments from contractors who produce weapons that are either defective or delivered late. Incentive payments are given to contractors who produce weapons cheaply and deliver them earlier than scheduled. At present military offices decide upon penalty payments and often they simply are not as tough as I am sure an independent board would be.

My legislation would also require the review of profits on all individual defense contracts on an annual basis. There have been many claims and counterclaims about the rate of profit in defense contracts and an independent board is clearly needed to settle many of these disputes.

Mr. Speaker, some of my colleagues claim that average profit on a sample of 146 defense contracts was as high as 28.3 percent, but Defense Comptroller, Robert C. Moot, argues that overall profit in defense work is less than 2.3 percent.

My colleagues may also be interested in knowing that this is the first in a series of legislative proposals I plan to introduce to reform the Pentagon's procurement system. Positive reform of the Pentagon's procurement system is needed now to cut cost overruns, to stop the building of defective weapons systems and to insure the contractors receive fair, but not excessive profits.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ADAMS) to revise and extend their remarks, and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. ASPIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ADAMS) and to include extraneous matter:)

Mr. GIAIMO.
Mr. VANIK in three instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. THOMPSON of New Jersey.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills 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. 3843. An act to authorize the Secretary of Transportation to make loans to certain

railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington, in 1974, and for other purposes; to the Committee on Foreign Affairs.

S. Con. Res. 98. Concurrent resolution authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 520. An act to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes;

S. 976. An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; and

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

ADJOURNMENT

Mr. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 10, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2399. A letter from the Assistant Secretary of Agriculture, transmitting the report on the Rural Environmental Assistance program for fiscal year 1971, pursuant to 50 Stat. 329; to the Committee on Agriculture.

2400. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting the semiannual report for the period ending June 30, 1972, on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, pursuant to section 704, Public Law 92-145; to the Committee on Armed Services.

2401. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a report on progress in administering the Black Lung Benefits Act of 1972, together with a copy of the final regulations to implement the new law published in the Federal Register; to the Committee on Education and Labor.

2402. A letter from the Secretary of Treasury, transmitting a report on the status of foreign credits by U.S. Government agencies and by international lending agencies in which the United States has membership, as of December 31, 1971, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2403. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determinations Nos. 73-2 and 73-3, authorizing the grant of defense articles and services to two

countries in Asia under section 614(a) of the Foreign Assistance Act; to the Committee on Foreign Affairs.

2404. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

2405. A letter from the Commissioner, Federal Prison Industries, Inc., transmitting the Annual Report of the Directors of Federal Prison Industries, Inc., for fiscal year 1971, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

2406. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants which are financed wholly with Federal funds for the period April 1, 1972, to June 30, 1972, pursuant to section 1120(b) of the Social Security Act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2407. A letter from the Comptroller General of the United States transmitting a report on the program to increase graduates from health professions schools and improve the quality of their education, administered by the National Institutes of Health, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2408. A letter from the Comptroller General of the United States, transmitting a report on the capability of the Naval Petroleum and Oil Shale Reserves to meet emergency oil needs, pursuant to 31 U.S.C. 53, and 31 U.S.C. 67; to the Committee on Government Operations.

2409. A letter from the Comptroller General of the United States, transmitting a report on the need for better management in the Defense Department over decisions to start full-scale development of minor weapons systems; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee of conference. Committee report on H.R. 15641 (Rept. No. 92-1545). Ordered to be printed.

Mr. GARMATZ: Committee of conference. Conference report on H.R. 9727 (Rept. No. 92-1546). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16755. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; with amendment (Rept. No. 92-1547). Referred to the Committee of the Whole House on the State of the Union.

MEMORIALS

Under clause 4 of rule XXII,

425. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to Federal tax treatment of U.S. citizens and corporations in Guam; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

288. By the SPEAKER: Petition of the city council, Elizabeth N.J., relative to the creation of a Cabinet-level Department to

deal with the problems of senior citizens; to the Committee on Government Operations. 289. Also petition of Albert J. Sullivan,

Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary. 290. Also petition of the board of super-

visors, Milwaukee County, Wis., relative to aid to families with dependent children; to the Committee on Ways and Means.

SENATE—Monday, October 9, 1972

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose providence men and nations live and move and have their being, we thank Thee for daring men who braved the uncharted seas and found the shores of this continent. We thank Thee for their skills of navigation, their personal daring, their persistent faith, their enduring hope. Reward their fidelity by guiding us to build here an order of life so just and so righteous as to merit divine approbation. As we give thanks for Christopher Columbus, we beseech Thee to set before us worthy goals, motivate us by a love of humanity and give us the chart and compass of explorers of the spirit so that we may participate with Thee in establishing the kingdom whose builder and maker is God.

In the name of the Pioneer of our faith, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 6, 1972, be dispensed with.

The PRESIDENT pro tempore. With out objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COLUMBUS DAY

Mr. SCOTT. Mr. President, today being Columbus Day, I note the fact that the Congress some time ago established this day as a national holiday and I had the privilege of being one of the cosponsors of that resolution—an action which was pursued in a number of Congresses before it finally became effective.

Ironically, although it is a holiday, those of us who helped create it as a holiday are not able to observe it.

DEATH OF PRESCOTT BUSH, FORMER SENATOR FROM CONNECTICUT

Mr. SCOTT. Mr. President, I note with great sorrow the passing of a former Member of this body, the Honorable Prescott Bush of Connecticut.

Senator Bush was a much beloved man, a man whom all of us respected and whose company we enjoyed. He was a comrade and a colleague, and an able Senator.

I am sure that the Senators from Connecticut will have more to say in due time, but I did want to note for the benefit of my colleagues this very sad and unfortunate occurrence.

We all grieve and send our condolences to his family and his loved ones.

Mr. MANSFIELD. Will the distinguished Republican leader yield?

Mr. SCOTT. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I should like to join the distinguished Republican leader in expressing my great sense of sadness and sorrow at the passing of our former colleague, Prescott Bush of Connecticut.

Prescott Bush was a very good Senator. He was a man who was respected on both sides of the aisle, a man whom we hated to see leave the Senate—which he did voluntarily.

Now we are faced with the fact that he has passed on to his just reward. So, on this side of the aisle, I want to join the distinguished Republican leader in expressing our deep sympathy to his family in their hour of sorrow.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for not to exceed 15 minutes.

REPORT ON PROGRESS OF CURING DRUG DEPENDENCE

Mr. HUGHES. Mr. President, as chairman of two Senate subcommittees on drug abuse in our society, I consider it my responsibility to report to my Senate colleagues periodically on the status of our Nation's fight to control the plague of drug dependence, ranging from alcoholism to narcotic addiction, in the civilian and military sectors of our population.

When progress has been made, I have tried to point out the achievement and issue the proper credits. When current programs falter or new dangers emerge, I have felt that I have an equal responsibility to report my fears and misgivings. The Senate has been extremely generous in hearing me out on a problem area to which I have devoted many years of my life.

I take the floor this morning because I believe a new and serious danger has emerged at this time. In my judgment, the Nation has drifted into another era of euphoria and complacency about the drug abuse epidemic—in both civilian

and military sectors—that is not justified by the facts.

It is true that we have some new and significant initiatives going. But so far as realistically meeting the problems of drug abuse treatment, rehabilitation, preventive education, and suppression of the illicit drug traffic, we are still only a few steps from the starting post.

With this session of the Congress coming to an end, I believe we should all be apprised that the drug problem has not been solved and laid to rest, and that it must remain high on the list of priorities for future work of the Congress.

Time does not permit my covering the entire drug abuse subject this morning, but I do want to make a beginning by discussing some aspects of the drug abuse counteroffensive in the armed services, which was launched a year ago last summer, and in connection with which there is important legislation pending.

In the early spring of 1971, a wave of acute anxiety swept over the Nation because of reports of high percentages of drug and narcotic dependence in our armed services—particularly heroin addiction in Vietnam.

Not only were people apprehensive about the damage of drug addiction to the young men in our armed services, there was the additional fear that the Armed Forces would be releasing thousands of veterans, uncured from their addiction, into the mainstream of an already drug-infested civilian society.

A number of actions were taken in rapid succession in the months that followed. President Nixon announced a national drug offensive; Dr. Jerome Jaffe was appointed to head the special White House office on drugs; the Department of Defense and each branch of the services mobilized their efforts behind the drug offensive; and the urine testing program was quickly installed in the Armed Forces to detect illicit drug users. In the meantime, the Department of Justice and the Department of State were developing new initiatives designed to curb the international flow of illicit drugs supplying our troops in Vietnam and elsewhere.

Since the summer of 1971, the drug counteroffensive in the services has been in full swing.

In the light of the massive effort that has gone into the drug counteroffensive in the military, it is time to ask certain basic questions:

Has the incidence of drug dependence in the armed services been reduced to the point where it is no longer a priority problem?

Has the problem of drug dependent veterans being released uncured into civilian society been adequately met?

Is the urine testing program that appeared to get off to a promising start in 1971 now functioning satisfactorily?