To be surgeons

Robert L. Bergman — Richard T. Light
Harry L. Braeuer — Harold D. McDonald
Floyd M. Kregenow — Wandyr J. Moore

To be senior assistant surgeons

Burton H. Baker — Sanford S. Leffingwell
Antonio M. Carbonell — David L. Levin
Joe H. Davis — Betty A. Paeth
Barry S. Dorfman — George F. Scheckleton
Mitchell H. Gail — John W. Tull
George W. Koehl — Howard S. Yager

To be dental surgeon

John Folio

To be senior assistant dental surgeons

John L. Drager — Laurence R. Sarmiere
David L. Evans — John R. Sundell
Gary L. Howell — David W. Trussell
Michael P. Klaff — Charles R. Wanner
William J. Kline — William J. L. Williams
Lance A. McGannon — Charles H. Wolf III
Terry J. Ortman

To be nurse officer

Claire M. Coppage — Susan E. Milman
Celeste B. Evans — Jane A. Moretto
Virginia E. Flynn — Elizabeth D. Watrous
Margaret A. McCombs

To be senior assistant nurse officer

Robert L. Oshins

To be assistant nurse officer

Paul A. DuCommun

To be sanitary engineer director

Aleck Alexander

To be senior assistant sanitary engineers

David W. Alton — Ira J. Somerset
Gunther F. Craun — Linden E. Witherell
Robert E. Hatten — Thomas J. Sorg

To be assistant sanitary engineers

Norman D. LaFrance
Ralph C. Olsen

To be scientist

Martin I. Goldenberg

To be senior assistant scientists

William A. Betts
Bobby D. Brayboy
Larry K. Lowry

To be sanitarians

H. Harold Lehman
Robert J. Weatherby

To be senior assistant sanitarians

Donald W. Payne — Jerome J. Smith
Darrell J. Schwalm — Joseph W. Winkler
Laren J. Sickles

To be veterinary officer

Charles G. Liddle

To be senior assistant veterinary officers

John R. Broderson
Russell W. Currier II

To be senior assistant pharmacists

Alvin E. Arneson — William H. Kehoe, Jr.
John S. Cipriano — Larry M. Kleinman
James C. Cradock — Harry A. Milman
Aubrie L. Duncan — Johnny R. Peebles
Archie R. Hill — Joseph A. Tangrea

To be assistant pharmacists

Robert J. Aleksun — Edgar R. Jeter
Gerald M. Burge — Dale L. Johnson
Gary L. Chadwick — Robert W. Merz
David C. Ewing — Charles J. Petersen
Alan L. Hanson — William C. Porter
Paul K. Hiranaka — Thomas R. Simpson III
James K. Hooper

To be assistant dietitians

Carol P. Hale
William J. Jajesnica

To be senior assistant therapist

Walter P. Schneiderwind

To be assistant therapists

Robert B. Beach — Barbara A. Sloop
Gary C. Hunt — Robert P. Yarris

To be junior assistant therapist

W. James Downs, Jr.

To be health services officers

Arthur N Jarvis
Michael J. Speshock

To be senior assistant health services officers

John C. Bernson — William E. Murray, Jr.
John N. Bowden — Martiniano R. Sandoval
Stephen D. Finstein — Dale F. Schramm
Elwood R. Hamlin II — Edwin L. Sensintaffar
Norbert P. Heib, Jr. — George L. Vasconcelos
Joseph G. Holty — Samuel T. Windham
Gordon G. McLain

To be assistant health services officers

Robert J. Battjes — Daniel L. Mintz
John J. Cohn — William M. Wagner

CONFIRMATION

Executive nominations confirmed by the Senate October 12, 1972:

IN THE ARMY

Gen. Creighton W. Abrams, 226541073, Army of the United States (major general, U.S. Army), for appointment as Chief of Staff, U.S. Army, under the provisions of title 10, United States Code, section 3034.

U.S. COURTS

H. Emory Widener, Jr., of Virginia, to be a U.S. circuit judge, fourth circuit.

Frank H. Freedman, of Massachusetts, to be a United States District Judge for the District of Massachusetts.

Herman G. Pesquera, of Puerto Rico, to be U.S. district judge for the District of Puerto Rico.

Joseph L. Tauro, of Massachusetts, to be a U.S. district judge for the district of Massachusetts.

Kevin Thomas Duffy, of New York, to be U.S. district judge for the southern district of New York.

Robert J. Ward, of New York, to be a U.S. district judge for the southern district of New York.

James C. Turk, of Virginia, to be a U.S. district judge for the western district of Virginia.

DEPARTMENT OF JUSTICE

Donald D. Forsht, of Florida, to be U.S. marshal for the Southern District of Florida for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, October 12, 1972*

The House met at 12 o'clock noon.

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

Cast all your care upon God, for He careth for you.—I Peter 5: 7.

Gracious Father of our spirits, move within us that we may know Thy loving kindness in the morning for unto Thee do we lift up our souls, that we may see the way we should take and with courage walk in it and that we may receive Thy peace which passes understanding when evening comes for with Thee we have lived throughout the day. Grant unto us a steady and sustaining sense of our relationship with Thee.

Lift us out of doubt and discouragement by a simple reliance on Thy sure will. Teach us once again that only as we lose ourselves in something greater than ourselves do we ever find ourselves.

We pray for our President, our Speaker, and all who hold positions of leadership in our Republic. May they be motivated by worthy and wholesome desires in the endeavor to make our Nation good in greatness and great in goodness. In the spirit of the Master 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 a concurrent resolution of the House of the following titles:

H.R. 10556. An act to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Thomas A. Buiso, the record owner of the surface thereof;

H.R. 13694. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; and

H. Con. Res. 717. Concurrent resolution authorizing the Clerk of the House to make a correction in the enrollment of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

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

S. 493. An act to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, 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 amendment of the Senate to the bill (H.R. 10420) entitled "An act to protect marine mammals; to establish a Marine Mammal Commission; 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. 635) entitled "An act to amend the Mining and Minerals Policy Act of 1970".

The message also anounced that the Senate had passed with amendments in which the concurrence of the House is

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requested, a bill of the House of the following title:

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89–606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes.

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

S. 4006. An act to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation;

S. 4067. An act to authorize the Secretary of the Interior to convey certain land situated in the vicinity of Georgetown, Colo., to Frank W. Whitenack.

THE HONORABLE JOHN B. BREAUX

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 11, 1972.

Hon. CARL ALBERT,
Speaker, House of Representatives.

DEAR SIR: Please be advised that the Clerk of the House has received the official certification of election issued by the Governor of the State of Louisiana, showing that John B. Breaux received the greatest number of votes to be elected to represent the Seventh Congressional District of Louisiana, to fill the unexpired portion of the term which began on January 3, 1971.

Please find attached a copy of the above mentioned certification, the original of which is on file in the Clerk's Office.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. Will the Member-elect present himself at the bar of the House to take the oath of office.

Mr. BREAUX appeared at the bar of the House and took the oath of office.

ALTERNATIVES IN VIETNAM

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

Mr. PIKE. Mr. Speaker, there has been a great deal of conjecture in the papers lately about whether there will be some peace agreement. We hope there is, but if there is not, we have a few very unpleasant options. One is to stay in Vietnam forever. Another is to leave Vietnam in a position in which it can survive. In order to do this there would not only have to be a self-sufficient Vietnamese Army and a self-sufficient Vietnamese Navy but also a self-sufficient Vietnamese Air Force.

Mr. Speaker, I have been trying for weeks to get the Pentagon to reveal any plan whatsoever, secret or otherwise, which would enable the South Vietnamese Air Force to take over the job now being done by our Air Force and by our carriers. I have reluctantly concluded that there really are no such plans, and if there are none and if we do not want the Communists to take over in South Vietnam, our only choice would be to stay there forever.

EXTENSION OF PERIOD OF INCREASED AUTHORIZATION FOR CERTAIN GRADES IN AIR FORCE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14542) to amend the act of September 26, 1966, Public Law 89–606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "June 30, 1976,". and insert: " "September 30, 1974,"."

Page 2, after line 17, insert:

"SEC. 2. The Secretary of Defense shall submit to the Congress not later than May 30, 1973, a comprehensive written report regarding limitations on the number of officers who may serve in various commissioned grades in the Army, Navy, Marine Corps, and Air Force. The Secretary shall include in such report such recommendations as he deems appropriate for legislation to establish new permanent limitations on the number of officers who may serve in such commissioned grades."

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

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, on July 25, 1972, the House passed H.R. 14542, a bill to extend Public Law 89–606 to enable the Air Force to continue its current officer promotion program for 4 years.

The bill was acted upon by the other body only yesterday. The action of the other body resulted in two amendments to the House-passed bill.

The first and principal amendment was a reduction in the extension authority approved by the House. Under the Senate version, the extension of the provisions of Public Law 89–606 will expire within approximately 2 years; that is, September 30, 1974, rather than the House-approved date of June 30, 1976.

The second amendment approved by the Senate was to establish a statutory requirement for a report from the Secretary of Defense regarding limitations recommended by him on the number of officers in the various commissioned grades serving in the Army, Navy, Marine Corps, and Air Force.

As the members of this body are aware, if this bill is not enacted into law, officer personnel in the Air Force will be most adversely affected.

Very briefly, the following results would apply:

First. Force the demotion and/or elimination from active duty of 3,000 field grade officers.

Second. Expensive pilot and navigator training rates would have to be increased in order to replace those officers forced to leave.

Third. Moratorium on active-duty field grade promotion programs for at least 1 year.

Fourth. Promotion points for Air Force officers would again slip up to 5 years behind the Army and Navy due to fewer number of field grade officers authorized for the Air Force by the 1954 Officer Grade Limitation Act.

In view of these circumstances and the lateness of the session, the leadership on both sides of the aisle of the Committee on Armed Services believe that acceptance of the Senate amendments would be in the best interests of all parties concerned, particularly the commissioned officer corps of the U.S. Air Force.

I, therefore, request that the House agree to the Senate amendments on H.R. 14542 so as to permit this legislation to go to the President for his signature.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on H.R. 14542.

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

There was no objection.

CONFERENCE REPORT ON S. 4018 PUBLIC WORKS ON RIVERS AND HARBORS

Mr. ROBERTS (on behalf of Mr. BLATNIK) filed the following conference report and statement on the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1582)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in their respective reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved Septem-

ber 3, 1954, and October 23, 1962, as amended and modified, is hereby further modified and expanded substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–365, at an estimated cost of $17,010,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated August 30, 1972, at an estimated cost of $11,539,000, except that no funds shall be appropriated for this project until it is approved by the Secretary of the Army and the President.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 25, 1972, at an estimated cost of $50,800,000.

WATER RESOURCES IN APPALACHIA

The plan for flood protection, navigation, and other purposes in Appalachia is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources except that the project for Royal Glen Reservoir, South Branch, West Virginia, is not authorized, and that the Secretary of the Army, acting through the Chief of Engineers, shall modify the project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, to conform substantially to the physical works of plan A in the Report for Development of Water Resources in Appalachia, Office of Appalachian Studies, Corps of Engineers, November 1969, part III, chapter 14. Not to exceed $50,000,000 is authorized for initiation and partial accomplishment of the plan.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–359, at an estimated cost of $32,410,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–282, at an estimated cost of $38,146,000.

GULF COASTAL AREA

The project for flood control and other purposes on the Blanco River in the Edwards Underground Reservoir Area, at Clopton Crossing, Guadalupe River Basin, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–364, at an estimated cost of $42,271,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–361, at an estimated cost of $14,600,000.

GRAND RIVER BASIN

The project for flood protection on the Grand River and tributaries, Missouri and Iowa authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to immediately proceed with the engineering and design of the Pattonsburg Lake project as presently authorized and to include provisions necessary so as not to preclude the subsequent addition of a complete power installation provided that prior to initiation of construction the Chief of Engineers would submit a report on the scale and scope of the project which best meets the needs of the area to Congress for further action by Congress as appropriate.

UMPQUA RIVER BASIN

The project for Days Creek Dam, on the South Umpqua River, Oregon, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 92–371, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project.

LOWER MISSISSIPPI RIVER

The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–367, at an estimated cost of $6,600,000.

The Cache River Basin Feature, Mississippi River and Tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified and expanded to provide for acquisition by fee or by environmental easement of not less than 70,000 acres for mitigation lands for fish and wildlife management purposes at an estimated cost of $5,232,000. Local interests shall contribute 50 per centum of any costs incurred in excess of $4,740,000 in acquiring such property rights. An environmental easement shall prevent clearing of the subject land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat and shall allow any landowner to manage the subject lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. No action may be initiated for any other taking of prospective mitigation lands until an offer has been made to the landowner thereof to take an environmental easement except that no less than 30,000 acres shall be open for public access. If any landowner commences the clearing of prospective mitigation land, condemnation proceedings may be commenced at any time after an offer to take an environmental easement has been made but not accepted. No more than $25 per acre shall be paid for environmental easements. Easement-taking offers shall allow the landowner the choice of keeping access subject to private control or allowing public access. The price paid for easements not allowing public access shall take account of the value of hunting and fishing rights not included in the taking and be reduced accordingly.

SEC. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer *Glen*.

SEC. 3. (a) The costs of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States.

(b) The provisions of this section shall apply to any such project authorized under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to each project which heretofore was authorized in accordance with the policy set forth in this section, and to any such project hereafter recommended for authorization.

SEC. 4. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and object".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91–611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

SEC. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

SEC. 6. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

SEC. 7. Section 113 of the River and Harbor Act of 1968 (82 Stat. 731, 736) is hereby amended to read as follows:

"SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States pierhead line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Rutgers slip, extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded an filled, or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section."

SEC. 8. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Congway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

SEC. 9. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public law 91–611):

East Two Rivers between Tower, Minnesota, and Vermillion Lake.

Alice, Texas.

Buffalo River Basin, New York (wastewater management study).

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and sub-

ject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

SEC. 10. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

SEC. 11. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r–1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 12. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by such Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as such Secretary may deem necessary. Such improvements shall be for interim and remedial type protection and shall not be in conflict with any alternative plan for Sandridge Dam.

SEC. 13. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recomended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads.

SEC. 14. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 15. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 16. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his descretion to improve that portion of FAS 120S extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles, and there is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 17. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 18. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered **AA–40058–CIVENG–60–431, dated December 1, 1959.**

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 19. The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized by the Flood Control Act of 1958 (72 Stat. 305, 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries, Incorporated, of Blossburg, Pennsylvania, such sum as he determines equitable to compensate such foundry for long-term economic injury through increased costs as the result of the abandonment or cessation of rail transportation to the foundry due to the construction of the Tioga-Hammond Lakes project. Such payment shall be made only on condition that such foundry continues to do substantial business at such location. The Secretary of the Army shall pay such sum in five annual installments as determined equitable by him, including an initial payment sufficient to cover the costs of converting from rail to truck shipment facilities. There is authorized to be appropriated not to exceed $1,100,000 to carry out the purpose of this section.

SEC. 20. Subsection (f) of section 221 of the Flood Control Act of 1970, is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1974".

SEC. 21. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 22. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. Such relocated interceptor sewer shall be designed and constructed in a manner which the Secretary of the Army determines best serves present and future municipal needs.

SEC. 23. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

SEC. 24. The project for flood protection on the Pequonnock River, Connecticut, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the St. Joseph's Manor Nursing Home. Such advance, less the amount determined by the Secretary of the Army as representing increased costs resulting from construction of such service out of the planned sequence, shall be repaid by the town within ten years of the date of enactment of this Act.

SEC. 25. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

SEC. 26. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 27. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 28. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 29. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

SEC. 30. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to provide a perimeter access road, utilizing existing roads to the extent feasible, surrounding Lake Texoma, Texas and Oklahoma. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 31. The project for Kehoe Lake located on Little Sandy River and Tygarts Creek, Kentucky, authorized by the Flood Control Act of 1966, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire, as a part of such project, in fee simple, an area consisting of approximately four thousand acres extending from the presently authorized project to Interstate Highway 64; to maintain such area in its natural state; and to conduct environmental investigations and provide access control facilities to assure appropriate protection and enhancement of this unique resource. Acquisition of these lands shall not be commenced until an agreement satisfactory to the Secretary of the Army has been entered into with the appropriate non-Federal interests to manage the area.

SEC. 32. The project for enlargement of Laron Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $600,000.

SEC. 33. Clause (3) of subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended to read as follows: "(3) Federal participation in the cost of a project providing significant hurricane protection shall be, for publicly owned property, 70 per centum of the total cost exclusive of land costs.".

SEC. 34. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio, to protect public and private property and facilities threatened by erosion.

(b) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River with particular emphasis on the reach from Chester to Kenova, West Virginia, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; (3) report to Congress the results of the studies together with his recommendations in connection therewith; and (4) the Secretary of the Army is authorized to undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers.

(c) Prior to construction of any projects under subsection (a) or (b) local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects, and operate and maintain the projects upon completion.

SEC. 35. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 36. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, and not to exceed $10,000,000 is authorized for such purpose.

SEC. 37. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, local interests shall furnish assurances satisfactory to the Secretary of the Army that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 38. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 39. Section 222 of the Flood Control Act of 1970 (Public Law 91–611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 40. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 41. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and he shall report the finding of such review to Congress within one year after the date of enactment of this section.

SEC. 42. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 43. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89–298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 44. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 45. The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Provisions (a), (b), and (c) of section 3 of the Act of June 22, 1936, shall apply to the work undertaken. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point. There is hereby authorized $5,000,000 to carry out this section.

SEC. 46. The project for the Beaver Brook Dam and Reservoir, Keene, New Hampshire, authorized by the Flood Control Act of 1968 (82 Stat. 739) is hereby modified to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights-of-way, and relocations allocated to flood control, shall be 13.9 per centum of the total project cost.

SEC. 47. The Cave Run Lake project authorized by the Flood Control Act approved June 22, 1936, and June 28, 1938, is modified to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

SEC. 48. If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then that portion of the Hudson River in New York County, State of New York, bounded and described as follows is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: Beginning at a point on the United States bulkhead line lying shoreward of a line parallel to and one hundred feet easterly from the United States Pierhead line, as it exists on the date of enactment of this Act, and bounded on the north by a line parallel to and one hundred forty feet southerly from the northerly line of West Forty-seventh Street extended westerly, and bounded on the south by the north side of West Forty-third Street extended westerly. This declaration shall apply only to portions of the above described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

SEC. 49. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1850 mean sea level of Olson's first addtiion, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b) (1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry therein.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 50. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 90–606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 51. The Beaver Dam in the State of Arkansas shall hereafter be known as the James W. Trimble Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of "James W. Trimble Dam."

SEC. 52. The portion of the project for flood protection on Chartiers Creek that is within Allegheny County, Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298), shall be designated as the "James G. Fulton Flood Protection Project". Any reference to such project in any law, regulation, map, document, record, or other paper of the United States

shall be held to be a reference to the "James G. Fulton Flood Protection Project".

SEC. 53. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes so as to provide that the initial and subsequent payments for the present demand water supply storage under the contract may be deferred for a period of up to ten years.

SEC. 54. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 55. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount estimated at $4,000,000 may be used in the construction of fish hatchery facilities and the performance of related services, for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 56. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat 170), is hereby modified to provide that the Secretary of the Army, hereinafter designated as the "Secretary", in order to conform with the purposes of the Fish and Wildlife Coordination Act of August 12, 1958 (72 Stat. 563), is authorized to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana, all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

(c) There is authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this section.

SEC. 57. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam.

SEC. 58. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam.

SEC. 59. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000, for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 60. The bridge to be built as a part of Interstate Route 35 in the State of Missouri over the Grand River shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

SEC. 61. (a) The Secretary of the Army (hereafter in this section referred to as the "Secretary") acting through the Chief of Engineers and in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90–483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this Act, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archaeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing entitled "Big South Fork National River and Recreation Area" numbered BSF–1 and dated September 26, 1972, which shall be on file and available for public inspection in the office of the Chief of Engineers.

(b) The Secretary shall establish the Big South Fork National River and Recreation Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National River and Recreation Area that is efficiently administrable for the purposes of this section. The Secretary may revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand.

(c) (1) Within the boundaries of the Big South Fork National River and Recreation Area, the Secretary, acting through the Chief of Engineers, may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation and may exercise the power of eminent domain when necessary. When an individual tract of land is only partly within the boundaries of the national river, the Secretary, acting through the Chief of Engineers, may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river and recreation area may be exchanged by the Secretary, acting through the Chief of Engineers, for non-Federal lands within the national river and recreation area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the national river and recreation area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary, acting through the Chief of Engineers, determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary, acting through the Chief of Engineers, may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary, acting through the Chief of Engineers, shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right (i) shall be subject to such terms and conditions as the Secretary, acting through the Chief of Engineers, deems appropriate to assure that the property is used in accordance with the purposes of this section, (ii) may be transferred or assigned, and (iii) may be terminated with respect to the entire property by the Secretary, acting through the Chief of Engineers, upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

Any person residing upon improved property, subject to the right of acquisition by the Secretary, acting through the Chief of Engineers, as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in such residence for the lifetime of such person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property and provided that any obligation or rental incurred as consideration for such tenancy shall accrue during such term to the Department of the Army to be used in the administration of this section.

(3) As used in this subsection the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1972, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary, acting through the Chief of Engineers, shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, except that the Secretary, acting through the Chief of Engineers, may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary, acting through the Chief of Engineers, determines that underlying minerals are removable consistent with the provisions of subsection (e) (3) of this section, the owner of the minerals underlying property acquired for the purposes of this section may retain such interest. The Secretary, acting through the Chief of Engineers, shall reserve the right to inspect and regulate the extraction of such minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e)(1) are not interfered with.

(d) The Secretary, acting through the Chief of Engineers, shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the Big South Fork National River and Recreation Area in accordance with applicable Federal and State laws, except that he may designate zones where, and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary, acting through the Chief of Engineers, pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e)(1) It is the intent of Congress that the establishment and management of the Big South Fork River and Recreation Area shall be for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the river and recreation area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2)(A) Within the gorge area, no extraction of or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in paragraphs (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky, to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee, to Zenith, Tennessee, the road from Co-Operative, Kentucky, to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only except that nothing in this subsection shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c)(1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this subsection shall be accomplished by the Secretary, acting through the Chief of Engineers, in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the recreation area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary, acting through the Chief of Engineers, may prescribe to minimize detrimental environmental impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the project; the Secretary, acting through the Chief of Engineers, is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the entire area; construction of all roads and facilities in adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in subsections (1) and (2) of this section shall consist of all lands and waters of the Big South Fork and its primary tributaries that lie within the gorge or valley rim on either side, except that no lands or waters north of Kentucky Highway Numbered 92 shall be included. Where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley. The designated adjacent areas shall consist of the balance of the project area.

(5) The Secretary, acting through the Chief of Engineers, shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the Bic South Fork River and Recreation Area in the area adjacent to Rugby, Tennessee. Development within this area shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the project.

(6) The Secretary, acting through the Chief of Engineers, shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the area and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary, acting through the Chief of Engineers, may construct and improve structures within and may construct and improve a road into this community notwithstanding any other provision of this section.

(7) The Secretary, acting through the Chief of Engineers, shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the national river and recreation area upon the O&W roadbed, and shall report his recommendation with regard to development of this facility.

(8) The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation in the development of a recreation plan for the Big South Fork National River and Recreation Area.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), on or directly affecting the Big South Fork National River and Recreation Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Big South Fork National River and Recreation Area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of enactment of this section. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, acting through the Chief of Engineers, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Chief of Engineers in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would affect the national river and recreation area and the values to be protected by it under this section.

(g) The Secretary, acting through the Chief of Engineers, shall study transportation facilities in the region served by the national river and recreation area and shall establish transportation facilities to enhance public access to the national river and recreation area. In this connection the Secretary, acting through the Chief of Engineers, is authorized and directed to acquire the ownership and custody of all public roads required to serve the public use area other than State highways, and to establish, operate, maintain, and control at Federal cost an interior and circulating road system sufficient to meet the purposes of this section, except that any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system at large, may, at the discretion of the Chief of Engineers, be relocated outside of such area upon mutual arrangements with the owning agency or else such road shall remain in place and shall be maintained at Federal expense and kept open at all times for general travel purposes. Nothing in this subsection shall abrogate the right of egress and ingress of those persons who may remain in occupancy under subsection (c) of this section, nor preclude, notwithstanding such subsection, the adjustment, relocation, reconstruction, or abandonment of State highways situated in the area, with the concurrence of the agency having the custody thereof upon such arrangements as the Secretary, acting through the Chief of Engineers, deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purposes of this section, the Secretary, acting through the

Chief of Engineers, in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs (1) to enhance the environment and conserve and develop natural resources; and (2) to minimize siltation and acid mine drainage. Such plan, with recommendations, including as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of enactment of this section.

(i) The Secretary, acting through the Chief of Engineers, shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to assure the highest water quality within the Big South Fork National River and Recreation Area and to insure that such programs for the protection of water quality do not diminish other values that are to be protected under this section.

(j) (1) For the purpose of financially assisting the States of Tennesse and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which they may sustain by reason of the fact that certain lands and other property within them may be included within the national river and recreation area established by this section and shall thereafter no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis and in an amount equal to that which they would have received from such taxes, but for the establishment of the national river and recreation area.

(2) For the purpose of enabling the Secretary, acting through the Chief of Engineers, to make such payments during the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated $32,850,000 to carry out the provisions of this section.

SEC. 62. In honor of the late Richard B. Russell, and in recognition of his long and outstanding service as member of the United States Senate, the Trotters Shoals Dam and Lake, Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake", and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such project is referred to shall be held and considered to refer to such project by the name of the "Richard B. Russell Dam and Lake".

SEC. 63. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this section.

SEC. 64. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972."

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.

(c) (1) The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, gulf, and Pacific coasts, at not less than one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) (1) No later than one hundred and twenty days after the date of enactment of this section the Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).

(2) The Panel shall——

(A) advise the Chief of Engineers generally in carrying out provisions of this section;

(B) recommend criteria for the selection of development and demonstration sites;

(C) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(D) make periodic reviews of the progress of the program pursuant to this section:

(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the chairmen of the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this section. Sums appropriated pursuant to this subsection shall remain available until expended.

SEC. 65. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this section, appropriate non-Federal interests shall furnish assurances satisfactory to the Secretary of the Army that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 of the

Act approved July 24, 1946 (60 Stat. 653), as amended.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 66. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 67. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 63–342 and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 64–1, are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge, that bridge shall thereafter be free of tolls.

SEC. 68. The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin Joint Study Interim Report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of $7,545,400, except that no funds shall be appropriated for this project until it is approved by the President.

SEC. 69. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel cleanout operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, furnish assurances satisfactory to the Secretary of the Army that they will furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the cleanout operations.

SEC. 70. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct small flood protection projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable and protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the preceding five-year period, except that not more than $2,000,000 shall be allotted for this purpose for any one project. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports. There is authorized not to exceed $25,000,000 in each fiscal year for the next five fiscal years to carry out this section.

SEC. 71. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

SEC. 72. "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published by the Senate in Senate Document 97 on May 29, 1962, and the interest rate formula amendment issued by the Water Resources Council effective December 24, 1968, shall remain in effect until December 31, 1973, unless changed prior to that date by an Act of Congress.

SEC. 73. This Act may be cited as the "Flood Control Act of 1972".

And the House agree to the same.

RAY ROBERTS,
WM. J. BRYAN DORN,
DAVID N. HENDERSON,
DON H. CLAUSEN,
GENE SNYDER,
Managers on the Part of the House.

EVERETT JORDAN,
LLOYD BENTSEN,
ELAINE S. EDWARDS,
ROBERT DOLE,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

PROVISIONS OF THE SENATE BILL

Section 101 of the Senate bill summarizes the project authorizations for navigation and beach erosion control works in Title I. Projects include: Little River Inlet, N.C., and S.C., Texas City Channel, Texas River, Kansas City, Kansas, Hoonah Harbor, Alaska, Metlakatla Harbor, Alaska, North Shore of Long Island, N.Y., Presque Isle Peninsula, Erie, Pennsylvania.

Section 102 of the Senate bill would provide that at any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction operation, and/or maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

Section 103 of the Senate bill, which would be cited as the "Shoreline Erosion Control Demonstration Act of 1972", would authorize a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of five years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating prototype devices, both engineered and vegetative. The program would be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by the Act.

Demonstration projects would be undertaken at at least two sites of each of the shorelines at the Atlantic, Gulf and Pacific Coasts, and at least one site on the Great Lakes, and at locations of serious erosion along the shores of Delaware Bay.

A shoreline Erosion Advisory Panel would be established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary would be directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of $6,000,000 would be authorized for the program.

Section 104 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, when in the opinion of the Chief of Engineers, such projects would be consistent with the objectives of sound flood plain management and would result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

These criteria are intended to limit the application of the section to those areas where protective measures would result in a general public benefit, through the protection of private as well as public property, such as streambanks along urban or residential areas, places of employment, and facilities performing services to the citizenry in the local areas. The section is designed primarily to protect the general public interest rather than solely to protect private properties.

No single project would be constructed under this section if the estimated Federal first cost exceeds $250,000. An annual expenditure limitation of $10,000,000 is imposed. Appropriate non-Federal interests would be required to furnish assurances that

they will provide necessary lands, easements and rights-of-way, hold and save the United States free from damages due to construction, operate and maintain the projects after completion, and contribute 25 per centum of the first costs of the project.

Section 105 of the Senate bill would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to make an intensive evaluation of streambank erosion along the Ohio River, from Chester to Kenova, West Virginia, with a view to determining whether protective measures should be undertaken at this time, develop new techniques for erosion control, and report to Congress on the results of his studies together with his recommendations in connection therewith. The section also would authorize the construction of demonstration projects.

Section 106 of the Senate bill would modify the project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to provide that local interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads and embankments therefor. This cost sharing requirement would be waived upon a finding by the Administrator of the Environmental Protection Agency, that appropriate local interests are participating in and in compliance with an approved plan for the general area, for the construction, modification, expansion, or rehabilitation of waste treatment facilities, and the Administrator has found that applicable water quality standards are not being violated.

Section 107 of the Senate bill would declare a described portion of the Hudson River in New York County, State of New York, to be a non-navigable water of the United States within the meaning of the laws of the United States, and give the consent of Congress to the filling in of all or any part of the area or the erection of permanent pile supported structures in the area.

The area involved would be the site of the proposed convention and exhibition facility to be erected by the New York City Convention and Exhibition Center Corporation.

Section 108 of the Senate bill would amend the declaration of non-navigability in section 113 of the Rivers and Harbors Act of 1968 by adding pile-supported structures to correct a technical defect in the language of the section, and also would extend the area to be declared non-navigable.

Section 109 of the Senate bill would authorize the States of Missouri and Illinois, or either of them, to contract with the city of Chester, Illinois, for the operation, maintenance, and repair of the Chester Bridge in order to permit the application of toll revenues from the bridge to the retirement of the outstanding debt on the bridge.

Section 110 of the Senate bill would authorize the States of Illinois and Iowa, or either of them, to contract with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, to assume responsibility for the operation, maintenance, and repair of the bridges at those two cities.

Section 111 of the Senate bill would provide that Title I of the bill may be cited as the "River and Harbor Act of 1972."

Section 201 of the Senate bill would continue the provisions of local cooperation which have been in effect for some time, provide that project authorization would expire if local cooperation is not forthcoming within 5 years after appropriate notification, continues present procedure of submitting reports to the interested States and agencies prior to submission to Congress, and summarize the project authorizations for flood control, hurricane protection, and multiple purpose works in Title II.

Projects include: Potomac River Basin, Md. and Va., Santee River Basin, N.C.-S.C., Delaware River Basin, Pa., Middle Atlantic coastal area, Virginia, James River Basin, Buena Vista, Va., Yadkin River Basin, N.C., Pocatalico River, W. Va., Salt River Basin, Camoground, Ky., Licking River, Falmouth, Ky., West Tennessee tributaries, Tennessee, Perry County Drainage Districts No. 1, 2, and 3, Cache River Basin, Ark., Pascagoula River, Miss., Pearl River, Miss., Mississippi River at Prairie du Chien, Wis., Des Moines River, Spring River Basin, Mo., Grand River Basin, Mo., Great Lakes, Point Place, Ohio, Beals Creek, Tex., Peyton Creek, Tex., Blanco River, Tex., South Umpqua River, Oreg.

Section 202 of the Senate bill would modify the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge over the Norfolk Lake in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake.

Section 203 of the Senate Bill would modify the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreation immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

Section 204 of the Senate bill would authorize and direct the Secretary of the Army to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, certain described tracts of land at the Garrison Dam and Reservoir project on the Missouri River. The lands would be used solely for public park and recreational purposes, and if they are ever used for any other purpose title would revert automatically to the United States.

Section 205 of the Senate bill would amend existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It would raise the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000. The increase is needed to keep pace with rising construction costs.

Section 206 of the Senate bill would increase the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount would be raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000. The increases are necessary to keep pace with the increase in construction costs since 1946 when the authority was enacted. The section also would clarify the application of the authority by adding churches, hospitals, schools, and other non-profit public services to the definition of facilities which are eligible for protection.

Section 207 of the Senate bill would modify the project for flood protection on the Pequonnock River, Connecticut, to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumbull, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. The advance, less the amount representing increased costs resulting from construction out of the planned sequence, would be repaid to the United States within ten years of the date of enactment of the bill.

Section 208 of the Senate bill would increase the appropriation authorization for the resolution of seepage and drainage problems in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of the Gavins Point Dam and Lewis and Clark Lake project.

Section 209 of the Senate bill would amend section 211 of the Flood Control Act of 1970 by postponing the date on which it would become effective from January 1, 1972 to January 1, 1974.

Section 210 of the Senate bill would designate the portion of the project for flood control on Chartiers Creek that is within Allegheny County, Pennsylvania, as the James G. Fulton Flood Protection Project.

Section 211 of the Senate bill would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam on the Missouri River.

Section 212 of the Senate bill would designate the Beaver Dam in the State of Arkansas as the James W. Trimble Dam.

Section 213 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee River, Washington, for municipal and industrial water supply so as to provide that the initial payments may be deferred for a period of up to ten years.

Section 214 of the Senate bill would modify the project for Wynoochee Dam and Lake to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington an amount estimated at $664,000 for construction of fish hatchery facilities for mitigation of project caused losses of natural spawning areas for trout.

Section 215 of the Senate bill would raise the authorization to meet the increased cost of participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities to mitigate fish losses caused by the Libby Dam project, Kootenai River, Montana.

Section 216 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army to acquire not more than twelve thousand acres of land for the mitigation of wildlife grazing losses caused by the project, and to participate with the State of Montana in the maintenance of the lands for grazing purposes. The lands would be turned over to the State for management, with appropriate restrictions to assure their continued sound management for mitigation of the grazing losses.

Section 217 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to compensate drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities, and additional pumping costs made necessary by higher water levels, and crop and other damages resulting from higher flows during drawdown operations at Libby Dam.

Section 218 of the Senate bill would modify the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge located at the mouth of Deep Creek as it joins the Kootenai River.

Section 219 of the Senate bill would permit the State of North Carolina to commence work on the project and be reimbursed up to an amount of $2,000,000. The provisions of Section 215 of the 1968 Act relating to the agreement required, approval by the United States, and the like, are made applicable.

Section 220 of the Senate bill would provide that the bridge to be built as a part of

Interstate Route 35, in the State of Missouri over the Grand River, shall be constructed at an elevation sufficient to allow for a maximum pool elevation of eight hundred and thirty-six feet above mean sea level in the proposed Pattonsburg Dam and Lake project.

Section 221 of the Senate bill would amend the small flood control project authority of the Secretary of the Army by increasing the individual project limitation from $1,000,000 to $2,000,000, and the annual program limitation from $25,000,000 to $50,000,000. The increase is needed to keep pace with the increase in construction costs since the existing limits were set.

Section 222 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to perform channel clean-out operations and snagging and clearing for selected streams where chronic and persistent flooding conditions exist in the lower Guyandot River Basin, West Virginia, in the interest of flood control and related purposes.

Section 223 of the Senate bill would remove the requirement for the approval by the Appalachian Regional Commission and the President prior to work on a project in Tug Fork Valley, West Virginia, authorized in the 1970 Flood Control Act.

Section 224 of the Senate bill would authorize the Secretary of the Army, acting through the Chief of Engineers, to perform such work as may be necessary to provide for the repair and conversion to a fixed type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

Section 225 of the Senate bill would establish the Big South Fork National River and Recreation Area.

Subsection (a) of this section would direct the Secretary of the Army through the Chief of Engineers and in accordance with the national recreation alternative of the Interagency Report to establish a recreation area on the Big South Fork of the Cumberland River in Kentucky and Tennessee for the purpose of preserving the natural values of the gorges and free-flowing rivers and streams and for the purpose of developing the area's potential for healthful outdoor recreation.

Subsection (b) of this section provides that the project area would consist of 125,000 acres maximum.

Subsection (c) of this section would give the Secretary the right to acquire property by donation, purchase, or by the use of eminent domain, so that the total area may be efficiently acquired.

Persons residing within the boundary of the project area would be given the right to retain their property for their lifetime or for a term of 25 years at their election. Tenants residing upon property to be acquired would be allowed to continue residence during their lifetime.

Minerals underlying the recreation area and which could be recovered by deep mining where the adit to such mine is located outside the boundary and where such mining will not disrupt the surface could be retained for removal by the owner or owners subject to inspection and regulation by the Secretary.

Subsection (d) of this section would permit hunting and fishing within the recreation area, but subject to such regulations as the Secretary may issue to insure safety to other recreationists and compatibility with other recreational uses.

Subsection (e) of this section would, for the purposes of administration, divide the recreation area into two distinct sections—the gorge area and the adjacent areas. Within the gorge area the removal of timber and minerals for commercial purposes would be strictly prohibited.

Subsection (f) of this section would provide that the emphasis of development of the Big South Fork National River and Recreation Area would be the preservation of the unique natural resource afforded by the free-flowing streams and rivers. The construction of any dam or appurtenance thereto which would diminish these values would be prohibited.

Subsection (g) of this section would direct the Secretary to study the transportation access to the recreation area. Additionally the Secretary would establish an internal network of roads sufficient to supply ready access to the facilities of the recreation area.

Subsection (h) of this section would provide that the Corps shall with the assistance of other interested Federal Agencies and with the State of Tennessee formulate a comprehensive plan for improvement of the water quality of the New River.

Subsection (i) of this section would charge the Secretary to maintain the water quality of the Big South Fork and in the execution of this function to cooperate with appropriate federal and state agencies.

Subsection (j) of this section would provide for the payment to the counties of sums in lieu of taxes during the first five years of the project.

Subsection (k) of this section would authorize the appropriation of $32,850,000 for the purposes of this section.

Section 226 of the Senate bill would make mandatory, rather than discretionary, a 70 per centum Federal share, exclusive of land costs, in the cost of beach erosion control projects under section 208 of the Flood Control Act of 1970 which also provide hurricane protection.

Section 227 of the Senate bill would modify the project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania (Tioga-Hammond Dam) to authorize the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries of Blossburg, Pennsylvania, such sums as he determines equitable to compensate the foundry for loss of rail transportation caused by the project. Not to exceed $1,100,000 would be authorized to be appropriated to carry out the section.

Section 228 of the Senate bill would modify the Cave Run Lake Project, authorized by the Flood Control Act, approved June 22, 1936, and June 28, 1938, to require full opportunity for public review and comment on the environmental impact statement pertaining to any proposed road to the Zilpo Recreation Area located in Bath and Menifee Counties, Kentucky, prior to any construction of such road.

Section 229 of the Senate bill would designate the Trotters Shoal Dam and Lake, Savannah River, Georgia and South Carolina, as the "Richard B. Russell Dam and Lake".

PROVISIONS OF THE HOUSE AMENDMENT

The first section of the House amendment provides that sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects which would be authorized by the amendment, and it summarizes the project authorizations. Projects included are: Middle Atlantic Coastal area, Virginia, water resources in Appalachia, Pascagoula River Basin, Mississippi, Pearl River Basin, Mississippi Gulf coastal area, Texas, Spring River Basin, Missouri, Fall Creek Basin, Indiana, Umpqua River Basin, Oregon, Lower Mississippi River, Tennessee and Arkansas.

Section 2 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to remove the sunken steamer "Glen" from Manistee Harbor, Michigan.

Section 3 of the House amendment would provide that the costs of operation and maintenance of the general navigation features of small boat harbor projects would be borne by the United States. The provisions of the section would apply to all such projects which would be authorized by this amendment, those authorized under section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, and to any such project heretofore authorized in accordance with this policy, and hereafter recommended for authorization.

Section 4 of the House amendment would amend section 116 of the River and Harbor Act of 1970 to provide for continued maintenance of the channel of the North Branch of the Chicago River, Illinois, by the Secretary of the Army.

Section 5 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

Section 6 of the House amendment would provide that at any water resources development project under the jurisdiction of the Secretary of the Army, where non-Federal interests are required to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, such requirement shall not include damages due to the fault or negligence of the United States or its contractors.

Section 7 of the House amendment would amend the declaration of non-navigability with respect to certain areas of the East and Hudson Rivers, New York, under section 113 of the River and Harbor Act of 1968.

Section 8 of the House amendment would modify the McClellan-Kerr Arkansas River Navigation System to include alteration at Federal expense of the municipal water supply facilities of the City of Conway, Arkansas, by the construction of water impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity is approximately equivalent to that existing before construction of the navigation system.

Section 9 of the House amendment would authorize the Secretary of the Army to make survey investigations for navigation, flood control, and allied purposes at the following named localities:

East Two Rivers between Tower, Minnesota and Vermilion Lake. Alice, Texas.

Buffalo River Basin, New York (Wastewater management study).

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Corpus Christi Ship Channel, Texas, with particular reference to providing increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas.

Saint Marys River at and in the vicinity of Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

Section 10 of the House amendment would provide that as soon as possible after the date of enactment of the section, and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress

a list of those authorized projects under his jurisdiction which have been authorized for at least eight years and which he determines should no longer be authorized. Each project so listed would be accompanied by the recommendation of the Chief of Engineers together with his reasons for the recommendation. Prior to the submission of the list, the Secretary of the Army, acting through the Chief of Engineers, would obtain the views of interested Federal agencies and the Governor of each state in which the project is located, and these views accompany the list submitted to Congress.

Section 11 of the House amendment would amend section 207(c) of the Flood Control Act of 1960, (33 U.S.C. 701r–1), to allow the Chief of Engineers or the Commissioner of the Bureau of Reclamation to make use of traffic projections in the engineering determination of the design standard to be used in the relocation of public roads at Federal expense as part of Federal water resources project construction.

Section 12 of the House amendment would modify the project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, authorized by the Flood Control Act of 1970, to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof, recommended as part of the original project, independent of the investigation of alternative methods called for by the 1970 Act. The work authorized is limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as may be deemed necessary by the Secretary.

Section 13 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection at Saint Louis, Missouri, so as to adequately carry present and anticipated traffic loads.

Section 14 of the House amendment would modify the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge over the Norfolk Lake in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake.

Section 15 of the House amendment would modify the projects for Melvern Lake and Pomona Lake, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of the projects which he determines to be necessary for appropriate utilization of the projects. Not to exceed $500,000 would be authorized to be appropriated to carry out the section.

Section 16 of the House would modify the project for Tuttle Creek Reservoir, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve a portion of a highway providing access to the project.

Section 17 of the House amendment would modify the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreational facilities immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

Section 18 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee, all right, title, and interest of the United States in and to thirty eight acres of the Old Hickory Lock and Dam project.

Section 19 of the House amendment would modify the project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania (Tioga-Hammond Dam) to authorize the Secretary of the Army, acting through the Chief of Engineers, to pay the J. P. Ward Foundries of Blossburg, Pennsylvania, such sums as he determines equitable to compensate the foundry for loss of rail transportation caused by the project. Not to exceed $1,100,000 would be authorized to be appropriated to carry out the section.

Section 20 of the House amendment would amend section 221 of the Flood Control Act of 1970 by advancing the date on which it becomes effective from January 1, 1972, to January 1, 1974.

Section 21 of the House amendment would increase the appropriation authorization for the project to resolve the seepage and drainage problems in the vicinity of Niobrara, Nebraska, authorized under section 213 of the Flood Control Act of 1970.

Section 22 of the House amendment would modify the project for flood protection on the Minnesota River at Mankato, Minnesota, to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate that portion of the existing Mankato interceptor sewer extending approximately two thousand feet upstream of the Warren Creek Pumping Station. The relocated sewer would be designed to serve present and future municipal needs.

Section 23 of the House amendment would authorize a general program of assistance to States in the planning for development, utilization, and conservation of water and related resources.

Section 24 of the House amendment would modify the project for flood protection on the Pequonnock River, Connecticut, to authorize the Secretary of the Army, acting through the Chief of Engineers, to advance to the town of Trumball, Connecticut, such sums as may be necessary to provide, prior to construction of the project, municipal sewage disposal service to the Saint Joseph's Manor Nursing Home. The advance, less the amount representing increased costs resulting from construction out of the planned sequence, is to be repaid to the United States within ten years of the date of the enactment of this section.

Section 25 of the House amendment would modify the project for flood protection on the Rahway River, New Jersey, to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

Section 26 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects prosecuted by the Department of the Army, and the reasons for such requirements, and to report thereon to the Congress not later than June 30, 1974, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

Section 27 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to study land use practices and recreational uses at water resource development projects under the jurisdiction of the Department of the Army, and to report thereon to the Congress not later than June 30, 1974, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

Section 28 of the House amendment would amend existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It would raise the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000.

Section 29 of the House amendment would increase the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount would be raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000.

Section 30 of the House amendment would provide for construction of a perimeter access road around Lake Texana, Texas and Oklahoma.

Section 31 of the House amendment would modify the project for Kehoe Lake, Kentucky, to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire an area of about 4,000 acres and to maintain the area in its natural state, conduct environmental investigations, and provide access control facilities.

Section 32 of the House amendment would modify the project for enlargement of Lavon Reservoir, Texas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115.

Section 33 of the House amendment would make mandatory, rather than discretionary, a 70 per centum Federal share, exclusive of land costs, in the cost of beach erosion control projects under section 208 of the Flood Control Act of 1970 which also provide hurricane protection.

Section 34 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to provide bank protection works along the Ohio River from New Matamoras to Cincinnati, Ohio. Local interests would be required to furnish necessary lands, easements, and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works.

Section 35 of the House amendment would modify the project for the Scioto River, Ohio, to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir.

Section 36 of the House amendment would authorize the Secretary of the Army, acting through the Chief of Engineers, to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, authorized by the Flood Control Act of 1960. Not to exceed $10,000,000 would be authorized to be appropriated for such purpose.

Section 37 of the House amendment would modify the project for Newburg Lock and Dam, Indiana, to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection work along the Ohio River at Newburgh, Indiana. Local interests would be required to furnish necessary lands, easements and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works.

Section 38 of the House amendment would modify the project for flood control and improvement of the lower Mississippi River, to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi.

Section 39 of the House amendment would amend section 222 of the Flood Control Act of 1970 to authorize the construction of a from Old United States Highway 40, near two lane, all-weather paved road extending Weimar, California, to the Eldorado County Road near Spanish Dry Diggings.

Section 40 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to review the requirements for local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, with particular reference to Federal and non-Federal cost sharing, and report his finding to Congress within one year after the date of enactment of this section.

Section 41 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to review the requirements of local cooperation for the project for Anaheim Bay, California, with particular reference to Federal and non-Federal cost sharing, and to report his findings to Congress within one year after the date enactment of the section.

Section 42 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to undertake such emergency bank stabilization measures as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam on the Missouri River.

Appropriate local interests would furnish the usual items of local cooperation required of such projects—lands, easements and rights-of-way, operation and maintenance of the works after completion, and hold and save the United States free from damages due to the construction works.

Section 43 of the House amendment would modify the project for San Luis Obispo Harbor, California, to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the cash contribution of local interests required by the project.

The project as authorized requires that the cash be contributed in a lump sum prior to construction. The section would allow local interests to contribute their share as it is needed during construction of the project.

Section 44 of the House amendment would authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs would include consideration of the enhancement of regional economic development, quality of the total environment, the well being of the people, and the national economic development. The report of the study would be submitted to Congress within two years after funds are made available to initiate the study. There would be authorized to be appropriated not to exceed $2,000,000 to carry out the section.

Section 45 of the House amendment would modify the project for flood control and other purposes in the Missouri River Basin to provide for emergency bank stabilization works in that reach of the Missouri River between Gavins Point Dam and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. The determination of necessity would be made in cooperation with the Governors of the States of South Dakota and Nebraska with regard to priority of locations to be protected and the nature of the protective works. Local interests would be required to give assurances satisfactory to the Secretary of the Army that they would be furnished necessary lands, easements, and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works. Not to exceed $5,000,000 would be authorized to carry out the section.

The section would also direct the Secretary of the Army, acting through the Chief of Engineers, to prepare and submit to the Congress a report recommending such additional bank stabilization measures as he deems necessary for construction below Gavins Point.

Section 46 of the House amendment would modify the project for Beaver Brook Dam and Reservoir, New Hampshire, to provide that the cash contribution required of local interests, as their share of the costs of lands, easements, rights of way, and relocations allocated to flood control, would be 13.9 per centum of the total project cost.

Section 47 of the House amendment would modify th Cave Run Lake Project, Kentucky, to provide that the construction of any proposed road to the Zilpo Recreation Area shall not be undertaken until there is full opportunity for public review and comment on the environmental impact statement pertaining to such proposed road.

Section 48 of the House amendment would declare a described portion of the Hudson River in New York County, State of New York, to be not a navigable water of the United States within the meaning of the laws of the United States, and would give the consent of Congress to the filling in or any part of the area or the erection of permanent pile supported structures in the area.

The area involved is the site of the proposed convention and exhibition facility to be erected by the New York City Convention and Exhibition Center Corporation.

Section 49 of the House amendment would authorize and direct th Secretary of the Army to grant to the Mountrail County Park Commission of Mountrail County, North Dakota, a lease carrying certain described tracts of land at the Garrison Dam and Reservoir project on the Missouri River. The lands are to be used by the Commission solely for public park and recreational purposes.

Section 50 of the House amendment would amend section 252 of the Disaster Relief Act of 1971 to provide that the costs of replacing certain community services, for which the Act provides assistance, include those costs incurred in obtaining substitute services during the period of repair, restoration, reconstruction, or replacement of facilities to the extent such costs exceed the cost which would have been incurred in providing such services but for the disaster.

Section 51 of the House amendment would direct that no change be made in the existing standards used for the formulation and evaluation of Federal water and related land resource projects pursuant to Section 103 of the Resources Planning Act until December 31, 1973, unless changed prior to that date by an Act of Congress. This will allow sufficient time for the hearings to be held and legislation, if necessary, developed.

Section 52 of the House amendment would provide that the Act may be cited as the "Flood Control Act of 1972."

PROVISIONS OF THE CONFERENCE SUBSTITUTE

The first paragraph of the first section of the conference substitute (relating to sections 201, 202, and 203 of the Flood Control Act of 1968) is the same as the first paragraph of section 201 of the Senate bill and the first paragraph of the first section of the House amendment.

The paragraph of the first section, headed "Middle Atlantic Coastal Area", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "James River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill.

The paragraph of the first section, headed "Salt River Basin", is basically the same as the similarly headed paragraph in section 201 of the Senate bill.

The paragraph of the first section, headed "Water Resources in Appalachia", is the same as the similarly headed paragraph in the first section of the House amendment with the following changes:

(1) The project for Royal Glen Reservoir is not authorized, and

(2) The authorization level is set at not to exceed $50,000,000 for initiation and partial accomplishment. This represents a reduction of $29,908,000 from the amount authorized for these projects in the Senate bill.

On numerous occasions the Committees on Public Works of the Senate and House of Representatives have expressed concern with the long delays which have occurred in completing the comprehensive report for water resources development in Appalachia.

Section 206 of the Appalachian Regional Development Act of 1965 called upon the Secretary of the Army to prepare a comprehensive report for water resources development in Apaplachia, to be transmitted by the President with recommendations to the Congress by December 31, 1968. While the Committees had previously been advised that there would be a one-year delay in the completion of this report, almost three additional years have gone by and still there is no indication that the report will be available for consideration by Congress in the near future.

The Conferees recognize that the report presents issues of new policy and revised procedures, which require careful consideration within the Administration, but believe that adequate time has been available to reach decisions. This report has not yet been transmitted to the Congress; yet, the need is even more urgent than in 1965 for initiating water resource development in this economically distressed region.

The Conference Report therefore includes the authorization of the plan as recommended by the Secretary of the Army, and authorizes $50,000,000 for its initiation.

The Secretary's report includes eleven specific recommendations. With the exception of the project for Royal Glen Reservoir South Branch, West Virginia, and a minor modification of his recommendations for Whiteoak Reservoir, Whiteoak Creek, Ohio, all eleven recommendations have been accepted.

The Conferees expect that the Secretary of the Army, acting through the Chief of Engineers, will as soon as possible begin the following projects: Hipes Reserovir, Virginia, Tamaqua Local Flood Protection Project, Pennsylvania; Clinchfield Reservoir, North and South Carolina; Roaring River Reservoir, North Carolina; Dalton Creek, Georgia; Whiteoak Reservoir, Ohio; Midland local protection project, Kentucky, and Royalton Reservoir—Salyersville Area, Kentucky, and Ohio.

It is noted that the project for flood protection at Tamaqua is a small project and urgently needed as illustrated by the damages caused by Hurricane Agnes. Accordingly, the Conferees expect that this project would be completed as soon as possible.

Section 224 of the Flood Control Act of 1970, conditionally authorized an innovative flood damage reduction program, consisting of residential flood-proofing and complementary local protection projects for the town of Williamson and Matewan, West Virginia. The Conferees intend by authorizing the Secretary of the Army's plan, and more specifically recommendation Number 9 of the plan, that the approvals required by section 224 would no longer be necessary. The Conferees further concur in the Secretary's recommendation that he be authorized to design a similar program for the entire Tug

Fork Valley, including the area in Kentucky. This work should begin immediately.

As in the case of Tug Fork, the conferees intend that the conditions for authorization of the Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, as they appear in section 12 of Public Law 92-222 are no longer applicable as that authorization has been superseded by the authorization of the plan for water resources in Appalachia in the Conference Report.

The paragraph of the first section, headed "Pascagoula River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Pearl River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Gulf Coastal Area", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph of the first section, headed "Spring River Basin", is the same as the similarly headed paragraph in section 201 of the Senate bill and the similarly headed paragraph in the first section of the House amendment.

The paragraph in the first section of the conference substitute, headed "Grand River Basin", modifies the presently authorized Pattonsburg Lake project to require the Chief of Engineers to immediately proceed with engineering and design.

The paragraph of the first section, headed "Umpqua River Basin", is the same as the similarly headed paragraph in the first section of the House amendment authorized however at $40,000,000. The conferees intend that the recommendations of the Chief of Engineers in House Document Numbered 92-371 include those in his letters dated September 15, 1972 and October 2, 1972, both of which are printed in such House Document.

The first paragraph in the material headed "Lower Mississippi River" in the first section is the same as the first paragraph in the similarly headed material in the Senate in section 201 of the Senate bill and the first paragraph of the similarly headed material in the first section in the House amendment.

The second paragraph in the material headed "Lower Mississippi River", is the same as the second paragraph in the similarly headed material in section 201 of the Senate bill.

The Senate bill included projects for Verona Dam and Lake, Virginia, and Sixes Bridge Dam and Lake, Maryland. The projects as recommended by the Chief of Engineers included substantial benefits for low flow augmentation for water quality. In the case of Sixes Bridge almost 60% of the annual benefits were for this purpose. At Verona approximately 80% of the annual benefits of the project were for the same purpose.

In the recently passed Federal Water Pollution Control Act Amendments of 1972 (S. 2770), the concept of "pollution by dilution" was banned as an alternative to waste treatment for pollution from point sources. The 1972 Amendments provide that the Administrator of the Environmental Protection Agency, and not the Chief of Engineers, has the authority to determine when low flow augmentation is an appropriate technique for supplementary pollution control programs.

However, based on information available to the Conferees, it is clear that the projects can be justified for purposes other than low flow augmentation for water quality. For example water supply needs might justify the projects. Accordingly, the Conferees direct the Secretary of the Army, acting through the Chief of Engineers, to reformulate the Sixes Bridge and Verona projects, and resubmit them to Congress as soon as possible but in no event later than June 30, 1973.

The House amendment included a project for Highland Lake Dam and Reservoir, Fall Creek Basin, Indiana. The major purpose of this project is to assure adequate water supply for the City of Indianapolis. The project report was received too late for adequate hearings by either body. Accordingly, the Conference report does not include the project.

The Conferees anticipate that the Public Works Committee of the Senate and the House of Representatives would hold hearings on the Potomac River projects and the Highland Lake project early in the 93rd Congress so that appropriate action can be taken.

The Senate bill included several projects, each having an estimated Federal cost of less than $10 million. These projects qualify for authorization by committee action under the provisions of section 201 of the Flood Control Act of 1965. The Committees have these projects under active consideration for authorization under section 201, and the projects are, therefore, not included within the conference report.

Section 2 of the conference substitute is the same as section 2 of the House amendment.

Section 3 of the conference substitute is the same as section 3 of the House amendment.

Section 4 of the conference substitute is the same as section 4 of the House amendment.

Section 5 of the conference substitute is the same as section 5 of the House amendment.

Section 6 of the conference substitute is the same as section 6 of the House amendment and essentially the same as section 102 of the Senate bill.

Section 7 of the conference substitute is the same as section 108 of the Senate bill and section 7 of the House amendment.

Section 8 of the conference substitute is the same as section 8 of the House amendment.

Section 9 of the conference substitute is the same as section 9 of the House amendment.

The Conferees intend that the study of the Buffalo River Basin, New York shall include, as a part of the waste water management study, a determination of the necessary measures for cleaning, snagging, and removal of debris from the river's bed and banks and the advisability of dredging and structural works to improve stream flow and water quality. The Conferees also intend that consideration be given in the study to various methods of bank stabilization.

Section 10 of the conference substitute is the same as section 10 of the House amendment.

Section 11 of the conference substitute is the same as section 11 of the House amendment.

Section 12 of the conference substitute is the same as section 12 of the House amendment.

The Conferees stress that this section is for interim protection and remedial type action only and is not intended to adversely affect any further alternatives to the Sandridge Dam.

Section 13 of the conference substitute is the same as section 13 of the House amendment.

Section 14 of the conference substitute is the same as section 14 of the House amendment and essentially the same as section 202 of the Senate bill, except that the Senate bill does not provide for transfer of title and future maintenance of the bridge to local interests.

Section 15 of the conference substitute is the same as section 15 of the House amendment.

Section 16 of the conference substitute is the same as section 16 of the House amendment.

Section 17 of the conference substitute is the same as section 203 of the Senate bill and section 17 of the House amendment.

Section 18 of the conference substitute is the same as section 18 of the House amendment, except that the reference to disadvantaged children has been deleted in subsection (C).

Section 19 of the conference substitute is the same as section 19 of the House amendment and essentially the same as section 227 of the Senate bill, except that the Senate bill does not provide for the payments to be made in five annual installments.

Section 20 of the conference substitute is the same as section 209 of the Senate bill and section 20 of the House amendment.

Section 21 of the conference substitute is the same as section 208 of the Senate bill and section 21 of the House amendment.

Section 22 of the conference substitute is the same as section 22 of the House amendment.

Section 23 of the conference substitute is the same as section 23 of the House amendment.

Section 24 of the conference substitute is the same as section 207 of the Senate bill and section 24 of the House amendment.

Section 25 of the conference substitute is the same as section 25 of the House amendment.

Section 26 of the conference substitute is the same as section 26 of the House amendment.

Section 27 of the conference substitute is the same as section 27 of the House amendment.

Section 28 of the conference substitute is the same as section 205 of he Senate bill and section 28 of the House amendment.

Section 29 of the conference substitute is the same as section 206 of the Senate bill and section 29 of the House amendment.

Section 30 of the conference substitute is the same as section 30 of the House amendment.

Section 31 of the conference substitute is the same as Section 31 of the House amendment.

Section 32 of the conference substitute is the same as Section 32 of the House amendment.

Section 33 of the conference substitute is the same as Section 226 of the Senate bill and Section 33 of the House amendment.

The conferees intend that where substantial protection of public property will result in incidental works on private property, the Federal share of such incidental work will be 70 percent in accordance with the provisions of this section.

Section 34(a) of the conference substitute is the same as Section 34 of the House amendment.

Section 34(b) of the conference substitute is the same as Section 105(a) of the Senate bill.

Section 34(c) of the conference substitute is the same as Section 105(b) of the Senate bill and Section 34 of the House amendment.

Section 35 of the conference substitute is the same as Section 35 of the House amendment.

Section 36 of the conference substitute is the same as Section 36 of the House amendment.

Section 37 of the conference substitute is the same as Section 37 of the House amendment.

Section 38 of the conference substitute is the same as Section 38 of the House amendment.

Section 39 of the conference substitute is the same as section 39 of the House amendment.

Section 40 of the conference substitute is the same as section 40 of the House amendment.

Section 41 of the conference substitute is the same as section 41 of the House amendment.

Section 42 of the confernce substitute is the same as section 211 of the Senate bill and section 42 of the House amendment.

Section 43 of the conference substitute is the same as section 43 of the House amendment.

Section 44 of the conference substitute is the same as section 44 of the House amendment.

Section 45 of the conference substitute is the same as section 45 of the House amendment.

Section 46 of the conference substitute is the same as section 46 of the House amendment.

Section 47 of the conference substitute is the same as section 228 of the Senate bill and section 47 of the House amendment.

Section 48 of the conference substitute is the same as sections 107 of the Senate bill and 48 of the House amendment, except for technical amendment respecting the description of land involved and the requirement of a finding of public interest.

Section 49 of the conference substitute is the same as sections 204 of the Senate bill and 49 of the House amendment, except that the House provision would have granted a lease rather than fee title with reverter.

Section 50 of the conference substitute is the same as section 50 of the House amendment.

Section 51 of the conference substitute is the same as section 212 of the Senate bill.

Section 52 of the conference substitute is the same as section 210 of the Senate bill.

Although three name change provisions have been included in the Conference Report, the Conferees do not intend this to constitute a precedent for additional name change provisions in future River and Harbor and Flood Control Acts. It is the policy of the Committees on Public Works of the House of Representatives and the Senate that name changes of water resource development projects ought to be done by separate legislation. However, because of the impracticability of passing such individual bills before adjournment of this Congress, the Conference Report recognizes the contributions of several deceased legislators.

Section 53 of the conference substitute is the same as section 213 of the Senate bill.

The Conferees intend that the Secretary of the Army in amending the contract between the city and the United States should require in the first year an initial payment of not less than 10 per centum of the total amount which would otherwise have had to have been paid in such year, with increasing amounts thereafter payable as the Secretary, acting through the Chief of Engineers, determines to be fair and reasonable taking all factors into consideration, until such total amount shall have been paid.

Section 54 of the conference substitute is the same as section 214 of the Senate bill.

Section 55 of the conference substitute is the same as section 215 of the Senate bill.

Section 56 of the conference substitute is the same as section 216 of the Senate bill, except that the maintenance provision is deleted and the authorization is limited to $2,000,000.

Section 57 of the conference substitute is the same as section 217 of the Senate bill.

Section 58 of the conference substitute is the same as section 218 of the Senate bill.

Section 59 of the conference substitute is the same as section 219 of the Senate bill.

Section 60 of the conference substitute is the same as section 220 of the Senate bill.

Section 61 of the conference substitute is the same as section 221 of the Senate bill.

Section 62 of the conference substitute is the same as section 229 of the Senate bill.

Section 63 of the conference substitute is the same as the second paragraph in the material headed "Beach Erosion" in section 101 of the Senate bill.

Section 64 of the conference substitute is the same as section 103 of the Senate bill, except that the advisory panel in subsection (a) is established by the Chief of Engineers.

Section 65 of the conference substitute is the same as section 104 of the Senate bill.

Section 66 of the conference substitute is the same as section 106 of the Senate bill.

Section 67 of the conference substitute is the same as section 110 of the Senate bill.

Section 68 of the conference substitute is the same as the paragraph headed " Pocatalico River Basin" in section 201 of the Senate bill.

Section 69 of the conference substitute is the same as section 222 of the Senate bill.

Section 70 of the conference substitute replaces section 221 of the Senate bill and provides small flood protection project authority to the Chief of Engineers for works to protect areas declared to be major disaster areas during the preceding five-year period with a limitation of not more than $2,000,000 for any single locality. Authorization is for $25,000,000.

Section 71 of the conference substitute is the same as section 224 of the Senate bill.

Section 72 of the conference substitute is the same as subsection (a) of section 51 of the House amendment.

The deletion of subsection (b) of the House amendment was because it was considered duplicative of subsection (a). Section 72 will assure that Congress will have sufficient time to review water resources standards now being considered by the Water Resource Council.

Section 73 is the same as section 52 of the House amendment.

RAY ROBERTS,
WM. J. BRYAN DORN,
DAVID N. HENDERSON,
DON H. CLAUSEN,
GENE SNYDER,
Managers on the Part of House.

B. EVERETT JORDAN,
LLOYD BENTSEN,
ELAINE S. EDWARDS,
ROBERT DOLE,
JOHN S. COOPER,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 16598, AMENDING DISASTER RELIEF ACT OF 1970

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Thursday, October 12, 1972, to file the report on H.R. 16598, to amend the Disaster Relief Act of 1970 to provide that community disaster grants to be based upon loss of budgeted revenue, as amended.

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

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS ON H.R. 17038, DESIGNATING OAKLEY RESERVOIR ON SANGAMON RIVER AS WILLIAM L. SPRINGER LAKE; ON H.R. 16804, RENAMING MINEOLA DAM AS CARL L. ESTES DAM AND LAKE; AND H.R. 13158, NAMING BRIDGE ACROSS OAKLAND HARBOR AS GEORGE P. MILLER-LELAND W. SWEENEY BRIDGE; AND FOR MANAGERS TO FILE A CONFERENCE REPORT ON S. 1819, RELOCATION ASSISTANCE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight, Thursday, October 12, to file reports on H.R. 17038, designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., as the William L. Springer Lake; H.R. 16804, to rename the Mineola Dam and Lake, Texas, as the Carl L. Estes Dam and Lake; and H.R. 13158, to name a bridge across a portion of Oakland Harbor, Calif., the George P. Miller-Leland W. Sweeney Bridge; and that the managers have permission to file a conference report on S. 1819, to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

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

There was no objection.

CONFERENCE REPORT ON H.R. 15641, MILITARY CONSTRUCTION AUTHORIZATION, 1973

Mr. FISHER. Mr. Speaker, I call up the conference report on the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 9, 1972.)

Mr. FISHER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with, since both the conference report and the joint statement of the managers have been printed and are available to the Members in the issue of the CONGRESSIONAL RECORD of October 9, 1972, on pages 34370–34378.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire of my friend and colleague on the Committee on Armed Services, whether or not this has been cleared with the minority side, even though we have no partisanship in the Committee on Armed Services in the interests of defense of our country.

I notice, as a member of that committee, the gentleman's counterpart is not present. I would simply like to know if it has been cleared. In addition I would be glad to yield for a short explanation of the conference report.

Mr. FISHER. In response to the gentleman's inquiry, I will say that the ranking Member on the minority side is in full agreement with the contents of the report. He participated in it, and, of course, signed the report.

Mr. HALL. May I further inquire if there was anything of great cost added on in the conference; if the House position prevailed, and if any Senate nongermane amendments are involved?

Mr. FISHER. As the gentleman well knows, it is a rather lengthy bill. There were quite a number of changes.

There was a decrease, actually. The Trident program was cut out as a result of Senate insistence, due largely to the fact that the Navy had not been able to locate a specific site up to this time. Therefore, we went along with them on that item and subtracted $14,600,000, which the House bill included. That was the major cutdown in the total amount.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's forthright response.

Is it a fair statement, to say that this is now a moot question in any event, inasmuch as the appropriation has already passed and all points of order were waived so that no authorizing legislation was required, at the time the appropriation was considered?

Mr. FISHER. The gentleman has correctly stated the situation.

Mr. HALL. Mr. Speaker, under those circumstances, in spite of how greatly I decry fragmentation of the rules of the House, I withdraw my reservation.

Mr. FISHER. Mr. Speaker, on July 20, 1972, the House passed the fiscal year 1973 military construction authorization bill—H.R. 15641—in the total amount of $2,567,334,000.

On August 4, 1972, the Senate considered this legislation and provided new authorizations in the total amount of $2,539,304,000.

As a result of a conference, House and Senate conferees worked out the differences and 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, with the transfer of $399.4 million to the procurement bill, reduces this departmental request by $99,000,000 rather than $498,000,000 as would first appear.

There were over 100 differences in the House and Senate versions. However, we were able to arrive at an agreement on each one. I will not go into a lot of detail because the statement of managers explains the action of the conferees.

The most difficult problem encountered in the conference with the Senate was on the subject of the Trident submarine base. This year the Navy requested $14.3 million for the first phase of the Trident submarine base, but at this point in time the Navy is unable to state where the base is to be located. The House approved the Navy's request, but it was denied by the Senate. After much discussion and delay because of this particular problem, the House conferees most reluctantly receded to the Senate position.

However, we were able to retain many projects not included in the Senate version. In other words, we had to do some plain old horse trading.

The Senate, during their consideration of the bill, added a provision which will authorize the Secretary of the military departments 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 houses could then be leased to eligible personnel at the fair rental value, but not to exceed 75 percent of their basic allowance for quarters such that in no event shall the total charge be less than the cost of operation and maintenance of the units. The House bill did not contain such a provision. However, House conferees reluctantly agreed to the Senate language with an amendment limiting the number of units that could be declared inadequate under this section to 20,000. House conferees agreed that they would try this concept for 1 year and again review the housing situation in next year's program to see the results of this concept.

Therefore, after giving a little here and taking a little there, your conferees did the best they could and believe that they have brought to the House a good bill that will provide adequately for construction needs of the military during this fiscal year.

I want to thank the gentleman from Indiana (Mr. BRAY) for his dedication and assistance during our hearings and more especially in the conference. Also, I want this House to know that all members of your conference committee worked hard to bring this conference report before you, and I urge its adoption.

Mr. BRAY. Mr. Speaker, my colleague, the distinguished chairman of the military construction subcommittee, has explained the details of our conference with the Senate. Therefore, I will not go into the matters he has already discussed with you.

As in all conferences, it was necessary to compromise on individual line items requested by the services, and in some instances valid items were left out of the program we bring to the House today. As the subcommittee chairman pointed out, the most difficult problem was in connection with a new Trident submarine base. The big problem with this project was the fact that the Navy has not yet selected a site. The Senate conferees informally stated that once the Navy announces the location of the proposed facility, they would have no reluctance in going along with the Navy's request next year for this installation.

I want to congratulate my colleagues on the committee of conference for their dedication and efforts to bring this report to the House. Also, I especially want to point out to the Members of the House the excellent leadership provided by the gentleman from Texas, the chairman of the military construction subcommittee. I urge the adoption of the conference report.

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

There was no objection.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL MARITIME AUTHORIZATION, 1973

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16987) to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

The Clerk read as follows:

H.R. 16987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 22, 1972 (86 Stat. 617; Public Law 92–402) is amended by striking out of paragraph (a) thereof the figure $280,000,000 and inserting in lieu thereof the figure $455,000,000.

CALL OF THE HOUSE

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

The SPEAKER. Will the gentleman withhold that request in order for a unanimous-consent request to be made?

The Chair has promised the chairmen of the Committee on Rules and the Committee on Ways and Means and the Committee on Appropriations that they would have certain bills up first. Obviously, they are not ready.

Mr. HALL. Obviously, Mr. Speaker, we need a quorum to do business.

The SPEAKER. The gentleman from Texas (Mr. PATMAN) has a unanimous-consent request. We might be able to dispose of that. Will the gentleman withhold his point of order?

Mr. HALL. No, Mr. Speaker, I insist on my point of order.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 430]

Abernethy	Bell	Carey
Anderson, Tenn.	Blackburn	Celler
	Blanton	Chisholm
Archer	Byrne, Pa.	Clark
Baring	Cabell	Clay
Barrett	Caffery	Collins, Ill.

Crane	Haley	Matsunaga
Davis, S.C.	Hanna	Michel
Davis, Wis.	Hansen, Wash.	Mitchell
Denholm	Hastings	Monagan
Devine	Hawkins	Murphy, N.Y.
Dow	Hébert	Nichols
Dowdy	Heckler, Mass.	Pelly
Dulski	Hungate	Pepper
Dwyer	Jones, N.C.	Pryor, Ark.
Edmondson	Kee	Purcell
Esch	Keith	Reid
Evans, Colo.	King	Roncalio
Fish	Kuykendall	Scheuer
Ford, William D.	Link	Schmitz
	Lloyd	Scott
Forsythe	McClure	Smith, Calif.
Galifianakis	McCulloch	Steele
Gallagher	McDonald, Mich.	Steiger, Ariz.
Giaimo		Stokes
Gray	McKevitt	Sullivan
Green, Oreg.	Macdonald, Mass.	Thompson, Ga.
Gross		Thompson, N.J.
Hagan	Martin	Yatron

The SPEAKER. On this rollcall 348 Members have answered to their names, a quorum.

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

SUPPLEMENTAL MARITIME AUTHORIZATION, 1973

The SPEAKER. The gentleman from Maryland (Mr. GARMATZ) has moved that the House suspend the rules and pass the bill (H.R. 16987) to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

Is a second demanded?

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

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

There was no objection.

Mr. GARMATZ. Mr. Speaker, I rise in support of H.R. 16987, which is a supplemental authorization of appropriations for fiscal year 1973. The Maritime Administration has come forward with this supplemental authorization of appropriations in the amount of $175 million for construction-differential subsidy because all of the $250 million for construction subsidy contained in the original maritime authorization budget for fiscal year 1973 has been spent or earmarked.

This additional authorization of appropriations would be required to consummate contracts covering eight more commercial vessels. Five of these eight vessels will be of the new and innovative liquefied natural gas type carriers. Two of the eight vessels will be the so-called ore-bulk-oil type vessels and the last ship will be a roll-on, roll-off vessel.

If contract commitments for these additional eight vessels cannot now be met because of the lack of this supplemental authorization of appropriations, we risk losing the momentum which has been achieved in the ship construction program under the landmark 1970 Merchant Marine Act. In this connection, the Assistant Secretary of Commerce for Maritime Affairs informed our committee members at hearings on October 10, on H.R. 16987, that the five LNG tankers in question might be built abroad and a distinct hiatus of 15 or 16 months would occur in the shipbuilding program which we have all worked so hard to establish and foster.

Obviously, it would be a terrible blow to have a hiatus of this magnitude in our shipbuilding program. It would be a worse blow to have these LNG vessels built abroad. Indeed, the construction-differential subsidy to be paid by the U.S. Government on the six LNG vessels recently put under contract is only 23.7 and 25.74 percent, which is dramatically lower than the present legal 41 percent subsidy level. Because of this low-subsidy level, there is great expectation in the maritime industry that we may compete for the first time with foreign yards in the construction of these vessels, and may even build some of these vessels in U.S. shipyards for foreign account.

I would like to point out to my colleagues that the factor mentioned above would have a tremendous impact upon our balance of payments—given the fact that such contracts would be coupled with the construction of ancillary gasification and pipeline equipment in the United States worth over half a billion dollars. Also, I would like to point out that it is anticipated that the ships to be built with this $175 million in additional subsidy money will generate 31,000 man-years of employment in domestic yards.

We recognize that this is a very important item to push through the Congress in its waning days. However, it is absolutely essential to the shipbuilding program and to the maritime industry.

We have been assured that this supplemental request will receive favorable attention at the other levels of authorization and appropriation in both the House and the Senate.

In light of the absolute necessity of these additional funds to continue our maritime rebuilding program, I cannot urge my colleagues strongly enough to vote for the passage of H.R. 16987.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. DOWNING), a member of the committee, such time as he may consume.

Mr. DOWNING. Mr. Speaker, I rise to urge the strong support of the House for H.R. 16987, a bill that would authorize $175 million in supplemental appropriations for the construction subsidy program of the Maritime Administration for fiscal year 1973. Earlier this year, the Congress authorized $250 million for the construction program of the Maritime Administration. Now, your committee is requesting an additional $175 million.

Mr. Speaker, I am pleased to inform the House that the Maritime program provided by the Merchant Marine Act of 1970 has been very successful. Ship construction activity under this program has necessitated this supplemental authorization request for $175 million.

One June 30, 1972, the Maritime Administration signed contracts for the construction of 16 subsidized vessels whose total cost was about $660 million. The Government subsidy share of this vessel cost was approximately $290 million. Incidentally, this was the largest single group of peacetime contract awards for merchant ships since the inception of the subsidy program in 1936—$96 million of the 1973 basic appropriation of $250 million was used for this purpose. The remainder was funded from 1973 money and the use of multiyear procurement.

The above contracts left only $171 million, including $17 million of 1972 carryover funds, available to finance additional shipbuilding contracts during all of fiscal year 1973.

Then on September 29 and 30 of this year, the Maritime Administration signed contracts for the construction of six LNG vessels. Although the subsidy rate for these vessels averaged less than 25 percent, the lowest rate ever, the subsidy contract awards totaled $141.9 million.

As a result, after obligating an additional $2.9 million for contract changes, the Maritime Administration has only $26 million for ship construction subsidy available for the remainder of fiscal year 1973. As the chairman of your committee has pointed out, $26 million is just not enough. Authorization for an additional $175 million is required.

The Assistant Secretary of Commerce for Maritime Affairs is of the strong opinion, and your committee completely agrees, that contracts for about eight more ships should be awarded in fiscal year 1973. Very briefly, these would be five additional LNG vessels, two so-called OBO's for Moore-McCormack Lines, Inc., to fulfill the requirements of the Passenger Ship Sales Act, and another so-called roll-on roll-off vessel for the States Steamship Co. The requested authorization for supplemental appropriations in the amount of $175 million would provide for the above vessels.

For these reasons, I strongly urge the House to support H.R. 16987.

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

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

Mr. HALL. I appreciate my friend yielding to me.

This is a little bit of an unusual procedure here, although a copy of the identical report and the bill has been furnished me, it is not generally available.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. GARMATZ. Mr. Speaker, I yield 3 additional minutes to the gentleman from Virginia.

Mr. HALL. Will the gentleman yield further?

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

Mr. HALL. Much to my surprise, today I learn on the floor that last night it was added to the list for suspensions of the rules, which of course is within the prerogative of the leadership.

I understand, after having reviewed this report and the bill, that it is an emergency, and that this is less than the usual subsidy we invest in our merchant marine. Also, that it is really a buy-American bill in that it will keep this shipbuilding in the continental United States, rather than perhaps having those

who will furnish the necessary shipping requirements seek vessels under another flag registry, other than our own sovereign Nation.

Did the gentleman say that it was within the budget or just approved as an urgent matter by the Office of Management and Budget?

Mr. DOWNING. It is my opinion that it was approved by the Office of the Budget; it has been approved. I do not know whether it was included in the original budget or not.

I know that the President said that, in the implementation of the shipbuilding program, if additional funds were needed, he would see that we got them.

Now, the emergency is here, particularly created by the impending energy crisis and the necessity for these huge tankers.

Mr. HALL. If the gentleman would yield further, I think it is necessary that Congress be facile enough to react to situations like this. Certainly, I want these huge tankers and other types of merchant marine vessels to follow along in the new breakthrough in the reconstruction of our merchant marine, which we considered in the last Congress or early in this one.

As a matter of procedure, if this supplemental authority for an appropriation is approved, does the gentleman, or the distinguished chairman of the full committee on merchant marine, expect this to be added onto the supplemental bill that passed this body as far as the appropriation is concerned, and is now in the other body, or when it gets to conference?

Mr. GARMTAZ. The answer to that question is "yes."

Mr. DOWNING. We have been more or less assured it will be included in the supplemental in the other body.

Mr. HALL. The entire $175 million?

Mr. DOWNING. Yes, sir.

Mr. HALL. The gentleman being familiar with ship construction, coming from perhaps the greatest port for private shipbuilding we have, believes that this is not an unreasonable amount as an add-on to the original amount authorized for reconstitution of our Merchant Marine?

Mr. DOWNING. I do not. If we were not to pass this it would create a hiatus in the shipbuilding program we already have, which is designed to give this country the merchant marine it deserves.

Mr. HALL. I thank the gentleman.

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

Mr. DOWNING. I am glad to yield to the gentleman from Ohio.

Mr. BOW. I should like to congratulate the committee for this bill, again building ships in the United States, which I believe is very necessary.

May I say, in answer to the gentleman from Missouri's question, I understand the financing has gone to the other body and will be put in the bill over there. When we go to conference I can assure the Members that this Member will be in favor of the subsidy and for the early building of these ships.

Mr. GARMATZ. Mr. Speaker, I yield myself 1 minute.

The gentleman referred to an article in the newspaper, which stated that the President had asked this money be authorized and that the program continue to be carried out.

I should like to add that the Office of Budget and Management has supported this authorization.

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

I want to join in supporting the statements made by our chairman and by the gentleman from Virginia.

I believe the bill has been fully explained. It is being brought up as somewhat of an emergency matter, at the request of the White House. It is very critical if we are to keep up the momentum developed under the Merchant Marine Act of 1970.

I urge my colleagues to support the bill.

Mr. LENNON. Mr. Speaker, I rise to urge passage of H.R. 16987, a bill that would authorize $175 million in supplemental appropriations for the ship construction program of the Maritime Administration of the Department of Commerce for fiscal year 1973.

The bill, H.R. 16987, was introduced at the request of the Administration. It would increase by $175 million, the 1973 construction subsidy appropriation authorization of the Maritime Administration. The Administration requested the bill as the success of the maritime program provided by the Merchant Marine Act of 1970 has just about exhausted funds for this purpose.

After hearings on the bill, your committee unanimously reported H.R. 16987, without amendment. At the present time there remains only $26 million for construction subsidy for the remainder of fiscal year 1973. This amount is totally inadequate for the contracts of eight more ships that should be awarded this year.

The Merchant Marine Act of 1970 provided, among other things, for a 10-year vessel construction program. Without the requested appropriation authorization, confidence in the Government could falter to the detriment of the entire Maritime program.

Mr. Speaker, I strongly urge the House to support this very necessary legislation.

Mr. ANDERSON of Tennessee. Mr. Speaker, I want to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries for bringing forward this vital, emergency legislation.

The purpose of this bill is to help meet an impending energy crisis which, from all indications, the United States will experience by the year 1985.

There are several additional goals. One relates to atmospheric pollution. Natural gas burns almost pollution free. Then, conservation. Vast quantities of natural gas are still being flared to the atmosphere at wellheads throughout the world. This is a shameful waste, particularly when we consider the well-being of future generations.

I am fully aware of the complexities and difficulties of trying to look and plan ahead on matters of public needs. However, we must begin planning for the next decade before a growing energy crisis becomes a national catastrophe.

Authorities estimate that at the present rate of energy consumption in the United States, combined with a continuing decrease in domestic supply of energy sources, by 1985, we will be required to import over 40 percent of all forms of energy consumed. This will include the importation of approximately 15 million barrels of oil per day and 12 trillion cubic feet of natural gas per year. We are currently importing 3.4 million barrels of oil per day and it is anticipated that the growth rate of oil imports will be 300 to 400 percent during the next 15 years.

A massive cutback in the anticipated growth rate of energy consumption is not the solution if we are to survive and compete effectively as an industrial nation and support a relatively high standard of living, though certainly we must pay strong attention to conservation of energy resources.

The primary sources of energy in the foreseeable future will continue to be oil and gas. Coal and nuclear power will continue to provide substantial inputs, but even with the coal industry doubling its output and nuclear plants increasing their megawatt yield 80 times, these sources will provide only 37 percent of our national needs in 1985.

In addition, all the nonconventional sources combined, such as hydroelectric, geothermal, tidal, and solar power will provide less than 3 percent of our total energy needs in 1985.

The remainder of our energy needs, estimated to be 60 percent of the total, will be supplied from petroleum and natural gas.

If oil imports grow at the currently projected rates, in 1985 our oil needs will require between 300 and 350 oil tankers of 250,000 deadweight tons in service. The United States has no harbor capable of accommodating this size tanker.

Should an energy crisis come to the United States today, it is anticipated that we could meet and accommodate our energy needs for about 1 year at the most.

To meet such a crisis would mean relaxing air pollution standards so that high sulphur fuels could be consumed along the east coast and particularly in the energy deprived northeastern sector of the country. It would mean increasing domestic oil production, depleting on-hand reserve stocks and production from uneconomical wells. Even with these "emergency" measures we may be able to stand off the crisis for only about 17 months.

Mr. Speaker, we must direct our efforts toward a new national energy policy and we must look for new sources of energy which will most effectively meet the impending crisis.

I believe liquefied natural gas is that source. The ships and facilities will be costly. I estimate we are talking about a public commitment of at least $3 billion and a private commitment of $12 billion for a total of $15 billion. But these ships must be built in U.S. yards and they must be manned by U.S. crews. The potential is for at least 75,000 new jobs. To let the ships be built abroad, the LNG market commandeered by other nations, will not only wipe out that job potential, but place us as captives in the LNG marketplace. Other countries can charge whatever they want and cut off our supply at the slightest whim.

The use of LNG is not a new theory since we are already importing quantities of it to meet peak winter demands in the cold northeast. But, if we are already using this form of energy producing fuel, and we know how to produce it, why do we face an energy crisis? The problem is in transporting the gas. The U.S. currently has no ships capable of carrying LNG and the future will determine that the country with the transporting capability will control the market of this vital energy form.

Ten points can be made which give credence to the need for more U.S. participation in the LNG field.

First, presently, the public and industrial demand for LNG is growing at the rate of 3.4 percent per year while discoveries of new domestic gas reserves are declining.

Second, if the present trend continues, the United States will face a shortage of 20 trillion cubic feet of gas per year by 1985. And, if automobiles were to convert to LNG, which can be easily accomplished, the LNG requirement in this country would increase by 35 percent.

Third, at the same time the role of LNG on the world energy market is rapidly expanding with the United States being the largest user, consuming more than two-thirds of the world's supply.

Fourth, by contrast, the Soviet Union currently consumes 20 percent of the world's total supply of LNG and Western Europe about 5 percent. But Western Europe may soon increase their gas usage to approximately 10 percent as pipeline networks from the U.S.S.R. and The Netherlands are completed.

Fifth, those countries now planning to increase LNG imports include France, Italy, Spain, Japan, as well as the United States.

Sixth, thus far, the United States LNG efforts have been directed principally toward storage sites and highway-based semitrailers, 50 of which have been built and are operating mostly in New England and California.

Seventh, U.S. consumers along the east coast have been importing LNG from overseas via foreign flag ships to meet the needs of the winter months. Our role in the transportation of this gas is virtually nil.

Eighth, six Western European nations and Japan are leading the international field in LNG ship interest and construction. Today there are 13 LNG ships in service and 20 more on order.

Ninth, the closest the United States has come to operating a liquid natural gas carrier is the *Marine Eagle*, a converted T–2 which is being used as an ammonia carrier along the east coast.

Tenth, the United States, with its highly developed space technology, is fully capable, more so than any other country, of leading the world in the construction of LNG ships and facilities.

All of our space flights have utilized liquefied gasses. Various kinds of metals have been proven; pumps, compressors, insulation, and refrigeration techniques have been tested and used in orbital and lunar missions.

We have the experience, capability, and knowledge to move ahead in this field if we put our space and ship technology to work together.

Since the famous New York blackout in October 1965, there have been literally hundreds of other power shortages and failures across the United States. In my own Tennessee Valley country we have seen the reserve coal supply dwindle from 60 days to as few as one and a half days. We are being warned and alerted that new directions must be taken to insure ample energy in the future.

The bill which I have introduced is but the first step in assuring that our future energy needs will be met. At a later date I plan to offer legislation for the construction of additional shore-based and off-shore LNG facilities. Meanwhile, it is important that we not delay the ship construction program which would mean a great deal to our country in terms of meeting the energy crisis, the unemployment problem, and providing a much needed stimulant to the entire maritime industry.

U.S. owned and operated LNG ships are obviously in the national interest. The country which owns and operates these ships will have a profitable business and obviously will exercise control over the world's supply of LNG reserves.

We need these ships. Vast amounts of proven and unproven reserves are constantly being discovered in Alaska and in several nations overseas. To allow another nation to take the lead and monopolize the LNG transporting market would be detrimental not only to our economic interests but could lead to international politics depriving us of vital energy sources during some future international crisis.

Regulations and policies of the past will no longer suffice.

We cannot afford to follow our present shortsighted policy with respect to energy development and consumption. If we do, we will have the sorry task of telling the Nation, "Sorry, out of gas." It is imperative that we move aggressively and immediately into the LNG shipbuilding field.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland (Mr. GARMATZ) that the House suspend the rules and pass the bill H.R. 16987.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 351, nays 3, not voting 77, as follows:

[Roll No. 431]

YEAS—351

Abbitt	Daniel, Va.	Jones, Ala.
Abernethy	Daniels, N.J.	Jones, Tenn.
Abourezk	Danielson	Karth
Abzug	Davis, Wis.	Kazen
Adams	de la Garza	Keating
Addabbo	Delaney	Keith
Alexander	Dellenback	Kemp
Anderson, Calif.	Dellums	Kluczynski
	Dennis	Koch
Anderson, Ill.	Dent	Kyl
Anderson, Tenn.	Derwinski	Kyros
	Dickinson	Landgrebe
Andrews, Ala.	Diggs	Landrum
Andrews, N. Dak.	Dingell	Latta
	Donohue	Lent
Annunzio	Dorn	Long, La.
Arends	Downing	Long, Md.
Ashbrook	Drinan	Lujan
Ashley	Dulski	McClory
Aspin	Duncan	McCloskey
Aspinall	du Pont	McClure
Badillo	Eckhardt	McCollister
Baker	Edwards, Ala.	McCormack
Barrett	Edwards, Calif.	McDade
Begich	Eilberg	McDonald, Mich.
Belcher	Erlenborn	
Bennett	Esch	McEwen
Bergland	Eshleman	McFall
Betts	Evins, Tenn.	McKay
Bevill	Fascell	McKinney
Biaggi	Findley	Macdonald, Mass.
Biester	Flood	
Bingham	Flowers	Madden
Blanton	Flynt	Mahon
Blatnik	Foley	Mailliard
Boggs	Ford, Gerald R.	Mallary
Boland	Fountain	Mann
Bolling	Fraser	Mathis, Ga.
Bow	Frenzel	Mayne
Brademas	Frey	Mazzoli
Brasco	Fulton	Meeds
Bray	Fuqua	Melcher
Breaux	Garmatz	Metcalfe
Brinkley	Gaydos	Michel
Brooks	Gibbons	Mikva
Broomfield	Goldwater	Miller, Calif.
Brotzman	Gonzalez	Miller, Ohio
Brown, Mich.	Goodling	Mills, Ark.
Brown, Ohio	Grasso	Mills, Md.
Broyhill, N.C.	Green, Pa.	Minish
Broyhill, Va.	Griffin	Mink
Buchanan	Griffiths	Minshall
Burke, Fla.	Grover	Mizell
Burke, Mass.	Gubser	Mollohan
Burleson, Tex.	Gude	Montgomery
Burlison, Mo.	Hall	Moorhead
Burton	Halpern	Morgan
Byrnes, Wis.	Hamilton	Mosher
Byron	Hammer-schmidt	Moss
Camp		Murphy, Ill.
Carlson	Hanley	Myers
Carney	Hansen, Idaho	Natcher
Carter	Harrington	Nedzi
Casey, Tex.	Harsha	Nelsen
Cederberg	Harvey	Nix
Celler	Hastings	Obey
Chamberlain	Hathaway	O'Hara
Chappell	Heinz	O'Konski
Clancy	Helstoski	O'Neill
Clark	Henderson	Passman
Clausen, Don H.	Hicks, Mass.	Patman
	Hicks, Wash.	Patten
Clawson, Del	Hillis	Pepper
Cleveland	Hogan	Perkins
Collier	Holifield	Pettis
Collins, Tex.	Horton	Peyser
Colmer	Hosmer	Pickle
Conable	Howard	Pike
Conover	Hull	Pirnie
Conte	Hunt	Poage
Conyers	Hutchinson	Podell
Corman	Ichord	Powell
Cotter	Jarman	Preyer, N.C.
Coughlin	Johnson, Calif.	Price, Ill.
Culver	Johnson, Pa.	Price, Tex.
Curlin	Jonas	Pryor, Ark.

Pucinski	Sebelius	Ullman
Purcell	Selberling	Van Deerlin
Quie	Shipley	Vander Jagt
Quillen	Shoup	Vanik
Railsback	Shriver	Veysey
Randall	Sikes	Vigorito
Rangel	Sisk	Waggonner
Rarick	Skubitz	Waldie
Rees	Slack	Wampler
Reid	Smith, Iowa	Ware
Rhodes	Smith, N.Y.	Whalen
Roberts	Snyder	Whalley
Robinson, Va.	Spence	White
Robison, N.Y.	Springer	Whitehurst
Rodino	Staggers	Whitten
Roe	Stanton,	Widnall
Rogers	J. William	Williams
Rooney, Pa.	Stanton,	Wilson, Bob
Rosenthal	James V.	Wilson,
Rostenkowski	Steed	Charles H.
Roush	Steele	Winn
Rousselot	Steiger, Wis.	Wolff
Roy	Stratton	Wright
Roybal	Stubblefield	Wyatt
Runnels	Stuckey	Wydler
Ruppe	Symington	Wylie
Ruth	Talcott	Wyman
St Germain	Taylor	Yates
Sandman	Teague, Calif.	Young, Fla.
Sarbanes	Teague, Tex.	Young, Tex.
Satterfield	Terry	Zablocki
Saylor	Thomson, Wis.	Zion
Scherle	Thone	Zwach
Schneebeli	Tiernan	
Schwengel	Udall	

NAYS—3

Hechler, W. Va.	Kastenmeier	Reuss

NOT VOTING—77

Archer	Frelinghuysen	McCulloch
Baring	Galifianakis	McKevitt
Bell	Gallagher	McMillan
Blackburn	Gettys	Martin
Byrne, Pa.	Giaimo	Mathias, Calif.
Cabell	Gray	Matsunaga
Caffery	Green, Oreg.	Mitchell
Carey, N.Y.	Gross	Monagan
Chisholm	Hagan	Murphy, N.Y.
Clay	Haley	Nichols
Collins, Ill.	Hanna	Pelly
Crane	Hansen, Wash.	Riegle
Davis, Ga.	Hawkins	Roncalio
Davis, S.C.	Hays	Rooney, N.Y.
Denholm	Hébert	Scheuer
Devine	Heckler, Mass.	Schmitz
Dow	Hungate	Scott
Dowdy	Jacobs	Smith, Calif.
Dwyer	Jones, N.C.	Steiger, Ariz.
Edmondson	Kee	Stephens
Evans, Colo.	King	Stokes
Fish	Kuykendall	Sullivan
Fisher	Leggett	Thompson, Ga.
Ford,	Lennon	Thompson, N.J.
William D.	Link	Wiggins
Forsythe	Lloyd	Yatron

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

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Forsythe.

Mr. Rooney of New York with Mr. Gross.

Mr. Hays with Mr. Devine.

Mrs. Sullivan with Mrs. Heckler of Massachusetts.

Mr. Cabell with Mr. Archer.

Mr. Carey of New York with Mr. Frelinghuysen.

Mr. Davis of South Carolina with Mr. McCulloch.

Mr. Denholm with Mr. Fish.

Mr. Murphy of New York with Mr. Crane.

Mr. Nichols with Mr. Lloyd.

Mr. Roncalio with Mr. Schmitz.

Mr. Evans of Colorado with Mr. Smith of California.

Mr. Leggett with Mr. Wiggins.

Mr. Yatron with Mr. Steiger of Wisconsin.

Mr. Caffery with Mr. Blackburn.

Mrs. Chisholm with Mr. Gallagher.

Mr. Davis of Georgia with Mr. Pelly.

Mr. Fisher with Mr. Kuykendall.

Mr. Monagan with Mr. Mathias of California.

Mr. Matsunaga with Mr. Martin.

Mr. Lennon with Mr. King.

Mr. Jacobs with Mr. Riegle.

Mr. Stokes with Mr. Galifianakis.

Mr. Madden with Mr. McKevitt.

Mr. Collins of Illinois with Mr. Kee.

Mr. Edmondson with Mr. Bell.

Mr. Gettys with Mr. Scott.

Mr. Giaimo with Mr. McMillan.

Mr. William A. Ford with Mr. Gray.

Mr. Mitchell with Mr. Dowdy.

Mr. Dow with Mrs. Green of Oregon.

Mr. Hungate with Mr. Thompson of Georgia.

Mr. Hébert with Mr. Jones of North Carolina.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Hawkins with Mr. Baring.

Mr. Stephens with Mr. Scheuer.

Mr. Clay with Mr. Byrne of Pennsylvania.

Mr. Hanna with Mr. Haley.

Mr. Hagan with Mr. Link.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 16987.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9463, IMPORTATION OF PRE-COLUMBIAN SCULPTURE AND MURALS

Mr. MILLS of Arkansas submitted the following conference report and statement on the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 1583)

The committee of conference on the disagreeing votes of the two Houses in the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
H. E. TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendments numbered 1 through 14: These are clerical amendments. The House recedes.

Amendment numbered 15: In this amendment, the Senate added a new Title II to the bill, dealing with customs port security, and containing twelve sections. Under this amendment (see section 204), if the Secretary of the Treasury determines that the theft or pilferage of imported cargo or cargo for export has become detrimental to the international trade and commerce of a port of entry he shall (after taking into account certain listed factors and after consultation with various agencies) establish cargo security measures and procedures for terminals of that port of entry. The amendment also provides for identification cards (see section 205), civil penalties for violation of regulations issued pursuant to section 204 (see section 206), the prohibition of lading or unlading in certain cases of repetitive violations (see section 207), judicial review (see section 208), and criminal penalties (see section 209).

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the amendment of the Senate numbered 15 with amendments which are technical and clarifying in nature.

The amendments referred to in the preceding paragraph are as follows:

On page 3 of the Senate engrossed amendments, strike out line 20.

On page 3, line 21, of the Senate engrossed amendments, strike out "(4)" and insert: "(3)".

On page 5, beginning on line 2 of the Senate engrossed amendments, strike out "(5)" and insert: "(4)".

On page 5, beginning on line 2 of the Senate engrossed amendments, strike out "to establish such cargo security measures" and insert: "to prescribe regulations establishing such cargo security measures and procedures".

On page 5, line 4, of the Senate engrossed amendments, strike out "at terminals" and insert: "at terminals of such port of entry".

On page 5, line 14, of the Senate engrossed amendments, strike out "notice of" and insert: "regulations setting forth".

On page 5, line 16, of the Senate engrossed amendments, strike out "terminals" and insert: "terminals of such port of entry".

On page 5, line 18, of the Senate engrossed amendments, after "at terminals" insert: "under regulations prescribed pursuant to subsection (a)".

On page 5, line 19, of the Senate engrossed amendments, after "publication" insert: "of such regulations".

On page 6, line 12, of the Senate engrossed amendments, strike out "person" and insert: "individual".

On page 6, line 15, of the Senate engrossed amendments, strike out "person" and insert: "individual".

On page 7, line 1, of the Senate engrossed amendments, strike out "person" and insert: "individual".

Amendment numbered 16: Section 516 of the Tariff Act of 1930 permits American manufacturers, producers, or wholesalers to file petitions with the Secretary of the Treasury contesting the appraisement, classification, or rate of duty assessed by the Bureau of Customs with respect to imported merchandise. Senate amendment numbered 16 amends such section 516 so as to permit American manufacturers, producers, or wholesalers to file petitions with the Secretary of the Treasury when they believe that countervailing duties should be assessed against imported merchandise under section 303 of the Tariff Act of 1930. The Senate amendment would make available to American manufacturers, producers, or wholesalers the same judicial review procedures with respect to decisions by the Secretary that countervailing duties shall not be assessed as now apply under section 516 with respect to contested appraisements, classifications, and rates of duty. (Under existing law, only importers may obtain judicial review with respect to countervailing duties.)

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the amendment of the Senate with a clerical amendment and with an amendment providing that, in the case of a decision by the United States Customs Court or the United States Court of Customs and Patent Appeals that countervailing duties should be assessed, merchandise entered after 180 days before such court decision (but in no case before publication of the decision of the Secretary) will be assessed in accordance with the final court decision. The Senate amendment provided that such assessment would apply in the case of merchandise entered after the date of the Secretary's decision.

The amendments referred to in the preceding paragraph are as follows:

On page 11, line 12, of the Senate engrossed amendments, strike out "duty" and insert: "duties".

On page 14, lines 11 and 12, of the Senate engrossed amendments, strike out "after the date of publication of the Secretary's decision" and insert: "after the 180th day before the date of publication of the court decision (but in no case before the day after the date of publication of the Secretary's decision)".

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
JOHN W. BYRNES,
JACKSON E., BETTS,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
H. E. TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS.
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 14370, STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 26, 1972.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

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

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, while this conference report, which has to do with fiscal assistance for State and local governments, accepts a number of Senate amendments, the conference agreement is fully consistent with the spirit and the objectives of the House-passed bill. In fact, the conference agreement is more effective in my opinion than either the House or the Senate bills in providing financial assistance to the hard-pressed State and local governments.

I am glad to report that the Federal aid under the agreement is limited to a specific amount over a specific period of time instead of being based, as under the original proposal, on a percentage of the individual income tax base. This is essential to keep the cost of the program within limits.

More specifically, the payments for aid to State and local governments start at an annual rate of $5.3 billion for calendar year 1972 and increase until they reach $6.4 billion in calendar year 1976.

Mr. Speaker, I ask permission to include in the RECORD a table which compares the amounts appropriated for aid to the States and localities by the conference report with the amount appropriated under the House and Senate bills by fiscal years.

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

There was no objection.

The table is as follows:

	Conference agreement	House bill	Senate amendment[1]
Period:			
Jan. 1, through June 30, 1972	2,652.39	2,650	2,652.39
Fiscal year beginning July 1, 1972	5,642.38	5,450	5,954.78
Fiscal year beginning July 1, 1973	6,054.78	5,750	6,754.78
Fiscal year beginning July 1, 1974	6,204.78	6,050	7,054.78
Fiscal year beginning July 1, 1975	6,354.78	6,350	7,354.78
July 1 through Dec. 31, 1976	3,327.39	3,325	3,827.39
Total	30,236.40	39,575	33,598.90

[1] These amounts are based on (1) the appropriations contained in sec. 102 of the Senate amendment as limited by sec. 104(a) thereof, and (2) the appropriations contained in sec. 121(a) of the Senate amendment.

Mr. MILLS of Arkansas. Payments under the conference bill are about $3.4 billion less than the total payments provided under the Senate-passed bill. However, the Senate bill provides $4 billion of payments in lieu of grants for social services over the period July 1, 1972, through December 1, 1976, which were deleted in conference so that the figures are not strictly comparable.

The figures I have just given relate to the total payments to State and local governments. As you will recall, in the first year of the program, the House bill distributed $3.5 billion out of the $5.3 billion total aid funds to local governments on the basis of a formula which contains three factors: Population, urbanized population, and population inversely rated for per capita income, so that poorer communities get relatively larger funds than wealthy communities.

The House formula also provided an additional $1.8 billion to the States, one-half on the basis of income tax collections and the other half on the basis of general tax effort.

The Senate bill, on the other hand, distributes the funds to both State and local governments on the basis of one single formula; namely, population multiplied by general tax effort and relative income.

While I think that the differences in the distributional effects of the House and Senate formulas can be overemphasized, it is undoubtedly true that these formulas result in different patterns of payment. The House formula, for example, tends to give somewhat greater payments than the Senate formula to the large, populous States. The Senate formulas, on the other hand, tend to give relatively larger payments to the rural areas and to the big cities, while the suburbs generally receive smaller payments than they would under the House-passed bill.

The resolution of these two different formulas posed an especially difficult problem for the conferees, since each formula had strong adherents and could be defended as being reasonable. What we did, therefore, was to base the distribution—and this is most unusual in a sense—was to base the distribution of the total payment to each State including both the payments to the State itself and the payments to its local governments, on the House formula or the Senate formula, whichever produces the higher amount.

This use of the formula that produces the higher allocation would, if nothing were done about it, increase the total cost of the program. In the first year of the program, to offset this additional cost, the amount going to each State is reduced by 9 percent. This brings the cost of the program in the first year of operation back to the $5.3 billion appropriated for this purpose. In the subsequent years of the program, the additional cost resulting from the option generally is absorbed by reducing the annual increases in payments provided under both the House and the Senate bills from $300 million a year to $150 million.

Mr. Speaker, I ask permission to include in the RECORD a table comparing the allocations to the various State areas under the conference report with those resulting under the House bill and the Senate bill for calendar year 1972.

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

There was no objection.

The table follows:

TABLE 1.—COMPARISON OF ESTIMATED DISTRIBUTION OF FUNDS TO THE STATES UNDER THE HOUSE BILL, SENATE BILL, AND CONFERENCE AGREEMENT FOR CALENDAR YEAR 1972

[Millions of dollars]

States	House bill	Senate bill	Conference agreement			
			Before scaling to 5,300,000,000	After scaling to 5,300,000,000	State share	Local share
United States, total	5,300.0	5,300.0	5,821.1	5,303.9	1,767.8	3,536.1
Alabama	80.2	127.6	127.6	116.1	38.7	77.4
Alaska	6.6	5.5	5.5	6.3	2.1	4.2
Arizona	46.1	55.1	55.1	50.2	16.7	33.5
Arkansas	38.3	60.4	60.4	55.0	18.3	36.7
California	610.8	510.4	610.8	556.1	185.4	370.7
Colorado	59.4	60.0	60.0	54.6	18.2	36.4
Connecticut	72.6	57.5	72.6	66.2	22.1	44.1
Delaware	17.3	12.9	17.3	15.8	5.3	10.5
District of Columbia	26.0	14.1	26.0	23.6	7.9	15.7
Florida	150.0	160.3	160.3	146.0	48.7	97.3
Georgia	103.4	120.7	120.7	109.9	36.6	73.3
Hawaii	25.9	22.7	22.7	23.8	7.9	15.9
Idaho	15.4	21.8	21.8	19.9	6.7	13.2
Illinois	301.8	250.9	301.8	274.7	91.5	183.2
Indiana	113.8	114.6	114.6	104.3	34.8	69.5
Iowa	67.8	84.6	84.6	77.0	25.6	51.4
Kansas	47.7	58.0	58.0	52.8	17.6	35.2
Kentucky	71.8	95.9	95.9	87.3	29.1	58.2
Louisiana	83.2	124.8	124.8	113.6	37.9	75.7
Maine	19.9	34.2	34.2	31.1	10.3	20.8
Maryland	117.5	94.8	117.5	107.0	35.7	71.3
Massachusetts	179.0	143.5	179.0	163.0	44.3	118.7
Michigan	243.7	210.9	243.7	221.9	74.0	147.9
Minnesota	114.1	108.2	114.1	103.9	34.6	69.3
Mississippi	46.0	99.6	99.6	90.7	30.2	60.5
Missouri	107.6	108.5	108.5	98.8	33.0	65.8
Montana	16.7	22.6	22.6	20.6	6.9	13.7
Nebraska	34.5	47.1	47.1	42.9	14.3	28.6
Nevada	12.2	11.9	12.2	11.1	3.7	7.4
New Hampshire	13.5	16.7	16.7	15.2	5.1	10.1
New Jersey	179.7	142.6	179.7	163.6	54.5	109.1
New Mexico	22.5	36.5	36.5	33.2	11.0	22.2
New York	649.6	507.1	649.6	591.4	197.1	394.3
North Carolina	113.0	148.8	148.8	135.5	45.2	90.3
North Dakota	12.0	21.7	21.7	19.7	6.5	13.2
Ohio	227.4	185.4	227.4	207.0	69.0	138.0
Oklahoma	52.9	65.3	65.3	59.4	19.8	39.6
Oregon	60.1	61.8	61.8	56.2	18.7	37.5
Pennsylvania	300.9	290.2	300.9	274.0	91.3	182.7
Rhode Island	25.9	23.1	25.9	23.6	7.9	15.7
South Carolina	57.9	89.5	89.5	81.5	27.2	54.3
South Dakota	13.5	27.6	27.6	25.1	8.4	16.7
Tennessee	79.3	108.1	108.1	98.4	32.8	65.6
Texas	248.3	268.6	268.6	244.5	81.5	163.0
Utah	29.0	34.5	34.5	31.4	10.5	20.9
Vermont	11.0	16.3	16.3	14.8	4.9	9.9
Virginia	115.6	109.7	115.6	105.2	35.0	70.2
Washington	79.1	92.3	92.3	84.1	28.1	56.0
West Virginia	36.4	57.5	57.5	52.3	17.4	34.9
Wisconsin	137.0	147.1	147.1	133.9	44.6	89.3
Wyoming	6.1	10.7	10.7	9.7	3.2	6.5

Mr. MILLS of Arkansas. After the allocation to each State area is determined on the basis of whichever formula is the higher, two-thirds of this amount is allocated to the local governments in the State and the remaining one-third is allocated to the State government itself. The House bill, unlike the conference report and the Senate bill, did not require each State area allocation to be distributed between the local governments in that State and the State itself on a two-thirds, one-third basis, but the division of funds, under the House bill, on an overall basis amounted to about the same thing. But, we found variations among States. Some States will be slightly more than 50 percent going to the localities; some as high as two-thirds.

We thought it was best to make it the same in all States. So under this formula in the conference report two-thirds in each State now will go to these local governments.

Mr. Speaker, with respect to the distribution within the States, we discussed the relative merits of the House-passed formula as well as of the Senate-passed formula, and those representing the administration, primarily the Deputy Secretary of the Treasury, felt that the Senate formula for distribution within the States was preferable to the House formula, and the House conferees also accepted that thought; therefore, we adopted the Senate formula for distribution within the States to the local governments.

As a result, the distributions to county areas and other local governments are made on the basis of population weighted by tax effort and relative income. This formula distributes a relatively larger share of the funds to the poorer localities including both rural areas and the core cities, which are in the greatest need of financial assistance. Less of the funds are distributed to the suburbs which frequently are in a better financial situation.

The conference agreement gives the States the right to elect, by law, to have the distributions to their local governments made on the basis of an alternative formula which broadly resembles a comparable provision in the House bill. Under this formula, the distributions to local governments may be made on the basis of population multiplied by general tax effort or population multiplied by relative income or any combination of these two factors.

Under the conference agreement, the per capita allocation to any specific local government is not to be less than 20 percent nor more than 145 percent of the average per capita allocation to local governments throughout the State.

We also accepted a Senate amendment which provides somewhat larger allocations to the States of Alaska and Hawaii in recognition of the fact that costs of providing government services are unusually high in those States which are noncontiguous to the U.S. mainland. In addition, we accepted, after making certain improvements, a provision to grant aid funds to Indian tribes which are self-governing units.

Let me turn now to the vital question of how the local governments are to spend the aid funds. This constituted one of the major differences between the Senate and House bills. The Senate bill contains no guidance as to how the local governments are to spend the amounts distributed to them under the bill. This is in marked contrast with the House bill which requires local governments to spend the aid funds on a specified list of high priority items. This, of course, is in accord with the principle that if the Federal Government is to provide aid to the local governments, it should provide guidance as to how the funds are to be spent. The objective is to insure that the funds shall be spent for socially useful purposes which have a high priority among the various public needs.

In view of the importance of providing Federal guidance as to the spending of local aid funds your conferees were adamant that the bill should provide such guidance. As a result, the conference report contains a specified list of priority expenditures on which local governments can spend the aid funds. Under the conference report, the list of priority expenditures is expanded to include necessary maintenance and operating expenses for health, recreation, libraries, social services for the poor and aged and financial administration, which were not included in the House bill. In addition, under the conference bill, all ordinary and necessary capital expenditures authorized by law—and not just a limited group—are treated as priority expenditures or, in other words, as permissible expenditures for local governments.

In keeping with the objective of providing additional aid to local governments, the House bill contains provisions to prevent States from reducing their aid to local governments so as to offset the Federal aid. In conference, we accepted a slight revision on this amendment which improves on it somewhat.

The conference report follows the House bill in requiring wages paid to individuals out of aid funds to comply with certain minimum wage standards. However, in this regard, we accepted a number of Senate amendments and rejected others which we believe to be inconsistent with the objective of such minimum wage provisions. The conference report provides that the Davis-Bacon minimum wage provisions are to apply to wages paid to laborers and mechanics employed by contractors and subcontractors providing that the aid funds constitute 25 percent or more of the project's cost. Similarly, the conference agreement specifies that employees of governmental units whose wages are paid from aid funds are to be no lower than the prevailing rates of pay for individuals employed in similar public occupations by the same employer, provided that 25 percent or more of the

wages paid to all employees in that category are financed out of aid funds.

Finally, to prevent the aid funds granted under the pending legislation from being used to pyramid Federal aid, the conference agreement prohibits State governments as well as local governments from using the aid funds for purposes of matching Federal funds whether or not the Federal law providing the grant program permits the use of Federal funds for matching purposes.

Moreover, the prohibition is against the use of funds either directly or indirectly for matching. Whether or not a government will be considered to have met this requirement is determined by looking at its total budget. The Government can meet this prohibition against matching requirement if there is no increase in matching funds compared to the base period or there is another source of matching funds other than the funds provided by this bill. The other source of these funds could be either an increase in local revenues over the amounts raised in fiscal year 1972, equal to or greater than the increase in funds used for matching, or a decrease in spending for a locally funded program which is not replaced by the aid funds provided by this bill.

I am pleased to report that the conference report provides for the Federal collection of State income taxes on a voluntary basis along the general lines of the House bill. Under the conference agreement, this piggyback provision becomes effective on January 1, 1974, provided at least two States whose residents filed 5 percent or more of all Federal income tax returns during 1972 elect to have their taxes collected by the Federal Government. Our bill would have required at least five States to agree to have their taxes collected by the Federal Government before putting the provision into effect. Other minor technical changes were agreed to in the piggyback provision.

All in all, I think this is a bill which deserves the support of every Member of this body. I urge the House to pass this measure promptly to provide our State and local governments the financial aid that they urgently need and also to agree to the provision on which I will shortly offer a motion putting into effect the sorely needed reform of Federal matching grants for social services.

Finally, I would like to add a few words of explanation concerning the amounts going to particular localities. A number of questions have been raised concerning the figures shown in the supplemental report showing the distribution of funds, the "blue book," and there has been some misunderstanding concerning the relationship between these numbers and the amount of money the governments will actually receive. Generally, the questions concern why one locality receives more or less than another. The basic allocation formula for distribution of funds within a State is population weighted by tax effort and further weighed by inverse relative income levels. This formula itself can result in wide differences in the per capita allocation to localities—a locality with relatively high income and relatively low tax effort can receive substantially less per capita than a low income area which has a fairly high tax effort.

The amounts shown in the blue book as going to particular local governments are intended as estimates of the amounts for calendar year 1972 and should be regarded as estimates rather than precise figures for several reasons.

In the first place, there are errors—both computer errors and data errors—in some of these figures. The Treasury Department is in the process of correcting these errors for the purpose of making the first payment near the end of October. Our staff has been working with the Treasury Department to make sure that the Department is aware of all the questions and possible discrepancies that have been brought to our attention.

The second reason some of the amounts going to particular localities may appear out of line to some local governments is that, of necessity, they are based on the 1970 population and income data from the decennial census. In addition, the local tax data which were used in determining these figures are for fiscal year 1967, the latest currently available. For places that have been growing rapidly since that time, the estimated allocations will appear unreasonably small. It is my understanding that the first payment, for the first 6 months of 1972, to be made at the end of October, will be based on the fiscal year 1967 tax data. In November, the Treasury Department expects to have fiscal year 1971 tax data which it will use to recompute the calendar year 1972 entitlements, and it will adjust the final payment for 1972, to be made in early January 1973, to reflect the adjustment of the 1972 entitlements caused by the later tax data. The intention is to update this tax data annually thereafter.

A third source of difference between the amounts localities will receive and the estimates shown is that the estimates do not include the places incorporated since the 1970 census. When these newly incorporated places are included among the localities receiving funds, the amounts shown as going to the other localities in the same area will tend to be reduced. There may be some timelag in distributing funds to newly incorporated places. Distribution will be made, however, to a locality for any entitlement period if the locality is incorporated before the beginning of that period. Thus, for the entitlement period beginning January 1, 1972, a municipality will be included in the distribution if it was incorporated on or before December 31, 1971. There may, however, be some difficulty in including all such places in the October payment, but this does not affect their eligibility for funds for calendar year of 1972.

Finally, the amounts shown in the blue book will not be the same from year to year. To reflect the changing characteristics and need of localities, the population, income, and tax data will be updated as often as is feasible. Consequently, the amounts going to particular localities will vary somewhat from year to year.

There are two or three points that remain for discussion. One of them my friend, the gentleman from New York (Mr. REID), is interested in; that we retained the element in the House bill that allowed, after July 1, 1973, a State legislature, if unsatisfied with our specified distribution of funds within the State, to make modifications in that distribution so as to eliminate any hardship or unfairness that the State Legislature may think to exist in the rigid Federal formula that does apply from January 1, 1972, through June 30, 1973. We did retain that element but the optional formula may be adopted for the entitlement period beginning January 1, 1973. As a practical matter, however, the requirement that the State enact a law incorporating the optional formula and inform the Secretary of the Treasury 30 days before the beginning of the entitlement period makes it unlikely that a State would be able to actually implement an optional formula prior to the entitlement period beginning July 1, 1973.

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

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from New York.

Mr. REID. I thank the gentleman for yielding.

It is my understanding, Mr. Speaker, because of the urbanized factor in the House formula for the localities, dropped by the Senate—they have a different formula—that Westchester County, for example, and a number of other suburban counties, have received something of a significant cut under the conference report. Further, it is my understanding there are two areas of prompt relief.

Mr. MILLS of Arkansas. One I have discussed.

Mr. REID. The first is the one the gentleman mentioned. I would like to ask a question about that.

Second, it is my understanding there are no strings on the one-third for calendar year 1972 that goes to the States, and the State legislature and the Governor in their wisdom could allocate a higher portion of that to individual urban areas or suburban counties out of that one-third, should that be necessary because certain cities in that area are hard-pressed. Is that correct?

Mr. MILLS of Arkansas. The gentleman is absolutely correct, although there are no strings on the one-third for years after 1972 either.

Mr. REID. Further may I ask a question in connection with calendar year 1973? It is my understanding in the State formula the legislature could reallocate funds under the two-thirds to take cognizance of any imbalance that localities might have, that is significant to the financing they have counted on, to give a better break to certain suburban counties.

Mr. MILLS of Arkansas. That is, as a practical matter, with respect to the fiscal year beginning July 1, 1973.

The SPEAKER. The time yielded by the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself an additional 2 minutes.

Mr. REID. It is my understanding that action could be taken for the second half of calendar year 1973, provided action is taken by the legislative 30 days before the beginning of the second period.

Mr. MILLS of Arkansas. The gentleman is correct; the Secretary of the Treasury must be notified of the State action 30 days before the beginning of the entitlement period.

Mr. REID. I thank the gentleman.

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

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. ROUSSELOT. I thank the gentleman for yielding. Has the gentleman or any other member of the committee made sure that no State or local government that has a surplus will be eligible for these funds?

Mr. MILLS of Arkansas. No.

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

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. ROUSSELOT. Is that not an important part of making this legislation conform to a responsible concept.

Mr. MILLS of Arkansas. Yes, it is, because the money can be used to reduce the local taxes of a locality, and I think that would be a good thing. I would like to see it all used for that purpose, frankly, because the cities primarily raise their money through property taxes, which I consider to be a very onerous type of tax.

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

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I would like to ask this: Is it not important, when the Federal Government is going into debt to such a tremendous extent to make certain we are not giving money to those State governments or local governments which have surplus funds on hand?

As I understand it, totally in the Nation in both the State governments and the local governments today, these units have a total surplus of close to $15 billion, and, therefore, we are then asking our Federal taxpayers to go further into debt. By $8 billion in this legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

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

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. ROUSSELOT. I thank the gentleman for yielding.

To continue, Mr. Speaker, we are asking our Federal overworked taxpayers to go further into debt, when many of these State and local governments have surplus funds on hand.

Mr. MILLS of Arkansas. The gentleman is correct. There are States that do not operate in the red, and there are cities—many of them I guess—that do not operate in the red.

Mr. ROUSSELOT. Should there not be a prohibition then, so that we do not pay out funds under these formulas if there are surplus funds in these State and local governments?

Mr. MILLS of Arkansas. There is no such provision in either the House-passed bill or the Senate-passed bill. Therefore, it was impossible for us to include such a provision in the conference report. There is no such provision in the conference report.

Mr. ROUSSELOT. Mr. Speaker, I think that is a disaster, to ask our taxpayers to pay out funds to a State or local government when we are going into debt on the Federal level and will have to borrow the money to meet the obligation.

Mr. MILLS of Arkansas. There are those who think it is a disaster for us to extend Federal credit to some of the State and local governments, and we may differ in our opinions on that point.

I will make it very clear. I said when the bill came up that we have no surplus moneys anywhere that I have been able to find to distribute to the States. We are merely making the credit of the Federal Government available for their purposes.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I thank my friend for yielding.

It seems to me that we have come to the point now where further debate in regard to revenue sharing would be more or less futile.

Of course, this conference report is not subject to amendment?

Mr. MILLS of Arkansas. No, it is not.

Mr. MAHON. And it is expected it will be approved before our adjournment?

Mr. MILLS of Arkansas. That is right.

I wish to restate my unalterable opposition to the pending revenue sharing measure. On many previous occasions I have taken the floor of the House stating in clear and certain terms that the revenue sharing concept is wrong in principle.

For the purpose of argument today, I brush aside the issue of committee jurisdiction. The issue is more fundamental than that. It is bad fiscal policy and bad government.

AN IDEA WHOSE TIME HAS COME AND GONE

I have consistently made the point that revenue sharing is an idea whose time has come and gone.

It was, I believe, conceived by Walter Heller, a well-known economist, in the early 1960's, when it appeared that the Federal tax structure was such that it would be generating vast sums of money for which we had no spending purpose insofar as the Federal Government was concerned. It was thought that a large, overwhelming surplus would be confronting us. There was worry about a fiscal drag.

This was the atmosphere in which the idea of revenue sharing was conceived and brought to the forefront. This was the setting at the Federal level.

What has happened to change things since then? On the spending side, the Great Society was enacted and the Nation became involved in the Vietnam war. And the Federal Government responded more than generously to the needs of State and local governments.

ASSISTANCE TO STATES AND LOCALITIES

In Federal assistance to State and local communities, we went in the period 1960 to 1972 from $7 billion to $37 billion.

In 1960, of total nondefense Federal spending, 16 percent went to the States and local communities. But of total nondefense Federal spending in 1972—not 16 percent, but 26 percent is going to aid States and local communities. That is an additional 10 percent of the nondefense Federal dollar. It is about a 60-percent increase in Federal assistance to States and localities during that period.

In 1960, we provided State and local communities with 11 percent of their revenues. But in 1972, we provided them with 21 percent of their revenues for their expenditures.

REDUCED REVENUES

Meanwhile the Federal Government began a policy of reducing revenues. We will have available for spending in the general fund of the Treasury an estimated $50 billion less in revenues in 1973 as a result of tax actions over the last 10 years, assuming the economy would have behaved as it did.

DEFICITS NOT SURPLUSES

Only one thing can happen when you dramatically increase the rate of spending while at the same time you significantly reduce the tax base. The House voted just the other day to raise the debt limit to an astronomical $465,000,000,000, and about one-fourth of that has been accumulated in the last 4 years. That is what has happened.

The Federal Government is facing not surpluses, but deficits that have been growing substantially larger over the years. Two days ago the situation was acknowledged when the Ways and Means Committee concluded that the problem had become so bad that Congress should turn unprecedented authority over to the Executive to meet the fiscal crises.

STATE AND LOCAL SURPLUSES

Meanwhile what has happened with regard to the fiscal problems of State and local governments? They are on the whole, not by any means in all instances, reportedly running a surplus at an annual rate of $11 billion during the first 6 months of calendar 1972.

The American Enterprise Institute has studied this matter and concluded that the Federal Government is impoverishing itself, while at the same time the fiscal posture of the States and local governments in most instances is much improved. To quote a major finding of this recent study:

> The Federal Government is apparently in the process of impoverishing itself while putting the states and local governments as a group in a position of relative fiscal affluence.

A MILE WIDE AND AN INCH DEEP

There is no doubt that some specific localities do have their desperately serious problems, but it is wrong to trumpet revenue sharing as a panacea for these problems. Scattering this appropriation—even one of the magnitude of $6 billion per year—to all the units of

government in the country promises no real cure for specific ills.

TAXING AND SPENDING—INSEPARABLE POLITICAL RESPONSIBILITIES

Philosophically, I am opposed to the concept of revenue sharing because it separates two inseparable political responsibilities, taxing and spending. Those who levy the tax should have an important roll in determining how the revenues are to be spent. Those who seek the opportunity to spend public money should share in the responsibility of raising the revenue. I am fearful that there is inherent harm to our Federal system in any concept that does not embrace that fundamental principle.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself 1 additional minute, Mr. Speaker.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. GREEN of Pennsylvania. Mr. Speaker, first I want to take this opportunity to commend the gentleman from Arkansas (Mr. MILLS) for all the hard work he has put into this.

I had a few questions. First of all, we have title III in this bill as passed originally, and the House placed no limit on social services?

Mr. MILLS of Arkansas. That is right.

Mr. GREEN of Pennsylvania. Then the other body came along and put a $600 million limitation on them?

Mr. MILLS of Arkansas. In order to keep the record straight, that provision is not in the conference report. It is not germane to the bill.

The conferees are bringing back in disagreement the provisions in title III. Therefore, I will have to make a motion on the conference report after approval.

Mr. GREEN of Pennsylvania. That is the thing I wanted to determine at this point.

I will ask the gentleman, then: There will be a motion after the conference report is approved?

Mr. MILLS of Arkansas. The gentleman is correct.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself 2 additional minutes.

Mr. WALDIE. Mr. Speaker, will the gentleman yield to me at this point?

Mr. MILLS of Arkansas. Yes; I yield to the gentleman from California.

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

Touching upon the point my colleague from California (Mr. ROUSSELOT) made, in our State what brought the problem up was this: The Governor of our State says that all moneys he receives from revenue sharing will be used to reduce the State income tax burden.

I can understand you have a problem where you are asking to reduce the local property tax burden, and that there would be merit to that, but where the State is using it to reduce the surplus because of a State income tax burden, as a result of increasing the Federal income tax burden, it does seem to me to be an unjust use of these funds.

Mr. MILLS of Arkansas. I would say to the gentleman, if you are talking about two different people, two different local administrations; that is correct.

However, by and large, those people who pay State income tax are the same ones who pay Federal income tax. If that same individual can be relieved of his State income tax or a State property tax or some other type of tax, I am not going to quarrel about him getting that relief.

Mr. WALDIE. I will only quarrel to this extent. He is not being helped if we have to increase his Federal income tax $250 million.

Mr. MILLS of Arkansas. We will cross that bridge later on.

Mr. WALDIE. I hope we do cross it.

Mr. MILLS of Arkansas. But I do not agree with the gentleman.

Mr. WALDIE. I think we should reduce the Federal income tax.

Mr. MILLS of Arkansas. We will have to cross that bridge later on.

Mr. PEPPER. Will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the gentleman from Florida.

Mr. PEPPER. I would like to ask the able gentleman from Arkansas two questions.

First, the original bill as it passed the House was so formularized; that is, the formula was such that States like that did not have an income tax were penalized in the amount of money they would receive. Is that continued in the conference report?

Mr. MILLS of Arkansas. Under the conference report no State is penalized because it does not have an income tax, because the Senate formula under which a State, in all probability would draw its money looks only at your general tax effort and not any specific type of tax.

Mr. PEPPER. Will the gentleman yield for another question?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. PEPPER. Now there has been great concern in my State that the limitation of social spending which is understood to be in the conference report, although the House is to be commended——

Mr. MILLS of Arkansas. It is not in the conference report. It is a matter that is in disagreement, and there will have to be a separate motion on that. It is not germane to the subject matter of the conference report.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

I yield to the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Speaker, I appreciate my chairman yielding to me.

Mr. Speaker, in the debate on this bill when originally approved by this House, along with others, I attempted to convince its supporters that it was the worst piece of legislation ever before this body. In principle and philosophy it is no better as presented in the conference report now before us. This report should be voted down. Should this report be disapproved at least our Ways and Means Committee and the Finance Committee of the other body, could then fix the effective date as January 1, 1973, rather than make the handouts provided in this measure, retroactive to January 1 of this year. The savings would amount to approximately $6 billion, an amount near that estimated to be cut from expenditures by the President to bring spending down to $250 billion in this fiscal year as authorized in the legislation passed 2 days ago.

Mr. Speaker, I continue to believe there is virtue in consistency. Those of us who supported the spending limitation a few days ago will be consistent in voting against this proposal. Turn down this monstrosity, this Frankenstein, and the problem of keeping expenditure at $250 billion or less will be solved.

Those of you who opposed setting an expenditure ceiling will be consistent in voting against what is now before us because your principal argument was that this Congress should set the limitation instead of the Executive. Now is an opportunity to exercise that prerogative. I am in fullest agreement that this should be the prerogative and responsibility of the Congress but those of us who supported legislation placing an expenditure ceiling on the President, do so out of conviction and yes, frustration, that this Congress is failing and has failed to discipline ourselves in holding down needless spending. Now is a time of truth and proof.

I say particularly to my Republican friends that when you support this huge spending called for in this bill, you are hardly consistent with your strong support for the request of the President for a spending ceiling.

Over the period of time provided for in this bill adds $32 billion to the 72 percent of any budget to be submitted and this is only the beginning.

Allow me one final point. Money provided in this bill is automatically allocated to State and local governments. They need to do nothing but go to the mailbox. They must spend the money handed them to qualify for more funds in following years. Now what kind of a system is this? It is wrong and an innovation which I predict will be regretted by you who support it.

Mr. MILLS of Arkansas. Mr. Speaker, I will be glad to yield to the gentleman from Illinois (Mr. COLLIER) a member of the committee.

Mr. COLLIER. Briefly alluding to what the gentleman from California (Mr. WALDIE) said, is it not true under this formula if a State does reduce its State income tax, then it stands to lose Federal revenues by reason of the tax effort factor that is in the bill?

Mr. MILLS of Arkansas. No.

Mr. COLLIER. If it is not, then there is something seriously wrong.

Mr. MILLS of Arkansas. No. The gentleman is not entirely accurate, because the State must maintain its general tax effort, not just its income tax effort. If a State cuts its income tax but increases other taxes so that its total level of tax collections, its general tax effort, remains

the same it would not have a reduction in Federal funds.

Mr. DEL CLAWSON. Will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the gentleman from California.

Mr. DEL CLAWSON. In connection with the tax effort, I understand some mention was made before the committee in the hearings of the contract cities of California.

Mr. MILLS of Arkansas. Of what?

Mr. DEL CLAWSON. Of the contract cities, cities that contract with the county for many of their services and, as a result, do not have the same type of property tax. Was any consideration given to them in this tax effort formula?

Mr. MILLS of Arkansas. It is my understanding, even if they contract for services, they still have to pay for those services, and if they do pay for those services, then they impose taxes and would share in the proceeds of this distribution.

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

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 2 additional minutes.

I yield to the gentleman from Missouri.

Mr. HALL. I have one very simple question.

As H.R. 14370 has finally evolved from the conference do you use the term "development disabilities" in connection with and as intended in Public Law 91–517, or does it continue to use the term "mental retardation"?

Mr. MILLS of Arkansas. That is in the matter that is in disagreement. We use the term "mental retardation," but I intend to make a statement in connection with what we mean by that term. We are not adhering to the strict medical interpretation of "mental retardation."

Mr. HALL. Being a physician, I would certainly hope we could clarify and expand this.

Mr. MILLS of Arkansas. I want the gentleman to help me with this.

Mr. HALL. I say that because I think we ought to make the legislative history on this so we can include such things as birth injuries, spastics, epilepsy, and so forth.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 1 additional minute.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, under title I, that section 103, that local governments are permitted to use funds for necessary maintenance and operating expenses. Does authorized expenditures include the mental health programs, including the construction of facilities of the local governments?

Mr. MILLS of Arkansas. Yes; it would include the mental health programs.

Mr. DUNCAN. It does so definitely; is that correct?

Mr. MILLS of Arkansas. Undoubtedly, any aspect of health.

Mr. DUNCAN. I thank the chairman.

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

Mr. MILLS or Arkansas. I yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Speaker, I rise in support of the revenue sharing conference report. I do this with some hesitation because I feel the formula for distributing money among local governments is not as equitable in the conference report as it was in the original House passed bill. The failure of the conferees to recognize the urbanization factor in distributing the funds is a failure to recognize the great pressure being applied to suburban areas. It is in the suburban areas that population growth is occurring, and it is the suburban governments which are going to have to provide services at a level sufficient to respond to the needs of the people. I plan to work to rectify this flaw in the formula at the earliest opportunity.

I do note, Mr. Speaker, that there are certain improvements contained in the conference report. Chief among these is the broader range of permissible uses of revenue sharing funds by local governments. If revenue sharing is to be a transitional step in turning back jurisdiction to those levels of government best able to respond to the needs of the people, then it is critical that wide latitude be given them in the use of their funds. Hopefully the day will come when it will be possible to simply leave the money in the localities, and thereby avoid the costly round trip to Washington. In the meantime, maximum flexibility is most important.

As is so often the case with major legislation, the revenue sharing bill has its good and bad aspects. On balance, I believe the good outweighs the bad, and that is why I urge a favorable vote on the conference report. The bill represents a significant effort to halt the erosion of power toward Washington, and it should measurably assist the Nation's State and local governments in their time of dire fiscal crisis.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that I may revise and extend my own remarks on the conference report and, second, Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days within which to extend their own remarks on the conference report, as well as the matter in disagreement.

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

There was no objection.

Mr. BETTS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Speaker, I am very much opposed to revenue sharing. I opposed this legislation very vigorously in the committee and when the bill came to the floor of the House, and I opposed it in the conference, and if there is a vote on passage of the conference I plan to vote against the conference report.

I think the colloquy that the gentleman from California (Mr. ROUSSELOT) had with the chairman of the committee underlines one of our objections to this proposal.

The American Enterprise Institute shows that in the first quarter of 1972, State and local governments were running a surplus of $7 billion a year, and that in the second quarter of 1972, the surplus was running at the rate of $15 billion a year.

This is only one of many reasons why we of the opposition are against this idea of revenue sharing. I think the many valid reasons as summarized in the dissenting views, when the bill first came to the floor of the House, are proof enough of why we should vote down the conference report, and vote against revenue sharing.

Mr. Speaker, I signed the conference report as one of the conferees, since I believe that the conference is a fair and equitable compromise between the House and the Senate bills. Basically it gives the States one-third, and the local governments two-thirds of the sum total. I think that this distribution among the localities is fair in that it gives a little better share to the poor rural areas, and the inner city cores, and probably a little less money to the wealthy suburbs.

However, I still think that the basic principle of revenue sharing is wrong. I think we are going to live to regret it. We are opening up a whole new Pandora's box in tax evasion and we are sweeping our fiscal problems under the rug. We are making available money to the localities that the local people would vote down if given a choice. I think it is wrong legislation, and I shall vote against it.

Mr. Speaker, the chairman has explained in some detail the provision of the conference report on revenue sharing. Greater detail is provided in the conference report which has been made available to the Members and reprinted in the RECORD. I will not take the time of the House to repeat in detail the explanation of the chairman.

My opposition to the concept of revenue sharing itself is no secret. I believe revenue sharing represents bad government finance and poor public policy. The reasons for my conclusion are set out at length in the minority views I signed with my dissenting colleagues when the Ways and Means Committee reported the bill earlier this year.

Despite my strong opposition to revenue sharing, this report is a reasonable compromise of the differences between two very bad bills. Briefly, the conference agreement provides $5.3 billion in revenue sharing for our States and localities during the first full year of the program, or calendar year 1972. This is accomplished by allocating to each State the higher of the amount that each State and its localities would receive under the Senate or the House bill.

Since this compromise would have increased the costs above $5.3 billion for the first year, the amount allocated to each State under the conference agreement is reduced proportionately in order to bring the first-year costs within the $5.3 billion.

The conferees adopted the formula in the Senate bill for dividing the amount

allocated to each State between the State and local units of government within the State. One-third of the total allocation to each State will be retained by the State and two-thirds allocated to local units of government within the State. The distribution to local units of government will in general be based on population, relative per capita income, and relative tax effort.

By eliminating the urbanization factor in the local distribution formula under the House bill, and by emphasizing relative tax effort, the conference agreement distributes the local shares in a way that differs from the House bill. In general the conference agreement tends to favor poorer areas, such as the central cities and rural poor sectors, and those units of local government that are imposing relatively higher tax burdens on their citizens in order to meet their needs.

The House bill restricted expenditures by local units of government to high-priority items. Under the House bill revenue sharing funds could be spent for operating and maintenance expenses only in the areas of public safety, environmental protection, and public transportation, while capital expenditures were confined to sewage collection and treatment, refuse disposal systems, and public transportation. Under the conference agreement, however, permissible operating and maintenance expenditures were enlarged to include health, recreation, libraries, social services for the poor or aged, and financial administration. The conference agreement would permit any ordinary and necessary capital expenditures permitted by law. Since the House restrictions were more form than substance, the provisions of the conference agreement are more in accord with the realities.

One very salutory aspect of the conference agreement relates to the expenditure ceiling that has been imposed on social services. The Federal costs of the social services programs, which were growing in a chaotic and uncontrolled manner have increased from $520 million in 1970 to an estimated $1.7 billion for fiscal 1972. It was estimated that without any limitation the corresponding figure for 1973 would be over $4.6 billion, and in excess of $5.1 billion for 1974.

The conference version would place a $2.5 billion ceiling on all social services except employment-related services in connection with the work incentive program that are matched 90 percent under existing law. Additionally, it was provided that emergency services in the future would be matched on a 50 percent, rather than a 75-percent basis, as under existing law.

The $2.5 billion ceiling would be allocated among the States on the basis of each State's share of the total population. Not more than 10 percent of a State's share of its social services money within the $2.5 billion ceiling can be utilized to provide social services to non-welfare recipients. In applying this 10-percent limitation, family planning services, child care, mental retardation services, services for drug addiction and alcoholism, and foster care would be excluded.

The limitation on social services will reintroduce a measure of fiscal control in an area that has been characterized by chaotic and uncontrolled growth beyond amounts that can be efficiently utilized.

Mr. Speaker, let me close by agreeing that revenue sharing is historic legislation. But I believe history will show it is a bad mistake.

In the final analysis, there is only one American taxpayer. This program will add another unwarranted burden to the heavy load he is already carrying by this devious method of revenue sharing.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Speaker, I know that the gentleman from Pennsylvania as a member of the committee has worked long and hard to try to bring about better restrictions and standards into what is really bad legislation. We know that it has been shown by careful and up-to-date research that the State and local governments now have a combined surplus of close to $15 billion. Further commonsense reasoning shows that it is absolute idiocy for the Members of this Congress to be voting here today for additional money that will in effect force the Federal Treasury into further debt, when many of those local and State governments that will receive those funds have surplus dollars in their own treasuries.

Mr. SCHNEEBELI. I agree with the gentleman. I think the debate we have had on the spending ceiling earlier this week underscores further the irrational approach we are using in revenue sharing.

Mr. ROUSSELOT. The real reason for it is because the mayors have pressured us into this position.

The SPEAKER. The time of the gentleman has expired.

Mr. BETTS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I support the conference agreement on H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

The bill represents a reasonable compromise of the differences between the House and Senate versions. If the amount distributed is looked upon as the most important criterion, the conference report will disappoint some, while pleasing others. But a broader perspective is required, both now and in the future, if we are to fairly evaluate the important implications for our federal system of this historic legislation. In view of the historic nature of this legislation, I want to look at this conference report from a broader perspective before discussing the particulars.

This broader perspective requires us to ask the fundamental question that faced the Founding Fathers, that succeeding generations have continued to grapple with since. and that must be our concern both now and in the future: What is the best policy for the Nation as a whole? Not the individualized segments of our society, viewed as unrelated components with no common objectives; not labor, business, or other fragmented pieces of our social fabric; not States, counties, townships, school districts, municipalities or villages as stereotyped components of America; but what is actually best for the United States of America as a cohesive whole.

Even casual observers of the American scene note that while people talk of participatory democracy, the public feels that their government is becoming more remote and less responsive. In youth, the results are alienation; in older citizens, apathy, both tinged with an unhealthy and even dangerous amount of distrust. Both phenomena have developed contemporaneously with greatly increased centralization of power, resources, and responsibility of the Federal level attending the proliferation of categorical grant-in-aid programs.

Can anyone viewing this doubt there is in some measure a cause and effect relationship between those phenomena? The categorical programs at the Federal level, separating the people from their government by mountains of paper and miles of redtape, disbursing money pursuant to strictures that quickly become anachronistic in a rapidly changing society, burdened with ridiculously high overhead, and formulated in the first instance by ivory tower bureaucrats in Washington rather than people on the firing line, have played no small part in fostering alienation, apathy, and distrust.

Revenue sharing is a program that is good for the Nation as a whole, for the United States of America. It will revitalize our system by retarding the unhealthy growth of centralization in Washington. It will give State and local governments closest to the people the resources to meet locally defined problems in accordance with solutions developed at the local level. It is idle to talk about power and responsibility for local units of government unless we also provide them with the resources that are the trappings of power and the means for exercising responsibility.

Our present system looks more and more like an inverted pyramid precariously perched on its point, prevented from falling only by a series of guide wires. As more weight is added at the top, another tight "guide" wire must be added to hold the edifice steady. The taxpayer may well feel like Atlas with the pyramid resting on his broad shoulders and the burden growing heavier every day. In the long run, revenue sharing will put the pyramid back on its base, reduce the need for guide wires, and give the taxpayer a share in governing his destiny rather than simply shouldering the tax load.

Mr. Speaker, just 4 years ago, when President Nixon was campaigning for the 1968 election, a little girl held up a sign saying, "Bring Us Together." The bold new initiative revenue sharing represents may be the most important move the President has taken, with the commendable support of the Congress, to "bring us together again," overcoming alienation, apathy, and distrust, rekindling an interest in government, and promoting participation in the democratic process.

Let me briefly address an oft-repeated remark of those who oppose revenue sharing. They say we cannot afford revenue sharing. Do they mean that since categorical grants-in-aid predated revenue sharing, we can afford the former but not the latter? A "last-in, first-out" system of establishing priorities, an "oldest is best" or "squatters' rights" system of allocating limited Federal resources among competing programs, is no system at all for measuring priorities. The critical question is not whether it is a new or old program, but whether it has a higher priority than other programs within the Federal budget in attaining our national objectives. By this criteria, revenue sharing has a much higher priority than most other Federal programs. Those who say we cannot afford it are not asking this critical question. If they do, they will realize we cannot afford not to enact this bill.

After these few words of personal philosophy which concern, in my opinion, the most important features of revenue sharing, let me address myself to the nuts and bolts of the bill to which the conference committee has agreed.

In brief, the conferees agreed to provide for the distribution of about $30.2 billion to the States and local units of government over a 5-year period. They further decided to hold the first year allocation total to $5.3 billion.

Under the conference agreement, each State and its political subdivisions would in the aggregate receive the higher of the amount allocated in the Senate or the House bill. If a State and its localities would receive more in the aggregate under the House bill, that is the amount which would be allocated. If more were available under the Senate bill, then the Senate bill would apply.

This method of distribution would result, of course, in a total national allocation higher than the $5.3 billion limit to which the conferees wished to adhere for the first year under the program. Consequently, each separate allocation was scaled downward proportionately in order to keep the total—for the first year only—at $5.3 billion.

The conferees adopted the formula in the Senate bill for distribution of funds within each State—between the State and its local units of government and among those local units. One-third of the total allocation to each State is to be retained by the State government and two-thirds allocated to the localities. The distribution to local units of government will be based on population, relative per capita income, and relative tax effort.

The conference agreement distribution formula differs substantially from that determined by the House. The urbanization factor is removed, and new emphasis is placed on relative tax effort. One result is that the conference agreement tends particularly to favor low-income sectors, notably the inner cities and rural pockets of poverty in addition to those governmental units which impose relatively higher tax burdens.

It also should be noted that the House bill restricted expenditures by local units of government to certain "high priority items": Operating and maintenance expenses in the areas of public safety, environmental protection, and public transportation, and capital expenditures on sewage collection and treatment, refuse disposal systems, and public transportation. The conference report adds to this list expenditures for health, recreation, libraries, social services for the poor or aged, and financial administration. It also provides for any ordinary and necessary capital expenditures permitted by law.

Aside from the provisions of the conference report dealing solely with revenue sharing, there is, of course, the aspect relative to the expenditure ceiling on social services. The Federal costs of social services programs have been growing like Topsy. They increased from $520 million in 1970 to an estimated $1.7 billion for fiscal 1972, and it has been estimated that without any limitation they would exceed $4.6 billion in 1973 and $5.1 billion in 1974.

In light of these soaring costs, it was necessary that some degree of fiscal control be reestablished in the social services area and the conferees did accomplish this.

In summary, Mr. Speaker, I believe that the conference report on H.R. 14370 represents as equitable and practical a compromise of the House and Senate versions of revenue sharing as it was possible to achieve. I recommend this report to the House.

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

Mr. BETTS. I yield to the gentleman.

Mr. CONABLE. I would like to commend the gentleman on the statement he is making.

I think the broad perspective that he is putting on the interpretation of this legislation is the most significant aspect of it. We can all quibble with specific elements in the formula. I personally prefer the House bill to the conference compromise. But the movement from categorical grants toward revenue sharing would be, I think, one of the most hopeful and constructive movements we can make at this time in financing the Federal system. The categorical approach has proved a disaster for the Federal system. We must find a better way and I hope this is a first step. Whatever reservations we have about the figures here presented, we must support the philosophical approach this bill represents.

I would like to say that the gentleman from Ohio (Mr. BETTS) has made a very valuable contribution to the deliberations we have had on this measure. As he steps down from the very important position that he has had on our committee, at the time of his retirement, we salute him—on what I think is going to be landmark legislation, to which he has made a very significant contribution.

Mr. BETTS. I want to thank the gentleman for his kind comments.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I want to thank the gentleman from Ohio.

Mr. Speaker, I rise in strong personal protest against this so-called revenue-sharing bill that deals neither with revenue nor with sharing.

I put the following questions to my colleagues, and remind them that these are the questions we must answer to the taxpayers:

What revenue are we talking about? Are we talking about money already received in taxes? I remind you, Mr. Speaker, that this Congress has already spent every dime we have taken in, plus additional billions we have not taken in.

Where is the $30 billion coming from that is appropriated in this bill? There is not one red cent left in the Treasury to spend. And the bill contains not a word about how this $30 billion will be raised.

Is every Member who votes for this bill willing to vote an immediate raise in taxes to pay for it? I am not. We have succeeded in lowering Federal taxes over the past 3 years, but they are still too high, and I will not be a party to any irresponsible spending that will force them to be raised again.

What are we sharing? How can the Government "share" something it does not have?

Gentlemen, are we so spineless we can not face the facts? Is this election year so important that we are willing to lie to the taxpayers?

The Government of the United States is broke and badly in debt. We have mortgaged the future incomes of our grandchildren, and now you want to mortgage our great-grandchildren.

As originally proposed, revenue sharing is a concept that I wholeheartedly endorse. As the money comes in from the taxpayers, send a part of it back to the States and local governments to use on local problems. I was a member of the team that went across this country to sell this concept to the people. They also endorse the concept, and they want that kind of a program.

But this is not such a program. Having spent every cent that came in, this Congress is now saying it wants to share the rest. What "rest"? All you have left to share is debt—and I remind you that the interest alone on the debt we currently owe is running at more than $22 billion per year.

Mr. Speaker, the cry of the times is to "tell it like it is," and I challenge this House to answer that cry, frankly and honestly. Tell the hard-pressed county commissioners, city councilmen, and State legislators that we know they are in desperate financial need. Tell them we began this session of Congress with a firm commitment to help them with revenue sharing. Tell them our intention was to be a tax collector for them with the idea that some of those taxes would be returned to them for local use.

Then tell them that the big spenders in this Congress threw a monkey wrench into those plans by tacking additional billions of dollars onto all the appropriation bills that came before us this year. Tell them that many of us voted against those increases but that they were passed over our objections. And finally, be honest enough to tell them that we spent so much there is not a penny left to share with them.

That is the truth. That is the way it is. And until the Members of Congress have the guts to stand up to the special-inter-

est groups and say "no" to their constant demand for more and more money, that is the way it will remain.

Are we helping the States and cities by adding $30 billion to the cost of Federal Government? What kind of carnival trickery are we trying to pull on the taxpayers when we tell them we are helping them by taking more money from them?

When we take the money we have and allocate it where it is needed, that is money management. When we spend all the money we have and then saddle the Nation with another $30 billion debt to pay for an election-year gimmick, that is mismanagement.

This is not a revenue sharing bill, it is a debt sharing bill, and I tell you the people of New Mexico cannot and will not stand for any more debt.

Yes, let us pass a revenue sharing bill, let us do it by holding spending in line with our income so there will be money left to share. This Congress has not done that.

Mr. Speaker, I appreciate the fact that every Member of this House is up for reelection in a few weeks. I realize that this kind of boondoggle would make wonderful material for campaign speeches.

"Look what we have done for you," we can say. "Look at the big gift Santa Claus is bringing back from Washington to help you with local problems. Vote for me and I will go back and get you more."

That is baloney, and we all know it. The taxpayers might swallow it in time for election, but then comes the rude awakening to the fact that they have been "given" nothing but a raise in their taxes, a mortgage on future generations, a nation that is bankrupt, and a fast shuffle by their elected representatives.

I vote "no" on this bill. I vote "no" to forcing us into a raise in taxes next year. I vote "no" to hoodwinking the taxpayers for political advantage. And I refuse to place this additional debt burden on unborn generations who are not here to defend themselves against the recklessness and irresponsibility of this wild-spending Congress.

Mr. BETTS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I realize, just as Chairman MAHON of the Appropriations Committee realizes, that the die is cast as far as this particular proposition is concerned, so I suppose it is futile to argue further on the matter.

However, I am not going to have the privilege of addressing this body many more times; therefore, I would appreciate the opportunity of one last attempt to point out the seriousness of the mistakes that I believe we are making.

As I said on June 22, when H.R. 14370 came before the House for a vote, this is historic legislation; make no mistake about it. Today, in finalizing our action on it, I think we are making a historic mistake. I do not know of anything we have done in the 28 years that I have been a Member of this body which gives me more concern with respect to its impact on the whole fabric of our governmental system. This bill starts us on the road of financing through Federal taxes the general activities of local government, which are given a blank check in the process.

There has been much discussion about the differing revenue sharing formula, adopted by the House, Senate, and conference committee. There are many people unhappy about the formula that came out of the conference. There are people who were unhappy about the formulas in the House and Senate bills, but as I have said before, there is no way to devise a rational formula to do something that should not be done under any circumstances anyway.

And there is no prototype of the problem that exists. There is no specific problem we are facing up to. We are just saying we think the States and localities have some financial problems, or at least they are screaming enough to make us think they do, and so we are going to throw some money at them and say be satisfied. Well, it is simply whetting their appetite for more.

I heard one of my colleagues suggest that this is going to put a stop to categorical grants. I would like each Member, who has anything to do with categorical grants, to examine the situation and see if there has been any change in attitude, by the Governors or the mayors or the Members of Congress themselves, to abandon new aid programs simply because we will have revenue sharing. Of course there will not be any change. This revenue sharing program is on top of everything else. It is going to be one of those items that grows and grows and grows, and the categorical grants are going to remain, in addition.

The gentleman from Texas, who sees these things as they develop through the Appropriations Committee, knows this is so. Revenue sharing is just one more item, but it is one item we do not have any control over, because it is not subject to action of the Appropriations Committee. This is a bypass of congressional procedures. I sympathized with the chairman of the Appropriations Committee the other day when he spoke of our appropriations plight. We have been going around the Appropriations Committee.

If there is some process that requires restraint, we try to find some way to go around the Appropriations Committee, and this is one example of that circumvention.

We hear every day about a lack of confidence by our people in the Government, or in the Congress. As I look at what we have been doing in the past few days and at what we are doing today, I think this lack of confidence is very understandable.

We had a great debate here just 2 days ago on the fiscal plight of the Federal Government, on the fact that for fiscal 1973 we face a full employment deficit of $4.5 billion, an anticipated unified budget deficit of some $25 billion, and a Federal funds budget deficit estimated at some $30 billion. Additionally, I hear my Democrat friends complaining that deficits in the past 3 years have totaled around $70 billion and in the past 4 years have totaled about $100 billion.

So we have voted to put a ceiling on spending. We did something which some Members thought was inadvisable and gave authority which some Members thought the President should not have. Why? Because we have fiscal problems. Now in one fell swoop, with one vote, with one action, we send $8.29 billion in fiscal 1973 to the States and localities. That is what we are voting here right now. We are saying to the recipients: "Just spend it. We have not got it but we are going to give it to you anyway."

We have even made it retroactive. The House did not pass the bill until June of this year but it is effective, as far as payments are concerned as of January 1, 1972.

And now, 2 days after we have had a vigorous debate on our fiscal plight, we are going to take this unfortunate action. Let me read what the American Enterprise Institute for Public Policy Research has stated in its recent study, entitled "Nixon, McGOVERN, and the Federal Budget." I will read only the second conclusion made in the study because I have not sufficient time:

> Second, both candidates must face the reversal of roles that may be developing in the balance of fiscal federalism: a Federal Government impoverished for revenues to meet even its existing program and commitments at a time when the State and local sector may be in a position to slow down tax increases or actually cut taxes and still provide improved services for most citizens.

This report was just made in September, but it is in accord with the projections made in the dissenting views I signed in the Ways and Means Committee's report on revenue sharing. That report sets out in some detail the reasons why revenue sharing is poor public policy and bad government finance. It will undermine our federal system and ultimately diminish rather than increase cooperative fiscal federalism. Let me conclude by simply and emphatically stating that it is not in our best interests as a Nation.

Mr. BETTS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, nearly 2 years ago when the revenue sharing proposal was presented, I favored it because it seemed to me that the suburbs, long the shunted stepchild of the Federal Government, would have an opportunity, to partake in a very modest share of the moneys that they send to Washington.

I must tell the Members of the House that after reading the conference report, I find it is a sellout of suburbia. When I stop to review the long sessions of our committee on this bill and consideration of the various formulas to bring some equity into the distribution of these funds, I am dismayed that we bring from conference a bill that is so grossly unfair.

I can cite, for example, in my district—and I admonish everyone here to take a good hard look at what has happened to communities in their districts to see what this conference report does to them.

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

Mr. COLLIER. No, I will not yield at this moment. I will yield to the gentleman later.

One community in my district that would have, under the equitable—and I

repeat—under the equitable House formula, received $928,000. In the brush of this conference agreement, they will receive one-third of that.

Another, and I might tell you that this is not an affluent community—this is an ordinary, middle-class community plagued with all the fiscal problems most of these communities have today—would have gotten $142,491 under the House formula, but will wind up with $33,000.

Revenue sharing at this price is certainly not even going to permit them to get back what the proposal will cost their residents in income tax payments for this bill alone. As one who supported the concept of revenue sharing for the reasons I have previously outlined, I could not vote for this bill today, and I will not vote to adopt this conference report.

I just think that what has happened in conference completely flaunts the original intent, purpose, and justification of the revenue-sharing proposal recommended by President Nixon.

I do hope that some of my colleagues will join me in either sending this back to conference if the opportunity presents itself, or to do something about making the distribution formula equal for all Americans, and particularly those who now carry the largest burden of Federal income tax.

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

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

Mr. ROUSSELOT. I appreciate the gentleman's yielding to me.

Immediately when this bill was suggested 2 years ago, when it was first suggested, this formula, this so-called revenue sharing, I met with every single city council in my district, and when the question was to put to them, "Would you like some of that," they were very interested. When I followed that up and asked, "To be responsible, of course, are you willing that we increase the Federal income tax in order to cover the cost of this, so that our Federal Government does not continue to go further into debt," the answer to that was a loud "No."

But, as long as people continue to believe that Federal funds are somehow free, naturally they are going to take the money.

Mr. COLLIER. I am not going to yield further, and I should like to respond to that statement by saying the argument that we do not have the funds to share escapes the point of my objection. If it was an equitable distribution permitting towns, cities, and villages, some of which cannot qualify under any other Federal assistance, to get back a reasonable but modest amount from Washington I would support it because it would let the local communities exercise their own priorities in the expenditure of their own tax dollars.

I submit that there are many other areas in our budget we could cut. If we are going to provide a distribution of Federal tax money on the basis of some equitable formula, this program should not be singled out as the whipping boy. With a fair distribution of funds, it would be a great deal more meritorious than other Federal spending programs which should be slashed.

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

Mr. BETTS. I yield to the gentleman from Tennessee.

Mr. BLANTON. Mr. Speaker, I rise today to oppose this legislation. When this bill was first introduced almost 6 years ago, it got nowhere. It was considered by many able legislators to be one of the biggest pieces of gimmick legislation ever conceived. It has not changed in 6 years. It is still a horrible piece of legislation. It will increase taxes if enacted today, just as it would have increased taxes if it had been enacted 6 years ago.

There is one difference, however. Six years ago the Federal Government was operating a surplus budget, not a massive deficit. In the past 4 years this administration has amassed budget deficits of over $100 billion. For the current fiscal year the deficit is anticipated to exceed $25 billion. How can the Federal Government share revenues that it does not have? If the States would like to share some of this deficit, I would be more than willing to let them.

When this legislation was first introduced, I opposed it. Every year since then I have continued my opposition. I had many reservations about this bill, and they are the same today as they were 6 years ago. Let me enumerate them for my distinguished colleagues, lest they forget what their opposition was to this bill a very short time ago.

First. If this bill is enacted, taxes will have to be increased at the State level. One portion of the formula used to determine State and local allocations is the State tax effort. If a State increases its tax effort by increasing its taxes, it will receive a corresponding increase in shared revenue funds. Tennessee has no State income tax at the present time but if revenue sharing is enacted, I am sure that it will have one within the next 5 years.

Second. Taxes will have to be increased on the Federal level. As I mentioned previously, the Federal Government is again running a massive deficit. Where are the revenues to come from? Increased taxes. That is the only answer. This administration is talking out of both sides of its mouth when it requests a spending ceiling, on one hand, and demands revenue sharing on the other.

Only moments ago the distinguished chairman of the Ways and Means Committee stated on the floor of this body that the funds for revenue sharing would in all likelihood have to be borrowed to support this program. That means a higher debt ceiling, more spending to feed the fires of inflation and eventually, higher taxes. And lest anyone be mistaken, this is not politics we are talking about, it is arithmetic.

Third. One of the cornerstones of the operation of our democracy since its inception has been that those who spend the revenue should be responsible for raising it. This was the main objection of many of my colleagues to this legislation. I have not changed my position of this very important point. Fiscal responsibility may be old fashioned but I for one still favor it.

I also object to the allocations for the State of Tennessee as a Representative of that great State. Tennessee is in the bottom one-third of the Nation in per capita income and yet it ranks 23d in the payment of Federal income taxes with total Federal collections of over $2 billion in 1971. At the same time, Tennessee is placed 32d, almost in the bottom third, in the revenue sharing list based on per capita figures. It is over a dollar below what the U.S. average is. If this is helping my State I would like to know how.

This bill is basically the same one that we have objected to all along. Why have positions changed so radically in such a short time? I think that there are two reasons. The first is that this is an election year and most politicians want to go to the polls with this gimmick at their side.

There is another reason, too. The Congress has been subjected to some of the most intense pressure from State and local officials that it has ever known. Mayors want free money. Governors want free money. Local officials want free money. I learned one lesson a long time ago and that is that you cannot get anything for free. Not really. The people are the ones who will pay for this "free" money. The hard-working people who have helped make this Nation what it is today. If they knew what a fraud revenue sharing was there would not be one legislator here today who would support this bill.

I, for one, will not. I will go home to my people, and I will tell them the truth about revenue sharing. My conscience and my responsibility as a Representative of the people demand that I do this.

Mr. BETTS. Mr. Speaker, I have no further requests for time.

Mr. MILLS of Arkansas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I am concerned, Mr. Speaker, that not enough information has been put out on this, as to the use of the money which the various States and cities and counties will get.

I am also concerned, based on the inquiries I have received, about what kind of reporting must be made of the funds which will be given to them.

Though mention is made about the basic coverage in the conference report, it would seem to me it would be important that the committee or some appropriate authority issue to the States and communities the full details as to what they can spend the money for and what kind of reports they must make. I have talked with citizens of my counties, and they do not know precisely what the money can be spent for, and how to report.

Mr. MILLS of Arkansas. All that information will be made available, of course, by the Treasury Department, which is the administrative agency for this program. The requirements for reporting will be made known. The purposes for which the localities can spend the money will also be fully known. They are going to be checked. We have

urged the Treasury Department to expedite dissemination of all this information.

Mr. PICKLE. These funds are to be retroactive, as of January 1, 1972?

Mr. MILLS of Arkansas. That was in both the House and Senate bills.

Mr. PICKLE. In view of the fact that this is October, there is a question of notice to the States and cities. They ought to be given this information immediately. Otherwise it will be confusing to an alarming extent.

Mr. MILLS of Arkansas. They will get the information as soon as possible and as the Treasury disburses the first amount of money.

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

Mr. MILLS of Arkansas. I yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Speaker, I feel this is being a little inconsistent today. The gentleman knows how much I think of his judgment. On the vote we cast the other night, we cast it only because we were so concerned about the crisis that exists. I believe the gentleman made one of the strongest points I have ever heard on this floor at that time.

Mr. MILLS of Arkansas. Let me interrupt the gentleman to say I am not asking anyone in this House or in the Nation to use my judgment with respect to this matter; Members obviously must use their own judgment.

Mr. SANDMAN. If we have a crisis, Mr. Speaker, how can we exercise good judgment by making this measure retroactive to January 1972? The mere signing of this measure will add $5.3 billion to the debt, will it not?

Mr. MILLS of Arkansas. Yes. However, let me call my friend's attention to the fact that this is not the only amount that we will spend in excess of our receipts.

As pointed out by my colleague, my friend from Wisconsin, there probably will be a deficit of $25 billion run on the unified budget basis.

Mr. Speaker, I am not ready to say that of all the many expenditures encompassed in the $250 billion, this program to help the localities, particularly the cities and the counties, enjoys the lowest priority of all of those programs. I think I could enumerate perhaps a hundred of them that I would think ought to be eliminated—not just cut but eliminated—before you eliminate the program of trying to help these bankrupt larger cities and some of our medium-sized cities and counties in the country.

As I say, I do not want to say that this enjoys the lowest priority of all the many programs on the statute books. That is the only answer I can give the gentleman from New Jersey (Mr. SANDMAN).

Mr. JOHNSON of California. Mr. Speaker, I rise to support the conference report on H.R. 14370 which we have before us today. The idea of revenue sharing first received national attention in 1964 when Walter Heller, then Chairman of the Economic Advisers, recommended it as a way of utilizing anticipated revenue surpluses generated by the then booming economy. With the onslaught of our escalating participation in the Vietnam conflict these excess funds failed to materalize and the concept of revenue sharing was allowed to sleep until the last couple of years.

An enormous budget deficit coupled with a stagnant economy caused the Members of the House of Representatives, myself included, to be cautious relative to the passage of any form of revenue sharing. However, H.R. 14370 reported earlier this year from the Ways and Means Committee under the leadership of the gentleman from Arkansas (Mr. MILLS), whose fiscal reputation is widespread, provided an innovative and far-reaching approach to revenue sharing. I supported this legislation when considered initially by the House.

Admittedly, I had some doubts in my mind prior to extending my support to this bill. As long as the huge Federal budget deficit continued to grow I was and still am curious, to an extent, as to how this bill would or could be financed. Obviously, the funds must be drawn from somewhere. There are three foreseeable alternatives:

First. Increased taxation;

Second. Decreased spending in some other areas of Federal expenditure; and

Third. Increased Federal deficit.

None of these alternatives is really acceptable. The deficit must not be continually enlarged to finance Federal programs. An expanding deficit contributes to inflation and, in turn, inflation is a subtle regressive form of taxation. Inflation is a subtle regressive tax because it causes the people, with the burden particularly falling on lower and middle class Americans and the elderly living on various pension plans, to pay more while receiving less for their money, both in terms of tax and consumer dollars.

If we are forced to cut back on other programs to offset the costs of revenue sharing, we cannot afford to buy a "pig in a poke." I am confident we can cut Federal spending in some areas, however, this must be done only after proper extensive research has determined both the wisdom and the impact of these cuts. Some of our on-going Federal financed programs have demonstrated their merit by helping our schools, by stimulating economic development, by creating jobs, by providing health services to our people, young and old, by conserving our natural resources, and by attaining a whole host of other national goals. These cannot be sacrificed for untried programs.

If we are to finance this legislation through increased taxation let us do so by closing some of the existent tax loop holes through which our present form of taxation has become highly inequitable. It is in this vein that I support tax reform and sponsor legislation to achieve this goal.

Despite these fiscal apprehensions, I support H.R. 14370, the State and Local Fiscal Assistance Act of 1972. My overriding justification for support of this revenue sharing proposal is that it provides a majority of its available funds to local governments. In doing so, it provides considerable aid to rural or local units of government such as those that predominate the Second Congressional District. The following table depicts the aid to be received by the local governmental units within the Second District:

Revenue sharing grants to be made to local government

[In dollars]

Alpine County, total to area	13,037
County government	6,519
Other agencies	6,518
Butte County, total to area	2,725,498
County government	2,023,083
City of Chico	413,325
City of Oroville	202,983
City of Gridley	68,576
Other cities	17,531
El Dorado County, total to area	1,148,797
County government	898,228
South Lake Tahoe	138,305
City of Placerville	112,264
Lassen County, total to area	368,092
County government	282,445
City of Susanville	85,646
Modoc County, total to area	201,178
County government	172,164
City of Alturas	29,014
Nevada County, total to area	585,460
County government	477,315
City of Grass Valley	74,614
Other cities	33,632
Placer County, total to area	2,091,026
County government	1,663,490
City of Roseville	221,694
City of Auburn	112,437
City of Lincoln	60,624
City of Rocklin	22,052
Other cities	10,727
Plumas County, total to area	315,329
County government	302,825
To cities	12,504
Shasta County, total to area	2,091,241
County government	1,681,519
City of Redding	361,602
City of Anderson	48,120
Sierra County, total to area	61,005
County government	55,974
Other agencies	5,031
Siskiyou County, total to area	826,220
County government	602,281
City of Yreka	75,499
City of Weed	37,400
Other cities	111,039
Tehama County, total to area	795,043
County government	621,898
City of Red Bluff	122,351
City of Corning	46,048
Other cities	4,746
Trinity County, total to area	194,735
County government	194,735

Total Second District (This total does not include that which will benefit the Citrus Heights area of Sacramento County. Sacramento County will receive $11,455,543, of which $8,066,686 will go to county government, $3,377,321 to cities over 2,500 in population, and $11,536 to cities under 2,500 population.)

Furthermore, I support the concept of revenue sharing because I believe the problems confronted by local and State governments, faced with severely limited sources of taxation, should be considered a major national priority. The concept of revenue sharing contained in the State

and Local Fiscal Assistance Act of 1972, provides local and State units of government with funds that may be disposed of according to the needs of the local and State governments with only one rather broad constraint. It requires that States maintain previous aggregate levels of aid to local governments. In turn, the bill provides that money distributed to local government can be used only for certain "high priority" purposes. These purposes are for the maintenance and operation expenses of public safety; environmental protection; public transportation; health; recreation; libraries; social services for the poor or aged; and financial administration.

Local governments are not required to maintain past efforts in any of the "high priority" areas, and may use these Federal funds to displace previous local expenditures.

Obviously, these broad categories and the general lack of restrictions on how the local and State funds, that are displaced, are to be used make H.R. 14370 a very flexible piece of legislation in its application insofar as State and local units of government are concerned. There are those who say that this program, therefore, does not place enough restraint on State and local government. I cannot concur. I believe that these units of government are potentially a source of great innovation and understanding. Being closer to the people, they can couple their innovation and understanding with these federally shared funds. In doing so, they can optimally administer to the salient problems and needs of the people in their jurisdiction.

Hopefully H.R. 14370 will be signed into law in the near future. Hopefully as it is we will continue our quest for fiscal responsibility, more efficiency in Government operations, and a more equitable Federal tax program. If this is done, we in the Second District, will benefit along with the rest of the American people who are in dire need of domestic programs that will efficaciously meet the pressing problems of rural development and urban growth.

Mr. HEINZ. Mr. Speaker, last week I was considerably distressed to find, in reviewing the report and statistical analysis of the conference report on H.R. 14370, the "revenue sharing" bill, that no funds at all were reserved for 22 of the 59 municipalities in my 18th Congressional District of Pennsylvania.

After several fruitless conversations with staff at the Joint Internal Revenue Committee and the Revenue Sharing Implementation Unit, the distinguished chairman of the Ways and Means Committee (Mr. MILLS) very thoughtfully directed my inquiries to Mr. James E. Smith, Deputy Under Secretary of the Treasury. With extremely prompt and responsive action, Mr. Smith was able to report to me by letter today that my 22 townships would indeed receive revenue sharing funds, and that, in fact, the funds remitted to these communities would total some $300,000 more than provided by the original House-passed bill. This is indeed good news and it allows me to continue my support of this needed measure to reduce dependence of local government on the property tax.

The text of Mr. Smith's letter is as follows:

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, D.C., October 12, 1972.

Hon. H. JOHN HEINZ,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HEINZ: I am writing in response to your inquiry concerning the print-out of allocations prepared as a supplemental report to the Conference agreement on the general revenue sharing bill.

You were understandably distressed to note in this so-called "blue book" print-out that for the townships in Allegheny County there was an indication of zero entitlement. Unquestionably the print-out is in error with respect to that item. I am advised by our operating personnel that townships in Allegheny County will receive under the Conference Report for the calendar year period 1972 an aggregate amount of approximately $3,410,000. This reflects an upward adjustment of some $300,000 over the amount that was estimated to be received by the Allegheny County townships under the version of H.R. 14370, as it passed the House earlier this year.

We have had a considerable amount of difficulty in many states with the print-out as it relates to township entitlements. This was the first print-out which involved the application of provisions of the bill which apply floors and ceilings to the entitlements which may be received by many units of government and, additionally, this was the first run which involved the application of a constraint, provided for in the bill, that no unit of government may receive an entitlement which exceeds 50% of that unit of government's adjusted revenues plus transfer payments received from the state and Federal governments. When the computer program was run with these additional factors included, our computer program with respect to township governments proved to be defective. We are currently at work making the necessary modifications of the computer program to overcome this defect. Furthermore, we are intensively engaged in the very exhaustive and time-consuming process of data verification—a task, which due to the lack of both time and resources, simply could not be accomplished while we were still actively working with the legislative committees to meet their demands for data and information.

I am advised that we hope to have the computer program in order and all of the currently available data in the system so that we will be able to make a full national run prior to the end of this month. It is from that run that we will make the initial payments. I am confident that the township governments of Allegheny County will be included in this payment process.

We must make a plea for forebearance and patience from all of the affected units of government. In addition to working most arduously to make possible the first payment of funds before the end of this month, we are also moving with maximum speed to introduce into our data system more current data (Fiscal Year 1971) on revenues, which had been derived from a special census of state and local governments conducted by the Bureau of the Census. We are hopeful that that data will be available for use for the payment covering the last half of this calendar year which will be made in early January 1973. Recognizing the inadequacies of our present data base, we are determined to utilize an open accounting system with an adjustment process, which will assure that all units of government are fairly and equitably treated.

I deeply regret that it is not possible at this point in time to give you the individual entitlements for the townships in Allegheny County, but I do hope that the information as to the estimated aggregate entitlement for these units of government will relieve the understandable anxieties, created by the grievous omission in the "blue book" print-out.

Sincerely yours,
JAMES E. SMITH,
Deputy Under Secretary,
Congressional Relations.

Mr. DANIELSON. Mr. Speaker, I would like to point out simply that we are now given no choice but to either accept or reject, in its entirety, the formula agreed upon by the conferees on the State and Local Fiscal Assistance Act of 1972.

I intend to support this conference report, since the assistance contained in this measure for local governments is so bady needed. However, I want to protest that the formula for local shares is not nearly as satisfactory as the plan we passed in the House in June of this year.

In my own congressional district I find striking inequities in the allocations which are slated for the cities therein. Recognizing the fact that none of the local governments in my district are getting as much assistance as they could use and need, it is most disappointing to see two of my cities that are most in need receive the deepest cuts from the House plan to this final version.

The cities of Baldwin Park and Rosemead are both modest income residential communities which do not have the heavy industrial base which is extremely valuable to cities under the conferees' formula. This is compounded by the fact that the entire tax burden in Baldwin Park and Rosemead is already thrust mainly on owners of residential property and this burden is generally greater than that of the residents of wealthier cities that are already benefiting from industrial or business tax revenues and do not need the Federal assistance as badly.

Baldwin Park, for instance, will receive an allocation of only $6.20 per capita under the conference bill, rather than more than twice that—$12.95 per capita—under the House bill. Rosemead is slated for only $3.72 per capita under this bill rather than $12.27 per capita under the House version. In fairness I must point out, however, that updated tax effort figures should increase the Rosemead share to a figure that I hope will at least equal that of Baldwin Park.

Other cities that are in or partly in my district will be affected in the following manner, comparing the conference bill to the House bill, in that order: Alhambra—$8.49 per capita instead of $10.37 per capita; El Monte—$10.24 per capita rather than $12.31 per capita; Los Angeles—$12.59 per capita rather than $10.55 per capita; Monterery Park—$6.14 per capita rather than $10.46 per capita; San Gabriel—$7.27 per capita rather than $10.51 per capita; and South El Monte—$15.28 per capita rather than $13.35 per capita.

I approve of the fact that the final version that we are voting on today contains a provision whereby the individual States, by law, can substitute a different formula for local sharing beginning in the second year and may be able to come back to something more closely resem-

bling the House formula. I plan to watch closely the final, updated, calculations of these allocations, the correction of any errors, and the use to which these funds are put by the cities.

Mr. WHITE. Mr. Speaker, the Revenue Sharing Act will prove to be one of the most regrettable acts of any Congress. In my opinion it will erode our federal system and nationalize our Government more so than any act we have ever passed. It will lead to more waste and to inestimable opportunities for corruption. It will move even more power away from State and local governments and deposit this power with the national Government.

President Nixon has told the American people that this act will consign power to the cities and States. Contrariwise, power will flow to the source of the money, the National Government. Cities and States will be beholden to the whims of the national administrators and bureaucrats of the executive department. Congress itself will lose more of its right to oversee the program; inevitably the National Government will lay down guidelines to force local communities and States to perform as the national administrators believe they should. This has been the history of grant programs once authorized and funded by Congress. These guidelines will not necessarily effectuate economy or insure that the funds are used properly.

The House has just passed a raise in the temporary debt ceiling to $465 billion, with a limitation of spending to $250 billion, and with a provision of power to the President to line veto any program. Even with this limitation, it is acknowledged that this fiscal year there will be a $31 billion deficit.

So where is the revenue to share? It is admitted by the floor proponents that there is none and that the U.S. Government will have to borrow the money to "share" revenue, thus greatly increasing the public debt. There is no doubt that this act will force a raise in U.S. income taxes. There is no doubt, because of the built-in formulas that Texas will be obliged to pass a State income tax, which we have avoided during the entire history of our State.

Under our present system, bloc grants are awarded for specific projects which demonstrate merit in virtually every legitimate area which this act proposes to aid. Undoubtedly with the existence of revenue sharing, Congress will fail to fund many specific programs, purely as a matter of fiscal stability and to avoid duplication.

Under the present federal system wherein we design to repose power and responsibility as close to the people as possible, when a local or State government desires to develop local programs and needs money for this purpose, it must levy a tax on its own people. This forces the local and State officials to justify to the electorate the need to levy this tax, and then to account for the expenditure of money to this same electorate.

Under revenue sharing this accountability is removed; taxes would be levied by Congress, and the local officials would spend the revenues. Because the tax is less direct and paid to the National Government, the electorate will fail to hold the local officials accountable and will not exercise the necessary surveillance over their activities. Greed will be the prevailing mood—to capture as much money and spend it as quickly as possible—and this wasteful mood will witnessly be shared by the local citizenry. Expenditure of money rather than responsibility will be the test of local officials.

In some communities, in the wake of such nationally derived moneys will come many of the corrupt practices of irresponsible and selfish government—nepotism, cronyism, and dispersal of largess to build a political machine. The type of evils we have seen in some OEO programs will be magnified in many communities of this land, and the moral fiber of our people can deteriorate.

Within 1 year the forces of greed, bickering, charges of corruption and tragic waste will arise. Cities and towns will claim discrimination in treatment. Congress will be forced to consider new taxes, or this program will be shelved as unworkable while expectant cities will bitterly complain.

Let no peoples of any community believe they will receive a tax relief. They will pay more heavily for this program than if no revenue sharing were passed. They will pay dearly in the erosion of their local autonomy and in the dissolution of local responsibility.

Mr. WILLIAM D. FORD. Mr. Speaker, it is only with great hesitation that I cast my vote today in support of the conference report on H.R. 14370, the State and Local Fiscal Assistance Act of 1972.

During the consideration of this legislation by the House in June, I expressed my support for this bill and my support was shared by all the city and township officials of my congressional district. At that time, I felt that the bill was quite fair in its treatment of local governments although I was troubled by two questions. My feelings were strengthened as a result of my colloquy on the House floor with the chairman of the House Ways and Means Committee. Chairman MILLS assured me, first of all, that the distribution of funds to suburban townships would be made on the same basis as the funds for municipalities and, secondly, that newly incorporated cities would be eligible for funds under the fiscal year 1973 distribution.

My reluctance to support the conference report today is based entirely upon the conference committee's decision to adopt the Senate formula for the distribution of funds to local governments. The House Ways and Means Committee went to great effort to improve upon the administration-proposed formula.

The House formula gave equal weight to population, urbanization, and relative income levels which assured that suburban communities would receive a fair share of the funds to be distributed. The Senate formula, however, allocates an incredibly disproportionate amount of money to central cities at the expense of suburban communities, hard pressed for funds and lacking an industrial tax base.

Mr. Speaker, many of the communities in my congressional district have anticipated a significant grant of funds as a result of the passage of this bill. But with the adoption of the Senate formula, the amount which many of them will now receive has been substantially reduced—in some cases by more than two-thirds—from what they would have received under the House formula. For the record, I now include a table which compares the allocations to several cities in the 15th District according to the House and Senate formulas.

COMPARISON OF AVAILABLE ALLOCATIONS TO 15TH DISTRICT COMMUNITIES UNDER HOUSE AND SENATE FORMULAS

City	House version	Senate version	Difference	Per capita
Flat Rock	$90,797	$43,060	−$47,737	$7.62
Garden City	714,461	362,583	−351,878	8.66
Inkster	677,681	423,473	−254,208	10.99
Livonia	1,713,631	1,023,371	−690,260	9.29
Rockwood	53,531	10,751	−42,780	3.44
Southgate	548,998	242,911	−306,087	7.16
Dearborn Heights	1,244,014	411,906	−832,108	5.13
Westland	1,445,613	460,377	−985,236	5.30
Woodhaven	57,475	45,443	−12,032	13.64
Gibraltar	62,810	81,516	+18,706	24.51
Wayne	347,350	411,207	+63,857	19.58

This table does not show the figures for the suburban townships or the two newly incorporated cities of the 15th Congressional District. However, I am confident that my colloquy on the House floor with Chairman MILLS will constitute sufficient legislative history to assure that the distribution of funds to these communities will be made on the same basis as to cities. We have also been assured by the Treasury Department, that the new data being put into the computers will use up-to-date local tax information and will include the cities of Taylor and Romulus.

These communities are in the midst of severe financial crises and this conference report fails to recognize the serious plight of suburban communities. Their rate of growth has been astronomical and coupled with this growth has been an ever-increasing demand for services. The bulk of the revenue raised by these communities comes from the regressive property and sales taxes and this revenue is no longer sufficient to meet the spiraling costs of government resulting from the population growth and the need for increased services.

Mr. Speaker, it is for these reasons that I reluctantly support this conference report. However, to vote against the conference report would be to deprive these communities of at least a piece of the funds which they so desperately need.

Although I have voted to support the conference report, I will urge the Michigan State Legislature to take advantage of the optional allocation formula provided under section 108 of this bill. This provision permits a State legislature to devise an alternate formula for the distribution of funds to local governments based solely on population and tax effort, or population and per capita

income or a combination of these two factors.

Unless the Michigan Legislature does adopt this alternate formula to eliminate the inequities of the present formula, I intend to vote against any future bills providing for the continuation of the revenue sharing program.

Mr. DRINAN. Mr. Speaker, the revenue sharing conference report we are considering today will bring desperately needed fiscal relief to the States, cities, and towns of our Nation. This historic bill, which I have supported vigorously, authorizes payments to the States of $30.1 billion over the next 5 years, with an initial payment of $5.3 billion this year. Massachusetts will receive $163 million this year in revenue sharing funds, and of this sum more than $6,200,000 will go to the 20 cities and towns of my congressional district. My cities and towns need this money to stabilize property taxes and provide essential municipal services. In fact, they need much more money, and I deeply regret that the House conferees were not able to get more.

This bill provides that one-third of the total State allocation shall be used by the State government while the remaining two-thirds is to be divided among local governments. While I commend the conferees on their compromise formula for total State allocations, which gives each State its choice of the House or Senate formula, I must note my disappointment that the bill now before us contains the Senate-passed formula governing allocations to local governments.

As I have noted in a letter I wrote to the House conferees, and in my discussions with other Congressmen, the Senate formula penalizes those States like Massachusetts which have a relatively high per capita income and it also fails to consider adequately the increased costs of all government services—particularly municipal services—in urbanized areas such as Massachusetts. Per capita income is an unreliable index of a State's ability to finance its public service programs. It does not take into account the inevitably higher costs of running governments in urban areas and, particularly in the case of Massachusetts, the already massive tax burden on the urban citizens. Without criteria to adjust for the higher costs of government services in urbanized areas, it is little wonder that under the Senate formula per capita grants to rural areas are about twice as large, on the average, as per capita grants to urban areas.

The effect of the Senate formula on urban areas is demonstrated by the difference in funds that my congressional district will receive under this formula and what would have been received had the original House formula been adopted. The version of the revenue sharing bill passed by the House, which I supported, would have given the cities and towns of my district $7.9 million. The bill before us today will result in grants of $6.25 million, a loss of nearly $1.65 million from the House version. The 20 communities I represent are now forced to suffer that $1.65 million loss.

Even with the more unfortunate aspects of the Senate formula, I know that I speak for the residents of my district in saying that the more than $6 million we will receive will be of tremendous assistance. A list of the cities and towns in my district in Massachusetts and the approximate dollar amounts they will receive under this bill follows:

Ayer: $200,829; Boston—figure not yet available; Brookline: $507,605; Fitchburg: $1,200,289; Framingham: $741,493; Gardner: $409,660; Harvard: $51,283; Lancaster: $58,293; Lincoln: $35,593; Lunenberg: $100,295; Leominster: $552,154; Maynard: $137,358; Newton: $717,363; Shirley: $43,414; Stow: $48,183; Sudbury: $168,748; Waltham: $1,081,998; Wayland: $117,789; Westminster: $41,111; Weston: $42,138.

I am gravely concerned over the provision of this bill that establishes a ceiling of $2.5 billion on social service grants under the HEW matching grant program and reduces Federal participation in these programs from 75 to 50 percent. While this figure is an improvement over the $1.6 billion ceiling included in the Senate version of the revenue sharing bill, it would still bring many worthwhile and proven social service programs to a tragic halt. Social service programs create jobs. They should not be restricted by an arbitrary ceiling on Federal expenditure.

There has been rapid—perhaps too rapid—growth in Federal social service expenditures. But it would be precipitous in the extreme to suddenly chop expenditures by $2.2 billion when States and social service managers have already budgeted for the full amount, and especially at a time when many of these programs are needed more than ever before.

If this ceiling goes into effect, according to figures supplied by the Department of HEW, Massachusetts will lose $26.2 million of its programed social service grants, 27 percent of the total. The timing of this reduction could not be worse. Massachusetts is in the midst of a fiscal crisis. Unemployment statewide is at a shocking 8 percent—even higher in urban areas. Job opportunities are at a minimum. Yet, the effect of this ceiling will be the elimination or severe curtailment of many key social service programs that are providing desperately needed jobs. The limitation of day-care funds would be particularly unfortunate, for without these services many mothers will be forced to quit their jobs to tend their families, thus further increasing the welfare rolls. Other programs—such as manpower training—which decrease unemployment, take workers off dependency on unemployment compensation, and lower the welfare rolls will be reduced and terminated.

Social service programs are designed to help those people who have gotten off welfare stay off welfare. If we cut back on these programs we will, you can be sure, add to the welfare rolls and aggrevate the economic crisis that afflicts large areas of our country.

Better controls on Federal social service expenditures are needed. But these controls should not come in the form of an arbitrary, hastily considered ceiling which computes State allocations on a straight population basis and therefore ignores key factors of welfare caseloads, urban population, and the higher costs of social services in urbanized areas.

I support this bill. It has defects—many defects—but we need these revenue sharing funds.

Mr. FINDLEY. Mr. Speaker, the House of Representatives has now passed each of the regular appropriations bills for fiscal 1973. The total appropriated by these bills was $169,610,062,714. On top of that, yesterday we passed a supplemental bill with approximately $3.5 billion more.

The $169.6 billion appropriated in the 13 bills is exactly $19,248,529,160 more than the Treasury Department has estimated will be received in revenues during the same year. In other words, the House of Representatives has by its own initiative spilled more than $19.2 billion in red ink during the second session of the 92d Congress.

The following table shows for each appropriation bill the amount of deficit spending approved by the House:

Appropriation bill	Budget request	Balanced budget, 14 percent cut	Amount approved by House	"Red Ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, judiciary, related agenices	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and related agencies	27,327,323,500	23,501,498,210	28,603,179,500	5,101,681,290
Treasury, Postal Service, and General Government	5,066,603,000	4,357,278,580	5,057,145,000	699,866,420
Public Works and Atomic Energy Commission	5,489,058,000	4,720,589,880	5,437,727,000	717,137,120
Agriculture, Environmental and Consumer Protection	12,952,177,400	11,138,872,564	12,897,010,900	1,758,138,336
Defense	79,594,184,000	68,450,998,240	75,227,048,000	6,776,049,760
Foreign assistance	5,163,024,000	4,440,200,640	4,195,155,000	−245,045,640
Military construction	2,661,384,000	2,288,790,240	2,280,784,000	−8,006,240
Total	174,818,992,504	150,361,533,554	169,610,062,714	19,248,529,160

Such a huge deficit—well over $20 billion with the supplemental added in—can lead only to more inflation, instability in the economy, higher wages and prices, and recurring international monetary problems. Yet, faced with this certainty, little has been done to deal with the fundamental problem.

As I see it, that fundamental problem is the way we go about appropriating money in a piecemeal fashion, without ever fitting the pieces together to form a budget for the entire Federal Government. As President Nixon so rightly put it:

> At fault is the hoary and traditional procedure of the Congress, which now permits action on the various spending programs as if they were unrelated and independent actions . . . The present Congressional system of independent, unrelated actions on various spending programs means that the Congress arrives at total Federal spending in an accidental, haphazard manner.

At no time does the Congress adopt a budget for the Federal Government.

Mindful of the grave shortcomings in the present system, the House Ways and Means Committee has recommended in its report on the bill to impose a spending ceiling, H.R. 16810, the establishment of a "temporary joint committee to recommend procedures that Congress can employ in the future to control overall budgetary expenditures and receipts." Unfortunately, this commendable initiative faces an uncertain fate in the Senate. Congress is about to adjourn and leave the Nation's fiscal affairs in disarray.

Mr. Speaker, it is imperative that something be done by the House of Representatives to bring the purse strings of Government once again firmly within our grasp.

On June 15, 1972, I introduced House Resolution 1020, to amend the rules of the House of Representatives to require that each year the House adopt a budget for the Federal Government before beginning the appropriations process. Appropriations in excess of the budget allocation for that category would require a two-thirds vote to pass.

Since introducing my proposal, much has happened.

Thirty Members have joined me in cosponsorship. They are:

LIST OF COSPONSORS

Bill Archer (R-Tex).
Charles E. Bennett (D-Fla).
William G. Bray (R-Ind).
Harold R. Collier (R-Ill).
James M. Collins (R-Tex).
David W. Dennis (R-Ind).
Samuel L. Devine (R-Ohio).
John G. Dow (D-NY).
Pierre S. du Pont (R-Del).
John N. Erlenborn (R-Ill).
Dante B. Fascell (D-Fla).
Paul Findley (R-Ill).
Edwin B. Forsythe (R-NJ).
Sam Gibbons (D-Fla).
David N. Henderson (D-NC).
Edward Hutchinson (R-Mich).
Jack F. Kemp (R-NY).
Delbert L. Latta (R-Ohio).
Alton Lennon (D-NC).
Manuel Lujan, Jr., (R-N. Mex.).
Stewart B. McKinney (R-Conn).
James R. Mann (D-SC).
Robert H. Michel (R-Ill).
Albert H. Quie (R-Minn).
Tom Railsback (R-Ill).
Henry S. Reuss (D-Wis).
John J. Rhodes (R-Ariz).
J. Kenneth Robinson (R-Va).
John H. Rousselot (R-Calif).
Herman T. Schneebeli (R-Pa).
Charles Thone (R-Nebr).

In addition to the support this rule change has garnered in the House, it has also picked up encouragement at the White House. The President's Budget Director, Caspar Weinberger, thought well enough of the proposal to assign a member of his staff to work with me on it. Consequently, several changes have been made in order to strengthen the budget control aspect of the bill.

My original proposal, House Resolution 1020, requires that the House authorized budget specify the amount of obligational authority for each appropriation bill to be considered during the year. Mr. Weinberger's staff was concerned that this language might still permit the spending of millions of dollars from the treasury which is not categorized as "obligational authority." To eliminate this possibility, it was suggested that the following requirement be added to the budget adopted by the House each year:

> The proposed budget shall include . . . the estimated budget outlays in the aggregate related to the maximum obligational authority provided for in item 2 above, together with the estimated budget outlays related to each appropriation bill or resolution and for such other legislative provisions for obligational authority as may be specified.

Also, in reporting an appropriations bill for consideration by the House, the appropriate committee would be required to certify that the bill does not exceed its allocation for both obligational authority and estimated budget outlays for the year. Thus, where outlays do not equal obligational authority, as is often the case, Congress would retain control of both figures.

The net effect of adding the category of "budget outlays" to the House authorized Federal budget is for Congress to adopt its own ceiling for Federal spending for each budget category. If this procedure had been followed at the beginning of this year, the controversy over congressional abdication of legislative authority in connection with the spending ceiling bill would not have occurred. The House would have already set a spending ceiling with the adoption of the House authorized budget at the beginning of the year.

Furthermore, the whole question of the level of Federal spending would be dealt with in a more effective and timely fashion. The time to act is at the beginning of the year, soon after the President's budget is sent to Capitol Hill and before appropriations begin.

That is the purpose of this revised bill, which I am introducing in revised form today. It is my hope that early in the 93d Congress the House of Representatives will set about the urgent task of reforming our budget management procedures.

Text of bill follows:

H. RES. 1161

Resolved, That the rules of the House are amended by adding rule XLV as follows:

"HOUSE AUTHORIZED FEDERAL BUDGET

"1. The Committee on Appropriations is authorized and directed at the beginning of each regular session of Congress after consideration of the annual budget message of the President, to report to the House a resolution containing a House-authorized Federal budget for the ensuing fiscal year not later than ninety days after the President's message has been received.

"The proposed budget shall include:

"1. Estimated overall Federal receipts from all sources;

"2. The maximum aggregate amount to be provided in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution and for such other legislative provisions for obligational authority as may be specified.

3. The estimated budget outlays in the aggregate related to the maximum obligational authority provided for in item 2 above, together with the estimated budget outlays related to each appropriation bill or resolution and for such other legislative provisions for obligational authority as may be specified. Such outlay estimates shall be provided by the Joint Committee on the Reduction of Federal Expenditures.

"When the Committee on Appropriations has reported the House resolution adopting such budget, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the chairman of the Committee on Appropriations to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

"After general debate on the resolution, which shall be limited to not to exceed ten hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

"2. No bill or resolution providing obligational authority for the ensuing fiscal year shall be in order for consideration by the House until the House-authorized Federal budget for such year has been approved.

"The report on each such bill or resolution providing obligational authority for the ensuing year must include a statement in one of the following forms: 'the provisions of this bill (or resolution) conform to the requirements of the House-authorized Federal budget for fiscal year 19 . The bill (or resolution) as reported will provide $ in obligational authority, and when this amount is deducted from $, the maximum amount for this bill (or resolution) under the House-authorized Federal budget for fiscal 19 , the remaining balance is $; it is estimated that budget outlays for the bill (or resolution) as reported will be $, and when this amount is deducted from the amount under the House-authorized Federal budget for fiscal year 19 , the remaining balance is $.' or 'The provisions of this bill (or resolution) do not conform to the requirements of the House-authorized Federal budget for fiscal 19 . The bill (or resolution) as reported will provide $ in obligational authority, and when this amount is deducted from $, the maximum amount for this bill (or resolution) under the House-authorized Federal

budget for fiscal 19 , a deficit results in the amount of $; (and/or) it is estimated that budget outlays for the bill (or resolution) as reported will be $, and when this amount is deducted from the amount under the House-authorized Federal budget for fiscal year 19 , a deficit results in the amount of $.'

"Any bill or resolution providing obligational authority whose report fails to include a statement in the first form, of which, in its amended form, fails to comply with the requirement as stated in the first form, shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

"3. The joint statement of managers to accompany a report made by a committee of conference on a bill or resolution providing obligational authority shall include a statement in one of the following forms: 'The provisions of this conference report conform to the requirements of the House-authorized Federal budget for fiscal 19 ', or 'The provisions of this conference report do not conform to the requirements of the House-authorized Federal budget for fiscal 19 .'

"A conference report on a bill or resolution providing obligational authority which fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. Motions to dispose of amendments remaining in disagreement following adoption of a conference report on a bill or resolution providing obligational authority shall require the approval of two-thirds, if the effect of the adoption of such motion would be to provide an amount in excess of that contained in the House-authorized Federal budget for such year.

"4. Within fifteen calendar days after adoption of the House-authorized Federal budget, the Committee on Ways and Means is authorized and directed to report a resolution containing separate and specific recommendations to the House of Representatives as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate outlays and receipts contained in the House authorized budget.

"When the Committee on Ways and Means has reported to the House said resolution, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the chairman of the Committee on Ways and Means to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

"After general debate on the resolution, which shall be limited to not to exceed six hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

"No bill or resolution carrying appropriations or otherwise providing obligational authority for the ensuing fiscal year shall be in order for consideration by the House until the resolution of the Committee on Ways and Means has been approved.

"The requirements of this rule shall not be waived or suspended."

Mr. McCLORY. Mr. Speaker, although I have supported the principle of revenue sharing, including the bill passed earlier by this House (H.R. 14370), I find myself in sharp disagreement with the conference report which we are called upon to approve today.

Mr. Speaker, under the fair and equitable—although not generous—formula adopted in the House version of this measure, my congressional district—comprising mainly McHenry and Lake Counties, as well as the area of Kane County, most of which is included in my new congressional district—would receive allocations consistent with the broad principles underlying this new concept.

Mr. Speaker, the change in formula adopted by the other body appears to me to be both unfair and inequitable—and results in substantial losses in revenue to the counties and communities which I am privileged to represent. The Senate version is also unfair to Kane County, much of which is included in the new 13th Congressional District.

Mr. Speaker, the conference report will have the effect of reducing the Illinois share of revenues for this calendar year from $197 to $183 million. Other losses are even more striking. For instance, the Kane County total is reduced from $4,800,000 to $2,687,000, the Lake County share from $6,103,000 to $3,863,000, and the McHenry County allocation from $1,169,000 to $1,045,000.

Mr. Speaker, one of the most flagrant examples of inequity is in the allocation to the city of North Chicago, whose share is cut by the Senate formula from $565,248 to $265,383.

Mr. Speaker, in the light of these examples which result in substantial dollar losses, it seems clear to me that the formula adopted in the conference report is faulty—and should have been rejected by the conferees in favor of the more equitable allocations established in the original House bill.

Mr. Speaker, I am familiar with the problems and needs of the city of North Chicago—a community where many lower- and middle-income families reside—and where the benefits of revenue sharing could be particularly valuable. The fact that the conference report adversely affects this community is sufficient to question the validity of the entire formula which is embodied in the conference committee report.

Mr. Speaker, it is not because of my opposition to the principle of revenue sharing—instead, it is to evidence my disagreement with the formula applied—that I am casting my vote against the conference committee report.

Mr. BROYHILL of Virginia. Mr. Speaker, it is obvious that this general revenue sharing program is going to become law very shortly, despite anything that might be said here today and despite all the sound arguments which have been made against it in the past.

I explained in detail my opposition during House debate in June, and there is clearly no point in going over that ground again. So I will simply restate my firm belief that the legislation is ill-timed in light of our Federal fiscal problems and ill-designed in that it disunites the responsibility for raising revenue from the authority to spend it. This may be a popular program with State and local officials, but it is not loved by the American taxpayers, who will have to pay the heavy cost of it eventually.

What the House has before it now is a compromise between two versions of basically bad legislation.

Viewed only as a compromise, however, the conference report represents an acceptable reconciliation of differences. It is imperfect, but it will have to do.

Take the distribution of funds. There is no way in which a mutually agreeable decision could have been made by attempting to blend the House and Senate formulas into one all-purpose recipe. Members of the Ways and Means Committee learned through experience that it is impossible to develop a single distribution method both equitable and wholly satisfactory to all of the 39,000 widely differing units of local government in the Nation. So the conferees took the very practical course of giving each State in the aggregate the higher of the two possible allocations and choosing one of the two available formulas for distribution of funds within each State.

Another example of acceptable compromise can be found with respect to the provision of the House bill which was designed to reduce the allocation to the District of Columbia by the amount of revenue the District might obtain from a tax on income earned in the District by nonresidents. The Senate deleted this provision, but the conferees agreed to its restoration, providing that it would not apply if the District entered into agreements on reciprocal taxation of nonresidents with both Maryland and Virginia or if the Congress enacted a law directly imposing a tax on nonresident income earned in the District.

I certainly do not intend to go into the details of the conference report, inasmuch as the chairman already has done so, but I would like to comment very briefly on just one additional aspect of it. Under the compromise, the local governments ostensibly are limited as to the use they can make of the shared funds. They are authorized to spend the money only on certain priority items, and they are forbidden to use it to obtain Federal matching funds.

But, Mr. Speaker, these are artificial restrictions. By shifting funds and programs, local governments should be able to circumvent these barriers with relative ease.

I merely point this out in case anyone might have overlooked it. The artificiality of these spending restrictions may appear ridiculous to some, but as for me, it is no more ridiculous than the legislation itself.

Mr. MINISH. Mr. Speaker, I rise in reluctant support of the conference report on the State and Local Fiscal Assistance Act of 1972.

The conference report does provide much needed funds to our Nation's States

and communities to help alleviate the crisis created by the need for more and better services and consequent soaring tax rates.

However, while still providing some funds, the conference committee drastically cut back from the House-passed bill on the allocations to certain deserving and hard-pressed communities.

In adopting the Senate formula for the distribution of revenue-sharing money to localities, the conference report, in effect, discriminates against middle-income suburbs of our Nation.

As a Member of Congress, I have consistently supported programs to meet the crisis of our large cities and I shall continue to support these programs. However, this report is blatantly out of balance, penalizing one segment of our Nation in order to assist another.

For example, in my own district, virtually every community has experienced a reduction in funds below the amount contained in the House-passed bill. In toto, my district has lost more than $1.5 million as a result of the House conferees' failure to support their own bill in the conference deliberations. These communities, it must be pointed out, are experiencing onerous property tax rates partly as a result of their efforts to assist the older, more urban cities in the area.

As I stated earlier, I shall support the legislation. It is evident that, if this report is not cleared now, we shall have no revenue sharing whatsoever.

Mr. Speaker, I intend to devote my energies in the future to altering the formula for local distribution in this act so as to bring it into greater conformance with the overall needs of all our Nation's communities.

Mr. BROOMFIELD. Mr. Speaker, we are on the verge of passing a truly historic piece of legislation; legislation which will signal a new chapter in the relations between the Federal and local forms of government.

It has become increasingly apparent that our State and municipal governments are "fiscally mismatched" against the Federal Government. While Federal revenues have multiplied by a 90 fold in the last 40 years, local units have been straining to provide even the most basic municipal services.

No Member of Congress who has listened to the plight of the elected representatives in his district needs to be reminded of this situation. Washington has consistently expanded tax revenue sources and has, in effect, isolated our local units within a financial vacuum.

Federal revenue sharing should slowly reverse the trend of the past four decades.

Mr. Speaker, as a sponsor of revenue sharing in this and previous Congresses and as one who firmly believes that too often Washington seeks to impose blanket restrictions and obligations on Federal grants as a substitute for the first-hand experience and expertise of local officials. I intend to vote for this measure. However, I do so with reservations.

My reservations are a result of the formula agreed to by the conferees to disburse the funds to the various local units of government.

It is far from perfect. By adopting substantially the Senate formula for allocation of money to cities and townships, almost all of the towns in my district of Oakland County have suffered drastic cuts in what they would have received under the House formula.

Obviously, whenever a bill goes to conference, we expect that some compromise will be reached. We expect that there will be some give and take between two different formulas.

But, Mr. Speaker, I would hardly term this an equitable compromise. Many cities in my district will receive approximately one-third as much as they would have under the version we voted for in the House.

More important, I feel that some very glaring and blatantly unfair differences exist even when towns within my district are compared. Some cities, by virtue of higher real estate values are receiving equal treatment with others that have lower values and a higher property tax rate.

Revenue sharing is an important innovation. State and local governments throughout the Nation desperately need this new concept. As such, I intend to support passage of the conference report. However, I want to make it clear that I look forward to continued efforts to improve and revise the disbursement formula until these fundamental errors are eliminated once and for all.

Mr. BADILLO. Mr. Speaker, I am supporting the conference report to accompany H.R. 14370, the revenue-sharing bill, but I do so with reluctance, for this legislation is but a very tentative step toward providing the fiscal assistance our cities and States so urgently require.

It is true that the conferees have managed to combine many of the best elements in the two versions of the revenue-sharing bill and it also is true that the funds provided by this legislation will be helpful in meeting the fiscal crisis afflicting our urban areas.

But this legislation is seriously flawed—almost fatally so—by a retrogressive provision setting an unrealistic and unfair ceiling on local social services for the poor, and coupling that ceiling with a distribution formula that will give some States more money than they can spend effectively, while forcing others—like New York—to cut back drastically on established programs enabling welfare mothers to find decent jobs and rehabilitating drug addicts.

It now becomes essential that we look to some other piece of legislation to counterbalance the impact of this provision, and I am hopeful that before this Congress adjourns we will have a chance to enact legislation under which the Secretary of Health, Education, and Welfare would be directed to make social service payments to the States in proportion to their actual expenditures on such services last year, and guaranteeing a pass-through of Federal funds from the States to the cities with respect to aid for social services for the poor.

Without these provisions, the highly touted revenue-sharing program will surely fall far short of expectations. It will provide needed funds, but the required cutbacks in social services for the poor will undermine much of the good that the new revenues might perform.

I would caution both the administration and my colleagues in the Congress not to be too quick to hail this legislation as firm evidence of a national commitment to solve the problems of our cities. Revenue sharing is a welcome step, but it is by no means a major commitment. It is evidence of concern, but it may be too little and too late. And taken in conjunction with other legislative failures and fiascos in such areas as welfare reform, housing, and school busing, this new program hardly stands as a milestone in the fight to save and restore our cities.

Mr. REID. Mr. Speaker, I rise in support of the conference report, the final version of the revenue-sharing bill.

First, let me note that I was pleased to work with my colleague, the gentleman from New York (Mr. HUGH CAREY) and Governor Rockefeller to draft the bipartisan resolution of the New York delegation supporting revenue sharing.

Clearly, the funds from revenue sharing are critical for the State of New York, although I would point out that the formula in the bill as it passed the House and was sent to the Senate was clearly preferable to the one adopted by the Senate and the conference committee. Due to the agreements made in conference, New York State lost $58.2 million, and funds for Westchester County, much of which I represent, were just about cut in half.

Under the bill as it now stands, New York State will receive a total of $591.4 million rather than $649.6 million; Westchester County will receive a total of $8.3 million, instead of the $16.3 originally passed by the House.

Briefly, this reduction was due to the Senate formula relating to entitlements of the localities. This three-factor formula is based one-third of the basis of population, one-third on per capita income, and one-third on tax effort, whereas the House's original five-factor formula had included other factors such as "urbanized population," taking into account the high cost of services in urban and suburban areas. I am disappointed that the conference agreement did not include these other factors or permit optional applications for the localities.

However, despite this formula, I would point out that the State may act to change the local formulas and redistribute the funds. This can be done in two ways.

First of all, of the $591.4 million which goes to New York, the State itself receives $197.1 million—or one-third—and the localities receive a total of $394.3 million—or two-thirds. I am hopeful that the State will act to distribute at least some of its $197.1 million to the localities which were hardest hit by the changed formula. Clearly Westchester, and specifically cities and villages such as Yonkers, New Rochelle, White Plains, Mount Vernon, and Mamaroneck will need this assistance, and I hope the State legislature will act out of fairness to redistribute its funds to the localities.

It is free to do this at any time, including retroactively.

The second vehicle for changing the formula for the localities is slightly more complex, although equally important.

The State legislature may adopt an alternate formula to be distributed among its localities, based on either the population multiplied by the tax effort, or, the population multiplied by the relative income factor. Since the legislature, however, must notify the Treasury Department at least 30 days before the new entitlement period is to begin—under which the changed formula will be effective—it will have to act early next year to make the change effective for the period beginning July 1, 1973, and be ready to notify the Treasury Department by June 1, 1973. Only one formula change will be permitted in the 5-year life of the bill.

Listed below is a chart of the funds which can be expected for cities and villages in the district I represent, as allotted in the conference report:

Funds for the District

[In dollars]

Westchester County area	$8,300,000
Westchester County government	2,500,000
Total to all cities over 2500	4,700,000
Total to all cities under 2500	27,000
Total to all townships	1,000,000
Larchmont Village	31,000
Mamaroneck Village	79,000
Mt. Vernon City	714,000
New Rochelle City	546,000
North Pelham Village	35,000
Ossining Village	135,000
Pelham Manor Village	29,000
Port Chester Village	213,000
Rye City	68,000
Scarsdale Village	83,000
White Plains City	359,000
Yonkers City	1,700,000

A breakdown for townships will be available in about 2 weeks. Unincorporated towns may receive funds only if they can prove that they are viable and independent government entities. They may appeal to the Secretary of the Treasury in order to receive funds, but must prove their nature as a local government: for instance, that they raise or spend money.

In sum, I support the revenue-sharing bill and urge my colleagues to lend it their full support.

Attached to the revenue-sharing provision, however, is an onerous and unfair provision—again added by the other body. I refer here to title III of the bill, which places a ceiling of $2.5 billion on social services expenditures and which reduces the Federal contribution in the matching grants program from 75 percent to 25 percent.

I strongly oppose this ceiling, which in my judgment does not belong in this legislation, and in addition is also arbitrary, discriminatory, and highly inequitable.

The action taken in title III is precisely the action that Congress should not be taking. By this move, Congress appears to be taking a meat-ax approach to human needs and services for even the smallest of children. Furthermore, the provision, if enacted, will be distributed without regard to caseload or other factors of need, and thus discriminates against large urbanized States such as New York. Finally, the provision could be counterproductive, since it could actually increase the number of people receiving welfare assistance.

In a sense, the term "social services" has become the scapegoat for a welfare system which is in vital need of reform. In spite of the House's action on welfare reform, the prospects for action in this session are clearly dim, and as a result, it appears, Congress is taking after social services instead. What I would point out is that these social services are very often used to keep people off welfare.

What is a mother to do, for instance, when her child's day care center locks its doors due to lack of funds, as more than half of the federally funded day care centers in New York will have to do if this provision is passed. Obviously, she has no choice. She will have to quit her job and return home to care for her child, thus losing her source of income and more likely than not returning to the welfare rolls. The administration has already vetoed the comprehensive child development bill, providing quality day care and early education services; they have torpedoed welfare reform, and now they are trying to hold the line on these social services as well as services in H.R. 1.

Under this provision, as I noted briefly earlier in the debate, although New York State had submitted a budget estimate for fiscal year 1973 of $850 million for social services, and even though this estimate had been approved by the Department of Health, Education, and Welfare as a realistic figure, the funds to New York would be cut by 74 percent, to $222.7 million. Not only is this an outrageous cut of over $600 million for fiscal year 1973, but it is also a cut by over one-half of what New York State received in Federal social services funding in fiscal year 1972—an amount of $588 million.

Let us not give with one hand, as we do in the revenue sharing bill, and take with the other, as the final title of that bill would. Let us provide for the needy not in terms of handouts but in terms of resources like day care and manpower training, which some in this House would cut today. This is not only a question of compassion, although we must listen to the cries of human need that are all too frequent in this country and provide for them. It is also a question of pragmatism: are we really going to cut off the sources which enable a person to work and lead a productive life just to throw that person back to the gutter? I say no, and I hope the distinguished Members of this body will also say no, for reasons of simple justice and equity.

Mr. ASHLEY. Mr. Speaker, surely 4 weeks before election day is not the best time to vote against a bill which would bring $6 million into the county I represent over the next year, but I cannot in good conscience vote for the conference report on the State and Local Fiscal Finance Act.

First, at a time when the fiscal 1973 budget is running out of control and could easily approach a record $38 billion deficit, it simply is not the better part of wisdom to give away $5.3 billion. Revenue sharing was originally conceived in the early 1960's as a means of dispersing anticipated surplus Federal moneys, not to pass out funds to the States when the Federal Government itself is strapped for money.

Moreover, this drain is not even limited to only 1 or 2 years. Instead, the legislation is so drafted as to avoid the appropriations process and, in effect, appropriate $30.2 billion for the next 5 years. What happens if the national economic picture changes? What happens if the local and State financial crisis lifts? The answer is nothing—this money is already appropriated and only a subsequent act by the Congress could change the situation.

The legislation before us does not even attempt to tell us where we will get the money to afford such a program. Because the legislation was originally considered in the House under a closed rule, it was impossible to amend it with some tax loophole closing measures which might have made revenue sharing economically feasible.

Second, the formula for disbursing the funds shows little recognition of the fact that we live in a highly urbanized society and that it is our central cities that are in the most desperate financial shape. By using a formula based only on population, inverse income and a "tax factor," the city of Toledo, which I represent, would receive $4.8 million, instead of the $6.5 million which the original House bill—based on population, inverse income and urbanization—would have provided.

Third, it is an old axiom—and I think a good one—that the government which does the taxing should set the priorities for spending. Ostensibly that is what this bill does. It states that money allocated to local governments must be used for essential public services such as police and garbage collection. However, these nondiscriminatory, high priority guidelines are illusory because there is no requirement that local governments maintain their past efforts in these areas. Therefore, for example, a city could cut its own funds for police protection, use the Federal moneys to pay the police, and then do anything it wanted with its "own" funds.

Finally, the bill contains a $2.5 billion ceiling on expenditures for social services which will penalize those States that have been most active in these fields. The activist State which projected its fourth quarter expenditures for this year would get less under the simple population allocation formula than it was presently receiving without a ceiling. On the other hand, the State which has not been an active participant will get a windfall if it happens to have a large population—the only alocation criterion in the bill. In addition, the provision that 90 percent of the funds—with exemptions for child care, family planning, and so forth—must be used for present—not past or potential—welfare recipients would eliminate many current programs.

Mr. Speaker, it is for these reasons that I cast my vote against the conference report on the State and Local Fiscal Assistance Act.

Mr. BLANTON. Mr. Speaker, I rise today to oppose this legislation. When this bill was first introduced, almost 6 years ago, it got nowhere. It was considered by many able legislators to be one of the biggest pieces of gimmick legislation ever conceived. It has not changed in 6 years. It is still a horrible piece of legislation. It will increase taxes if enacted today, just as it would have increased taxes if it had been enacted 6 years ago.

There is one difference, however. Six years ago the Federal Government was operating a surplus budget, not a massive deficit. In the past 4 years this administration has amassed budget deficits of over $100 billion. For the current fiscal year the deficit is anticipated to exceed $25 billion. How can the Federal Government share revenues that it does not have. If the States would like to share some of this deficit, I would be more than willing to let them.

When this legislation was first introduced, I opposed it. Every year since then I have continued my opposition. I had many reservations about this bill and they are the same today as they were 6 years ago. Let me enumerate them for my distinguished colleagues, lest they forget what their opposition was to this bill a very short time ago.

First. If this bill is enacted taxes will have to be increased at the State level. One portion of the formula used to determine State and local allocations is the State tax effort. If a State increases its tax effort by increasing its taxes, it will receive a corresponding increase in shared revenue funds. Tennessee has no State income tax at the present time but if revenue sharing is enacted, I am sure that it will have one within the next 5 years.

Second. Taxes will have to be increased on the Federal level. As I mentioned previously the Federal Government is again running a massive deficit. Where are the revenues to come from? Increased taxes. That is the only answer. This administration is talking out of both sides of its mouth when it requests a spending ceiling on one hand, and demands revenue sharing on the other. Only moments ago the distinguished chairman of the Ways and Means Committee stated on the floor of this body that the funds for revenue sharing would in all likelihood have to be borrowed to support this program. That means a higher debt ceiling, more spending to feed the fires of inflation and eventually, higher taxes. And lest anyone be mistaken, this is not politics we are talking about, it is arithmetic.

Third. One of the cornerstones of the operation of our democracy since its inception has been that those who spend the revenues should be responsible for raising it. This was the main objection of many of my colleagues to this legislation. I have not changed my position of this very important point. Fiscal responsibility may be old fashioned but I for one still favor it.

I also object to the allocations for the State of Tennessee as a Representative of that great State. Tennessee is in the bottom one-third of the Nation in per capita income and yet it ranks 23d in the payment of Federal income taxes with total Federal collections of over $2 billion in 1971. At the same time, Tennessee is placed 32d, almost in the bottom third, in the revenue sharing list based on per capita figures. It is over a dollar below what the U.S. average is. If this is helping my State I would like to know how.

This bill is basically the same one that we have objected to all along. Why have positions changed so radically in such a short time? I think that there are two reasons. The first is that this is an election year and most politicians want to go to the polls with this gimmick at their side.

There is another reason, too. The Congress has been subjected to some of the most intense pressure from State and local officials that it has ever known. Mayors want free money. Governors want free money. Local officials want free money. I learned one lesson a long time ago and that is that you cannot get anything for free. Not really. The people are the ones who will pay for this "free" money. The hard working people who have helped make this Nation what it is today. If they knew what a fraud revenue sharing was there would not be one Legislator here today who would support this bill.

I, for one, will not. I will go home to my people, and I will tell them the truth about revenue sharing. My conscience and my responsibility as a Representative of the people demand that I do this.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 266, nays 110, answered "present" 1, not voting 54, as follows:

[Roll No. 432]

YEAS—266

Abourezk	Bray	Conte
Abzug	Breaux	Conyers
Addabbo	Broomfield	Cotter
Anderson, Calif.	Brotzman	Coughlin
	Brown, Mich.	Culver
Anderson, Ill.	Brown, Ohio	Curlin
Annunzio	Broyhill, N.C.	Daniels, N.J.
Arends	Buchanan	Danielson
Aspin	Burke, Mass.	Delaney
Badillo	Burlison, Mo.	Dellenback
Baker	Carey, N.Y.	Dellums
Barrett	Carlson	Dent
Belcher	Carney	Derwinski
Bergland	Carter	Dickinson
Betts	Cederberg	Diggs
Bevill	Celler	Dingell
Biaggi	Chamberlain	Donohue
Biester	Chisholm	Dorn
Bingham	Clausen, Don H.	Drinan
Blatnik	Cleveland	Dulski
Boggs	Collins, Ill.	Duncan
Boland	Conable	du Pont
Bow	Conover	Dwyer
Brasco	Edwards, Ala.	Eckhardt
	Edwards, Calif.	Leggett
	Eilberg	Lent
	Erlenborn	Long, La.
	Esch	McCloskey
	Eshleman	McCollister
	Evins, Tenn.	McCormack
	Fascell	McCulloch
	Flood	McDade
	Flowers	McDonald, Mich.
	Foley	McEwen
	Ford, Gerald R.	McKinney
	Ford, William D.	Macdonald, Mass.
	Forsythe	Madden
	Fountain	Mailliard
	Fraser	Mallary
	Frelinghuysen	Mann
	Frenzel	Mathias, Calif.
	Frey	Mayne
	Fulton	Mazzoli
	Garmatz	Melcher
	Gaydos	Metcalfe
	Grasso	Mikva
	Gray	Miller, Calif.
	Green, Pa.	Miller, Ohio
	Griffiths	Mills, Ark.
	Grover	Mills, Md.
	Gubser	Minish
	Gude	Mink
	Halpern	Minshall
	Hamilton	Mitchell
	Hammer-schmidt	Mizell
		Mollohan
	Hanley	Moorhead
	Hansen, Idaho	Morgan
	Harrington	Mosher
	Harsha	Murphy, Ill.
	Harvey	Natcher
	Hastings	Nedzi
	Hathaway	Nelsen
	Heckler, Mass.	Nix
	Heinz	O'Hara
	Helstoski	O'Konski
	Hicks, Mass.	O'Neill
	Hicks, Wash.	Patten
	Hillis	Pepper
	Hogan	Perkins
	Horton	Pettis
	Hosmer	Peyser
	Howard	Pirnie
	Hunt	Podell
	Ichord	Preyer, N.C.
	Jarman	Price, Ill.
	Johnson, Calif.	Pryor, Ark.
	Johnson, Pa.	Pucinski
	Jones, Tenn.	Quie
	Karth	Quillen
	Kastenmeier	Railsback
	Keating	Rangel
	Keith	Reid
	Kemp	Reuss
	Kluczynski	Rhodes
	Koch	Riegle
	Kyl	Robison, N.Y.
	Kyros	Rodino
	Landrum	Roe
	Latta	Rooney, N.Y.
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roush
		Ruppe
		Ruth
		St Germain
		Sarbanes
		Scherle
		Scheuer
		Schwengel
		Sebelius
		Seiberling
		Shipley
		Shoup
		Shriver
		Skubitz
		Smith, Iowa
		Smith, N.Y.
		Spence
		Springer
		Staggers
		Stanton, J. William
		Stanton, James V.
		Steele
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Stubblefield
		Symington
		Talcott
		Taylor
		Teague, Calif.
		Terry
		Thomson, Wis.
		Thone
		Tiernan
		Ullman
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waldie
		Wampler
		Ware
		Whalen
		Whalley
		Whitehurst
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wolff
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Zablocki
		Zion
		Zwach

NAYS—110

Abbitt	de la Garza	Montgomery
Abernethy	Dennis	Moss
Adams	Downing	Myers
Alexander	Findley	Obey
Andrews, Ala.	Fisher	Passman
Andrews, N. Dak.	Flynt	Patman
	Fuqua	Pickle
Ashbrook	Gibbons	Pike
Ashley	Goldwater	Poage
Aspinall	Gonzalez	Powell
Begich	Goodling	Price, Tex.
Bennett	Griffin	Randall
Blanton	Hagan	Rarick
Bolling	Hall	Rees
Brademas	Hays	Roberts
Brinkley	Hechler, W. Va.	Robinson, Va.
Brooks	Henderson	Rogers
Broyhill, Va.	Holifield	Roy
Burke, Fla.	Hull	Roybal
Burleson, Tex.	Hutchinson	Runnels
Burton	Jacobs	Sandman
Byrnes, Wis.	Jonas	Satterfield
Byron	Jones, Ala.	Saylor
Camp	Kazen	Schneebeli
Casey, Tex.	Landgrebe	Scott
Chappell	Lennon	Sikes
Clancy	Long, Md.	Sisk
Clawson, Del	Lujan	Slack
Collier	McClory	Smith, Calif.
Collins, Tex.	McFall	Snyder
Colmer	McKay	Steed
Corman	Mahon	Stuckey
Daniel, Va.	Mathis, Ga.	Teague, Tex.
Davis, Ga.	Meeds	Udall
Davis, Wis.	Michel	Van Deerlin

Waggonner	Whitten	Young, Fla.
White	Wright	Young, Tex.

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—54

Anderson, Tenn.	Fish	McClure
Archer	Galifianakis	McKevitt
Baring	Gallagher	McMillan
Bell	Gettys	Martin
Blackburn	Giaimo	Matsunaga
Byrne, Pa.	Green, Oreg.	Monagan
Cabell	Gross	Murphy, N.Y.
Caffery	Haley	Nichols
Clark	Hanna	Pelly
Clay	Hansen, Wash.	Purcell
Crane	Hawkins	Roncalio
Davis, S.C.	Hébert	Schmitz
Denholm	Hungate	Steiger, Ariz.
Devine	Jones, N.C.	Sullivan
Dow	Kee	Thompson, Ga.
Dowdy	King	Thompson, N.J.
Edmondson	Kuykendall	Yatron
Evans, Colo.	Link	
	Lloyd	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Rousselot against.

Mr. Hébert for, with Mr. Gettys against.

Mr. Murphy of New York for, with Mr. Monagan against.

Mrs. Sullivan for, with Mr. Cabell against.

Mr. King for, with Mr. Baring against.

Mr. McKevitt for, with Mr. Davis of South Carolina against.

Mrs. Hansen of Washington for, with Mr. Dowdy against.

Mr. Anderson of Tennessee for, with Mr. Devine against.

Mr. Dow for, with Mr. Edmondson against.

Mr. Hanna for, with Mr. Martin against.

Mr. Nichols for, with Mr. Archer against.

Mr. Matsunaga for, with Mr. Evans of Colorado against.

Mr. Denholm for, with Mrs. Green of Oregon against.

Mr. Kuykendall for, with Mr. Haley against.

Mr. Roncalio for, with Mr. McMillan against.

Mr. Clark for, with Mr. Jones of North Carolina against.

Mr. Fish for, with Mr. Blackburn against.

Mr. Steiger of Arizona for, with Mr. Schmitz against.

Mr. Bell for, with Mr. Crane against.

Mr. Hawkins for, with Mr. Giaimo against.

Mr. Link for, with Mr. Purcell against.

Until further notice:

Mr. Gallagher with Mr. Pelly.

Mr. Hungate with Mr. Thompson of Georgia.

Mr. Kee with Mr. Lloyd.

Mr. Clay with Mr. McClure.

Mr. Caffery with Mr. Byrne of Pennsylvania.

Mr. Yatron with Mr. Galifianakis.

Mr. ROUSSELOT. Mr. Speaker, I have a live pair with the gentleman from New Jersey, Mr. THOMPSON. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 20: Page 165, after line 4, insert:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

INTERIM PROVISIONS

SEC. 301. (a) Notwithstanding sections 3 (a) (4) and (5), 403(a) (3) and (5), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5) of the Social Security Act, no payment shall be made to any State with respect to expenditures incurred, during the period commencing July 1, 1972, and ending December 31, 1972, for the provision of services (other than child care services (as defined in subsection (b)(3)), family planning services, and services provided pursuant to section 402(a)(19)(G) of such Act) under any of its plans approved under titles I, X, XIV, or XVI, or part A of title IV, of the Social Security Act. In lieu of payments for such period pursuant to the above enumerated sections the Secretary of Health, Education, and Welfare shall pay to each State an amount equal to whichever of the following is the greater—

(1) an amount which bears the same ratio to $500,000,000 as the urbanized population (as defined in section 123 of the Revenue Sharing Act of 1972) of such State bears to the urbanized population (as so defined) of all the States, or

(2) the total of the Federal payments which it would (except for the provisions of this section) have received with respect to expenditures for such services for such period under the above enumerated sections, but not counting, for purposes of determining the amount of such Federal payments, any expenditure by such State which is attributable to the provision of such services (A) after December 31, 1972, or (B) under a new project (as defined in subsection (b)(2)).

(b) For purposes of this section—

(1) The term "State" means the fifty States and the District of Columbia.

(2) The term "new project", when used in reference to the provision of services, means any project for the provision of such services (whether operated directly by the State agency authorizing the project or by any other person) under which social services are initially provided for after August 9, 1972. Services provided after August 9, 1972, under a project, under which such services were initially provided on or before such date, shall be regarded as being provided under a new project, if such services would not have been provided thereunder except for a modification, expansion, renewal, or extension, of such project.

(3) The term "child care services" means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provisions of such services is needed (A) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (B) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.

(c) Any appropriated Federal funds which are available after June 30, 1972, for the purpose of making payments to States for services under title I, X, XIV, or XVI, or part A of title IV of the Social Security Act, shall be available for the purpose of making grants authorized by this section.

AMENDMENTS TO PART A OF TITLE IV OF THE SOCIAL SECURITY ACT

SEC. 302. (a) Part A of title IV of the Social Security Act is amended—

(1) (A) by striking out "and rehabilitation and other services" in the first sentence of section 401, and

(B) by striking out "and services" in the second sentence thereof;

(2) by striking out "and Services" in the heading immediately preceding section 402;

(3) (A) by striking out "and services" in the matter preceding clause (1) of section 402(a),

(B) by striking out ", with particular emphasis" and all that follows down to the semicolon in clause (5)(B) of such section and inserting in lieu thereof "in the administration of the plan",

(C) by striking out clause (13) of such section,

(D) by striking out "such family services, as defined in section 406(d), and child welfare services, as defined in section 425" in clause (14) of such section and inserting in lieu thereof "such child care services, as defined in section 406(a), family planning services, and child welfare services available under the State plan approved under part B";

(4) by inserting "subject to subsection (e)," immediately before "75 per centum" in section 403(a)(3)(A),

(5) (A) by striking out "any of the services described in clauses (14) and (15) of section 402(a)" in subparagraphs (A) (i) and (ii) of section 403 (a)(3) and inserting in lieu thereof "child care services (as defined in section 406(d)) and family planning services",

(B) by striking ": Provided" and all that follows down through "if provided by such staff" in subparagraph (C) of such section,

(C) (i) by striking out "subject to limitations" in subparagraph (D) of such section and inserting in lieu thereof "under conditions", and

(ii) by striking out "by the State health authority" and all that follows in such subparagraph down through "under the Vocational Rehabilitation Act or",

(D) (i) by striking out "except that services described in clause (ii)" and all that follows down through "vocational rehabilitation services so approved; and" in the matter following subparagraph (D) of section 403 (a)(3), and

(ii) by striking out "child-welfare services, family planning services, and family services" in such matter and inserting in lieu thereof "child care services (as defined in section 406(d)) and family planning services"; and

(6) by striking out section 403(a)(5) and inserting in lieu thereof the following:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children.";

(7) by amending section 403(d)(1) to read as follows:

"(d)(1) In addition to amounts paid under subsection (a)(3)(A), the Secretary shall pay to each State with a plan approved under this part an amount equal to 90 per centum of the total amounts expended during any quarter as are found necessary for the proper and efficient administration of the plan and as are for social and supportive services provided pursuant to section 402 (a)(19)(G)";

(8) by adding at the end of section 403 the following new subsection:

"(e) Notwithstanding subsection (a)(3)(A) (i) and (ii), the amount of the payment made thereunder to any State for any quarter shall not exceed 12½ per centum of the total of such amounts paid thereunder for such quarter to all the States.";

(9) by striking out "and services" in the matter preceding clause (1) of section 404(a);

(10) by amending section 406(d) to read as follows:

"(d) The term 'child care services' means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (1) in order to enable a member of such child's family to accept or continue in

employment or to participate in training to prepare such member for employment, or (2) because of the death, continued absence from the home, or incapacity of such child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.".

(b) The heading to title IV of the Social Security Act is amended by striking out "AND SERVICES".

(c) Effective July 1, 1973, title XI of the Social Security Act is amended by adding at the end thereof the following:

"LIMITATION ON FUNDS FOR CHILD CARE AND FAMILY PLANNING SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of sections 3(a) (4) and (5), 403(a) (3) and (5), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable to any State with respect to expenditures incurred for child care and family planning services under any such section shall be reduced by any such amounts as may be necessary to assure that the total amount paid to such State for any fiscal year (commencing with the fiscal year beginning July 1, 1973) for child care and family planning services does not exceed the allotment of such State (as determined in subsection (b)).

"(b) For each fiscal year (commencing with the fiscal year ending June 30, 1974) there shall be allotted to each State an amount which bears the same ratio to $600,000,000 as the urbanized population of such State (as defined in section 123 of this Act) bears to the urbanized population of all the States."

(d) The amendments made by subsections (a) and (b) of this section shall become effective January 1, 1973.

CONFORMING AMENDMENTS TO TITLES I, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

SEC. 303. (a) (1) Section 1(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 2(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency", and inserting in lieu thereof "in the administration of the plan".

(3) Section 2(a)(10) of such Act is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A) thereof; and

(B) by striking out subparagraph (C) thereof. (4) Section 3(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following prcportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivisions; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 3(a) of such Act is further amended by striking out paragraph (5) thereof.

(6) Section 3 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 2(a)(12)(C) of such Act is amended by striking out "for services referred to in section 3(a)(4)(A) (i) and (ii) which are appropriate for such recipients and for such patients;".

(b)(1) Section 1001 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services."

(2) Section 1002(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan."

(3) Section 1002(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (11) thereof; and

(B) by striking out the semicolon at the end of clause (12) thereof and all the matter following such clause up to, but not including, the period at the end of such section 1002(a).

(4) Section 1003(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1003(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1003 of such Act is further amended by striking out subsection (c) thereof.

(c)(1) Section 1401 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1402(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1402(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (10); and

(B) by striking out the semicolon at the end of clause (11) thereof and all the matter following such clause up to, but not including, the period at the end of such section 1402(a).

(4) Section 1403(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus.

"(B) one-half of the remainder of such expenditures."

(5) Section 1403(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1403 of such Act is further amended by striking out subsection (c) thereof.

(d)(1) Section 1601(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1602(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1602(a) of such Act is further amended by striking out paragraph (10) thereof.

(4) Section 1603(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employing by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1603(a) of such Act is further amended by striking out paragraph (5) thereof.

(6) Section 1603 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 1602(a)(16)(C) of such Act is amended by striking out "for services referred to in section 1603(a) (4)(A) (i) and (ii) which are appropriate for such recipients and for such patients;".

(e) The amendments made by this section shall take effect January 1, 1973.

PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 304. The amendments made by section 302 and 303 of this title shall not be applicable in the case of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, this matter is so well known to the Members that I ask unanimous consent the amendment in disagreement be considered as read and printed in the RECORD.

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

There was no objection.

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves that the House recede from its disagreement to Senate amendment numbered 20 and concur therein with an amendment as follows: in lieu of the matter contained in the Senate amendment, insert the following:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 301. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATIONS ON FUNDS FOR CERTAIN SOCIAL SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a)

(3), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable for any fiscal year commencing with the fiscal year beginning July 1, 1972 under such section (as determined without regard to this section) to any State with respect to expenditures made after June 30, 1972, for services referred to in such section (other than the services provided pursuant to section 402(a)(19)(G)), shall be reduced by such amounts as may be necessary to assure that—

"(1) the total amount paid to such State (under all of such sections) for such fiscal year for such services does not exceed the allotment of such State (as determined under such subsection (b)); and

"(2) of the amounts paid (under all of such sections) to such State for such fiscal year with respect to such expenditures, other than expenditures for—

"(A) services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

"(B) family planning services;

"(C) services provided to a mentally retarded individual (whether a child or an adult), but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual by reason of his condition of being mentally retarded;

"(D) services provided to an individual who is a drug addict or an alcoholic, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

"(E) services provided to a child who is under foster care in a foster family home (as defined in section 408) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such child because he is under foster care.

not more than 10 per centum thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance.

"(b)(1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) the Secretary shall allot to each State an amount which bears the same ratio to $2,500,000,000 as the population of such State bears to the population of all the States.

"(2) The allotment for each State shall be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time; except that the allotment for each State for the fiscal year beginning July 1, 1972, and the following fiscal year shall be promulgated at the earliest practicable date after the enactment of this section but not later than January 1, 1973.

"(c) For purposes of this section, the term 'State' means any one of the fifty States or the District of Columbia."

(b) Sections 3(a)(4)(E), 403(a)(3)(D), 1003(a)(3)(E), 1403(a)(3)(E), and 1603(a)(4)(E) of such Act are amended by striking out "subject to limitations" and inserting in lieu thereof "under conditions which shall be".

(c) Section 403(a)(5) of such Act is amended to read as follows:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1 of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay".

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD. It is our intention to discuss it.

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

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I believe it to be most important that we understand the situation here. This is an amendment that was not germane to the subject matter of H.R. 14370, since it is an amendment to the Social Security Act. Thus under the rules of the House, as modified and approved recently, there was nothing for the conference committee to do except to bring this particular amendment back in disagreement.

In the conference we discussed the Senate amendment. We discussed the motion that I have just submitted, that has been considered as read.

The Senate provision calls for a limitation on social services of $600 million. This motion that I have made I believe is more in keeping with the present rate of spending in total by all the States for social services than is the $600 million, because in the fiscal year 1972 Federal funds were spent in the 50 States in the amount of $1,710,243,000.

At the time we agreed to this motion and this limitation in conference the Department of Health, Education, and Welfare told us that the States were in total spending at the level of about $2.1 billion or $2.2 billion.

Members will recall that last year, when we passed H.R. 1, we had a provision in it placing a limitation on social services of $800 million, plus about $300 million for child care and family planning because at that time the $800 million ceiling was well above the total of Federal dollars being spent by all of the States combined.

Mr. Speaker, there is another element here. I am getting a little weary of trying to cooperate with mayors and Governors who want everything their way. I am serving notice on them now, so far as I am concerned they are not going to have revenue sharing and an open-end on social services at the same time. Even though we have agreed to a conference report, it is necessary in order for a bill to go to the White House on revenue sharing for some decision to be made with respect to the Senate amendment to which my motion is addressed.

I am not threatening anybody, but we have in this bill $2.5 billion a year in perpetuity that the States can get for social services in addition to the better than $30 billion they will get under revenue sharing over a 5-year period.

Bear in mind that they will get in the first year $5.3 billion—that is the year 1972—plus for this fiscal year $2.5 billion, and then in the next year under revenue sharing, for the 1973 calendar year, they will get $5.8 billion, plus $2.5 billion, which is $8.3 billion.

Now, if they cannot survive on that, I want them to take their message to some higher authority than the Congress of the United States, because that is all I am willing to see us take out of a defunct, almost bankrupt Federal Treasury to help these States at this point.

There is no threat in what I am saying at all, but there is no one who has done more to try to accommodate his position to that of what the Governor and the mayors have alleged to be a need than I; and then, after agreeing to revenue sharing, they fight the living stuffing out of placing any limitation on this matter.

Mr. Speaker, there is, as I said, a provision in H.R. 1 that provides for a $800 million limitation. If this bill goes down the drain, there is nothing to prevent the Senate conferees from accepting in connection with H.R. 1 a limitation of $800 million on social services, and that is likely to be what the other body will do, because the Senate amendment cuts way under this motion and provides only $600 million for social services.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, I do not think there is anything left for this House to do other than to accept this motion and get this bill on down to the White House, not only providing for revenue sharing, but also providing for a limitation on what otherwise proposes to be in the fiscal year 1973 a program costing us $4,658,-152,000.

Mr. Speaker, this is not an amount that bypasses the Committee on Appropriations, but it goes directly through the Committee on Appropriations. The Secretary of HEW, in my opinion, differs with this—my good friend from Wisconsin raised the question first—and I think the Secretary could have exercised a greater degree of restraint in the approval of State plans for social services, but he contends he cannot because of the generality of the law involved.

Mr. Speaker, what are we talking about? In 1935, the Congress provided a program of social services for the benefit of the people on welfare and proposed to match those amounts of money spent by the State under the formula applicable for State moneys, to pay cash benefits.

In 1962, the then Secretary of HEW suggested that social service activity should not be confined to the one agency to extend it, and I guess, with our eyes of the State government. He urged us blinded and failing to understand, we did.

Then in 1967 another Secretary of

Health, Education, and Welfare urged us to allow the State agency other than welfare or welfare itself to engage in contracts with outside nonprofit organizations to render the services called for in the name of social services.

It is not in welfare where this has begun to mushroom and balloon; it is with respect to the other agencies of State government and with respect to the contract authority that we gave in 1967 without full knowledge or without knowing what we were doing.

Mr. Speaker, I just want to serve notice that the Governors cannot have it both ways, not as long as I am chairman of the Committee on Ways and Means. I am not going to see this thing left wide open for them to use as the worst loophole that has ever been written into the law on the financing of Government and then give them revenue sharing at the same time. I must be brutally frank about this.

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

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-two Members are present, a quorum.

Mr. MILLS of Arkansas. Mr. Speaker, the gentleman from Florida (Mr. FASCELL) has been on his feet. I yield to him first.

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

Mr. Speaker, I think we all understand the need to establish some limitation, a ceiling, on expenditures under the social services program. Officials in the State of Florida feel that the $2.5 billion ceiling agreed to in conference is unrealistically low, however. The Governor of my State has indicated that a $3.5 billion ceiling is necessary to continue the programs which have been so successful in the administration of assistance to the elderly and the needy.

Also, the restrictions placed on the use of the funds may cripple many ongoing programs which have been extremely effective.

In Dade County, for example, the citizens information and referral program, which is jointly administered by the county, the United Fund, and a community advisory board, will no longer be eligible for a majority of the funds made available under social services because of the category restrictions. The information and referral service provides an integrated approach to all social agencies and services, both public and private in Dade County, with the objective of increasing the effectiveness of existing social services.

The program was established to meet the needs of people who, because of the proliferation of social services available, do not know what social agency will best serve their needs. An inquiry directed to I. & R. eliminates the often endless referral of a citizen who needs assistance by immediately ascertaining which social agency can best solve the particular problem and by putting the inquirer in touch with the proper official, public or private. From January to June of this year, the 18 Dade County district centers handled nearly 90,000 calls and cases.

The information and referral service program in Dade County is largely responsible for the effectiveness of all social service programs. Clearly, a program cannot be effective unless the persons it is designated to assist are directed to it. I. & R. insures such direction.

Dade County Manager Ray Goode has warned that a spending cap on social services will place programs far below the present level of expenditures by States and local governments.

The county manager has said that loss of Federal funds could mean the State will not only refuse to take on additional programs such as Youth Hall, but will also reduce priorities and expenditures in existing social service programs.

He warned that resulting state cutbacks could come in such programs as probation service, child care, care for the retarded and handicapped, and for the elderly.

I am trying to clarify something in my own mind, and I desire to ask the gentleman from Arkansas a question.

First let me say, as an individual Member, I am inclined to agree with the gentleman that he is most accommodating, but there are some who feel they have not been accommodated enough.

Mr. MILLS of Arkansas. I know, and that has been the trouble with the Governors.

Mr. FASCELL. I do not think that ought to be too surprising. For example, in Florida we feel that a ceiling is probably a desirable thing. We might not agree with $2.5 billion. We think it is probably unrealistically low and that the category exemptions listed in the proposed amendment would be disadvantageous to some other programs.

Mr. MILLS of Arkansas. Would the gentleman let me interrupt to point out that in the case of Florida, in the fiscal year 1972 for social services you received and spent $65,864,000. On the basis of the formula which is in the bill for the distribution of Federal funds for Florida for fiscal year 1973 you get $85,250,000.

Mr. FASCELL. I thank the chairman.

What I wanted to inquire about is this. As I understand it, under the present motion, which is to recede from disagreement and concur in the Senate amendment with an amendment which is in the conference, it puts a cap of $2.5 billion on social services with six categories exempted from the welfare requirements.

Mr. MILLS of Arkansas. That is right.

Mr. FASCELL. If that motion is defeated, then where are we? What would be the pending business?

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 additional minutes.

I want to make it quite clear—and I am repeating again—I am not going to be a party to sending the revenue sharing bill to the White House for approval until we get some degree of limitation on social services, because you do not need revenue sharing if there is to be no limitation on the amount of Federal money to be spent for social services.

Mr. FASCELL. That is what I want to have an answer to. In other words, if the motion to recede from disagreement and concur in the Senate amendment is defeated, the only pending matter before the House would be a motion to concur in the Senate amendment?

Mr. MILLS of Arkansas. Someone else could offer a motion, of course, but it would be my purpose to move to recede and concur in the Senate amendment.

Mr. FASCELL. Exactly what is the Senate amendment? I have heard it is a $600 million cap on social services.

Mr. MILLS of Arkansas. The gentleman is right.

Mr. FASCELL. But I have heard also that there was $1 billion in supplemental funds in revenue sharing for social services.

Mr. MILLS of Arkansas. That is not in the conference report. We eliminated that $1 billion when we accepted in conference the $2.5 billion limitation.

Mr. FASCELL. But if the motion to recede from disagreement and concur in the Senate amendment is defeated and if someone were to make a motion to concur in the Senate amendment, would the Senate amendment at that point have in it $600 million plus $1 billion in revenue sharing?

Mr. MILLS of Arkansas. It would not.

Mr. FASCELL. It would have only $600 million?

Mr. MILLS of Arkansas. The gentleman is right. The $1 billion was taken out in conference because they added it, really, to the $5.3 billion of general revenue sharing so called.

Mr. FASCELL. I thank the gentleman for yielding to me.

Mr. MILLS of Arkansas. Let me yield to my colleague on the committee, the gentleman from Pennsylvania (Mr. GREEN).

Mr. GREEN of Pennsylvania. I thank the gentleman for yielding.

Despite the attempts at clarity in various instances here, I think it is still unclear.

I do not believe that the House understands what this $2.5 billion is limited to. It is my understanding that there is no limitation on the portion of the $2.5 billion that could be spent for child care, family planning services for the mentally retarded, services for addicts and alcoholics in treatment, and services for foster children.

Mr. MILLS of Arkansas. The gentleman from Pennsylvania has misconstrued the amendment. There is an overall, all-inclusive limitation of $2.5 billion on all types of social services. The Senate Members asked us to accept, and we did accept in order to get the $2.5 billion ceiling, a provision to which the gentleman from Pennsylvania I think is referring, namely, that with the exception of the six listed services, 90 percent of the State allocation of funds has to be spent for those who are either on welfare or are applying for welfare.

Bear in mind that this whole program started to try to help the people on welfare. Now you can spend more than 10 percent of what is left if you limit your expenditures for nonwelfare people to the six items that we have listed, but under no circumstances will the State receive more than the relationship of its population to the total population of the United States times $2.5 billion.

Mr. GREEN of Pennsylvania. The

chairman quoted, in his colloquy with the gentleman from Florida, the fact that Florida receives more money under this.

Mr. MILLS of Arkansas. Wait a minute. More than they received in 1972, and as much as they will receive——

Mr. GREEN of Pennsylvania. I think the same is true with respect to the State of Pennsylvania. This would lead one to believe that last year the $2.1 billion was spent, and that the $2.5 billion was some sort of an increase. But what I want to point out to the Members of this House is what this would do. The limitation is that 90 percent of the funds not spent on these six categories has to be spent on the recipients of welfare, and this requirement, I believe, is going to cause a serious cutback in many States for services to the aged. It will prevent funding for services to many senior citizen housing projects. It would do the same thing with respect to senior citizen centers, recreation and day care for the elderly, and it would reduce funding for homemaker services for the ill, which is already too limited for the elderly.

I think we have to make it clear that, despite the fact that you are talking about $2.5 billion as if it were a broad increase because it exceeds $2.1 billion, many worthwhile programs for the senior citizens of this country will be jeopardized by this limitation.

Mr. MILLS of Arkansas. Let me call your attention to how badly a Member of the Congress can be misinformed by the same people he is striving the hardest to serve, his local constituency. The gentleman's State of Pennsylvania in fiscal year 1972 spent $54,907,000 Federal dollars in its program, and it says in the fiscal year 1973 it would spend $106,469,000—and under the formula——

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 additional minutes in order to continue to answer the question.

And under the formula in the bill your State gets $144 million, which is $38 million more than it plans to spend in the 1973 fiscal year.

Mr. GREEN of Pennsylvania. Will the gentleman continue to yield to me?

Mr. MILLS of Arkansas. So I hope that my friend, the gentleman from Pennsylvania, will get his constitutents to properly inform him.

Mr. GREEN of Pennsylvania. Will the gentleman continue to yield to me?

Mr. MILLS of Arkansas. I think the gentleman has been misled when he says it is possible that somebody is going to be hurt in his State.

Mr. GREEN of Pennsylvania. First of all, I do not think I was misled. I do not think I misunderstood it, but you are reading off those figures as if I was trying to mislead.

Mr. MILLS of Arkansas. I know you are not. I know what the gentleman is talking about. The gentleman is talking about the fact that what he proposed to spend is spent for the benefit of people who are not on welfare. I understand the gentleman's point.

Mr. GREEN of Pennsylvania. The gentleman, I will say, understands me, and I am sure of this because after the gentleman read from this paper I am holding, he said everything on it is correct.

Mr. MILLS of Arkansas. That is right. I understand.

Mr. GREEN of Pennsylvania. Now was I trying to mislead?

Mr. MILLS of Arkansas. No, I did not say you had. I said that maybe your constituents were misleading you.

Mr. GREEN of Pennsylvania. All right. I want the House to understand that the sum total of services for the elderly and the near poor, and for the handicapped, will be cut back by this limitation, and I think it is most unfair.

Mr. MILLS of Arkansas. If it is cut back, then this same amount of money is going to be made available for the people in Philadelphia and elsewhere who are on relief and who need it most.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentlewoman.

Mrs. GRIFFITHS. I thank the gentleman for yielding.

One of the things I think you ought to understand about this is that in the 1967 amendments, it said that the States could use the money for services for people who are potential welfare recipients. Under that definition which was never defined by HEW, we understood it to mean a person who might become a welfare recipient 5 years from now. The truth was that the States that were sophisticated began to go through all their programs and they made everything a service to the possible welfare recipient that they could name, although they did not spend 25 cents themselves and 75 cents of Federal Government money. There was no check on any of this. The truth is that obviously the States would rather have those social services unlimited than welfare.

But there is no State that under the program of revenue sharing and this provision on social services which is not far, far ahead of anything that they would get under social services. You cannot continue to permit them to use in an unlimited fashion this social service provision.

The chairman is to be congratulated for limiting the social service expenditures. The entire force of the State government could have been taken over. In one State we began running the prisons. In another State we were taking over the highway department.

So you have to limit it.

Mr. MILLS of Arkansas. If the gentlewoman will permit me, let me call attention to what happened in one State.

Mrs. GRIFFITHS. Yes, Mr. Chairman.

Mr. MILLS of Arkansas. For the information of the gentleman from New York, I will point this out.

The United Fund is a charitable organization that receives contributions from a lot of big hearted and very fine philanthropic type of people that we need more of.

In this particular State the United Fund turned its money over to the State government to use to match the Federal dollars. They received $3 for every $1 contributed to the United Fund. The State agency then turned around and enters into a contract with the United Fund to manage $4 for every $1 they collected for social services.

So the United Fund in this particular State was the agency.

Do we want to continue a loophole that allows Federal money to be used in such a manner as that? I do not think we do.

Mrs. GRIFFITHS. If the gentleman will yield further, Mr. Speaker?

Mr. MILLS of Arkansas. I yield to the gentlewoman.

Mrs. GRIFFITHS. They are not only making contracts with the United Fund—they were making contracts with sororities.

Mr. MILLS of Arkansas. Absolutely.

Mrs. GRIFFITHS. So they were really paying out to the private charities to run theoretically the welfare department of the State and they could rename anything "welfare." You either have to go along with this or, in my judgment, you have to repeal the whole thing.

Mr. MILLS of Arkansas. You would have to repeal it if there is no limitation.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 5 additional minutes in order to yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. CAREY of New York. I thank the gentleman for yielding.

Mr. Speaker, naturally we all like to be as generous as the Lord will allow for services for the poor and for child care and day care and so forth.

But is it not apparent the conference report just passed on revenue sharing, if the local agencies are sincerely interested in day care facilities and child care, they may do so under the priority expenditures set forth in the bill?

Mr. MILLS of Arkansas. Absolutely.

Mr. CAREY of New York. I read from page 2 of the bill, subparagraph (g). It says one of the categories is social services for the poor and the aged. If they want to use all their money, they may do so as a local option.

Mr. MILLS of Arkansas. The gentleman is absolutely and eminently correct.

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

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. REID. I thank the chairman for yielding.

First I should like to say I believe the chairman has worked very, very closely with the Governor and with the New York delegation, and I think the State of New York is quite in debt for his cooperation on revenue sharing.

Second, as the chairman knows, New York's projected estimate for fiscal year 1972 lies somewhere between $497 million and a possible $588 million, and a projected estimate in fiscal year 1973 of $850 million. With the $2.5 billion ceiling, this means that New York could suffer a loss of something between $250 million and $600 million. This, quite obviously, based on those figures, is a very serious cut in human and fiscal terms.

What I should like to ask the chair-

man is whether or not in three specific areas there is some significant and major relief in sight. I shall refer to H.R. 1.

Is the chairman optimistic about the passage of H.R. 1, and specifically the federalization of the aged, disabled, and blind, which in the case of New York would be $168 million of new money?

Mr. MILLS of Arkansas. The gentleman is correct. There is a provision in the conference on H.R. 1, that we have not yet decided on, I must say, but which is before us, that allows the absorption of the so-called adult programs of welfare, that is, the assistance to the aged, blind and disabled, by the Federal Government up to a figure of $130 for the single person in the first year, and on up to $150, I believe it is, in the third year. That has not yet been resolved. There is no doubt what the conference will provide for Federal administration of adult programs of welfare at a great deal more cost to the Federal Government and at a considerable less cost to all of the States.

I must admit that New York State is one of the very few States that would be cut back under this limitation under what it received in 1972, and it would be considerably cut back under what the State estimated in August it would like to spend in the fiscal year 1973. New York State was very active and took the lead here. Generally California does, but in this instance New York State did.

Another State adversely affected is Alaska. I was told by representatives of the State government of Alaska that in their social services program—I do not know how many people they have, but I understand it is somewhere around 300,000—they had over 2,000 people on the payroll in Alaska trying to render services in the nature of social services who would lose jobs following this distribution.

In spite of these difficulties, this program overall has been so badly abused that, to me, it has become a national scandal as to how these Governors have maneuvered us into this position. I think they all ought to apologize to us, and really they ought to apologize to their own constituents.

Mr. REID. If the chairman will yield further, it is my understanding that if that particular provision we are talking about passed in H.R. 1, there would be $168 million in new money for New York?

Mr. MILLS of Arkansas. That is my understanding.

Mr. REID. Second, it is my understanding there is a Javits-Mondale amendment which would provide something under $800 million for child care, of which New York would get $80 million approximately?

Mr MILLS of Arkansas. Such an amendment is in the Senate-passed bill.

Mr. REID. Third, it is my understanding that in the Senate bill there is provision for fiscal aid or assistance, and I am aware that there is some significant opposition downtown to that, that was offered in the Senate by the distinguished Senator from Oklahoma, Mr. BELLMON.

My question to the chairman in general, and specifically on the last point, is whether New York could look to significant relief to help in the deficit the chairman pointed out that does not occur with some States but does affect New York significantly; in other words, $168 million for the disabled and blind, and potentially $80 million for child care, and perhaps an amount in excess of $160 million in interim fiscal assistance.

Does the chairman think H.R. 1 is likely of passage and that assistance and relief in the case of New York might be forthcoming in these three areas—or two out of the three?

Mr. MILLS of Arkansas. These areas are to be considered by the conferees. I do not know what the conference committee will do yet but these are all before the committee and of course the possibility lies ahead that some parts of it could be accepted in conference.

Mr. REID. Just briefly, to go one step further, I very much hope that the chairman would see fit to be able to work on these provisions in the conference on H.R. 1, because I think in the case of several States, particularly New York, this kind of limitation could avoid a tragedy that might occur, even cutting social services approximately 50 percent.

Mr. MILLS of Arkansas. Let me make it quite clear to my friend, the gentleman from New York, that my interest has waned somewhat in revenue sharing anyway, but my interest is almost at the point of death at this time in passing anything in revenue sharing in the light of the objection that has been raised with my colleagues by the Governors of the United States to putting the least limitation on the use of funds that they have perpetuated. If they do not want to do this let me say I do not want to pass revenue sharing.

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

Mr. MILLS of Arkansas. I yield to the distinguished minority leader and then I will yield to all of the Members before I get through.

Mr. GERALD R. FORD. Mr. Speaker, the last statement made by the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means, I concur in 100 percent. They are going to get dollars after dollars after dollars in revenue sharing and it is about time that they as Governors stand up and meet the problem of social services.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, will the gentleman advise us if there is any relief in the amendment or in the conference report on the fact that much of these services, or some really that have been referred to are retroactive to 1972?

Mr. MILLS of Arkansas. I think I get the gentlewoman's point. What she is referring to is that the provision limiting the total of the Federal funds is effective with respect to the entire fiscal year 1973, and of course we are now down into the month of October. If the State of New York, for instance, has in this short period of time spent $225 million of Federal money, then the State would owe us $2 million, because they are entitled under this fund to only $223 million for the entire fiscal year. As easy as it is to spend money, I do not believe they have spent that much in New York yet.

Ms. ABZUG. Then the gentleman is not answering us, as to whether or not, in addition to not receiving the money that we expected when we urged the passage of this great revenue sharing bill, we may find ourselves in the deficit situation where we would have to pay back $2 million.

Mr. MILLS of Arkansas. I cannot conceive of that happening, but if they have spent already more Federal dollars than the formula would give them for 1973, then they would have to pay back.

Ms. ABZUG. And does the gentleman have any proposals whereby we could be held harmless, not only New York State but also other States that must be similarly situated?

Mr. MILLS of Arkansas. I would not be for that, frankly. I have suggested that if the Senate would add an amendment to the bill that we could consider that would allow a redistribution under the formula of moneys that are not to be used by the States or by some States within this $2.5 million ceiling, so that some States could get more because some other States were not using all of their part, then I would have no objection to such an amendment and I would support it, but I cannot go beyond that.

Ms. ABZUG. Mr. Speaker, with deference to the great efforts which have been made with respect to revenue sharing and that which has been heralded as a very important fiscal development for the States, the fact is such that I would urge other Members of this House to look at these figures. The fact is that those States that have been most innovative in trying to do something about the issue of jobs for women who have children who have to be in child-care centers, and in terms of our senior citizens, and in terms of narcotics rehabilitation, and in terms of a vast number of other programs in these categories, those States which have been most innovative in trying to correct society and make people useful in society will be penalized through this revenue-sharing bill, and those States which have been doing nothing in these particular programs will benefit under this revenue-sharing bill. I do not believe, from having looked at the figures, that I know all the States which will suffer under this, but it is many more than New York State. I do not believe we should vote for this kind of ceiling on social services and we should vote it down and propose a motion to recommit with instructions to the conferees not to place a ceiling on social services.

The fact is, it is terribly critical to all of us, not only to the Governors and to the mayors, although the Governors and the mayors, it is true, are very anixous to make the cities work with the people in them, as we all are. We pass a $75 billion defense appropriation and we do not ever criticize the cost overruns and do not cut out the useless and worthless kinds of weapons which we have.

It is ill-fitting for the chairman of this committee to object that we are being careless and not being concerned and that we have no fiscal responsibility. Our fiscal responsibility is to give the services for children, the drug addicts, the elderly in our society. This bill cuts the

heart out of the hope of all these people, not only in New York, but throughout the country.

Mr. MILLS of Arkansas. It is just an open ended thing. We have seen increased expenditures for whatever services they receive by about eight times in 2 years.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Speaker, let me point out to the gentlewoman from New York that when she says that those States which have been innovative in supplying services, that it is not those people nor those services that are attempted to be cut here. It is those States which were, in effect, having the Federal Government pay for other State services such as the highway department, the prison department, and other such things under the guise of welfare. They were innovative in renaming State services, welfare.

Let me assure the Members that New York was first. New York had a very sophisticated group of people who were really robbing the Federal Government. I represent Michigan, and I do not care much about it.

Mr. MILLS of Arkansas. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, as I understand it, in addition to the $223 million New York will get, there is also an additional provision for $590 million for general revenue sharing; is that correct?

Mr. MILLS of Arkansas. The gentleman is correct.

Mr. WOLFF. One of the big problems which we do have is the question of day care centers. Would portions of that $590 million be permitted to be spent on day care centers?

Mr. MILLS of Arkansas. Absolutely.

Mr. WOLFF. I thank the gentleman.

Mr. MILLS of Arkansas. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman's yielding to me.

Mine is not a question of amount or a question of being hat in hand, but I am simply trying to establish some legislative record. I am trying to establish a little legislative record as to definitions. I am referring particularly, Mr. Speaker, to section 1130 on page 34 of the conference report under the item (C).

One of the exceptions is services provided to mentally retarded individuals, whether child or adult, and then the words "mentally retarded" are repeated.

Is it the intention of the conference as interpreted by the distinguished chairman that this would be the same as the term "developmentally disabled?"

I ask this question based upon the concept of development from conception to tomb.

Those of us who are physicians, who realize that a development disability would include, for example, as much as is known about cerebral palsy, birth defects, epilepsy, including some acranialcephalics, and other disabilities that certainly should be included in the exemptions.

Mr. MILLS of Arkansas. The conferees agreed that services to the mentally retarded would not be limited to groups of persons who are receiving welfare. That is the first thing.

It is one of the exceptions to the general requirement that 90 percent of the recipients of the social services must be applicants for or recipients of welfare payments.

A number of questions have been raised here and prior to the calling up of the conference report as to what we mean by mentally retarded individuals. The term "mentally retarded" does not apply to a specific ailment or disability as known by the medical profession. It normally describes persons—and this is our intention—who, because of neurological or other causes at birth or in early childhood have increased difficulties in their social functions.

While mental retardation is frequently measured by an intelligence test, as we all know, there are many individuals who may have average or below normal IQ's who are prevented from functioning adequately by the same kinds of limitations that would cause a person to be moderately or profoundly retarded.

We are talking about social services designed to help an individual achieve his maximum capacity to be an independent, self-sufficient person.

There certainly would be no question as to providing these services under the exception to individuals who have the same types of difficulties in their functioning which generally characterize mentally retarded children or adults.

We do not authorize under this exception the kind of services that are needed by distinctly different categories from mentally retarded, but we have no intention to limit services that are appropriate for the mentally retarded exclusively to mentally retarded individuals if others with related or similar problems can benefit substantially from those same services.

This would be true not only as to the authorization of the services but also the Federal participation in the cost of providing these services.

Mr. HALL. Mr. Speaker, I certainly thank the gentleman. I believe this clarifies the matter. The profession is going more and more to the term "developmental disabilities" rather than the term "mental retardation." There have been great technical breakthroughs not only in prevention but also in treatment and rehabilitation of such developmental disabilities. It would be a shame were those not to be included. I believe the chairman has cleared it up.

Mr. MILLS of Arkansas. Let me ask my friend from Ohio if my interpretation of this is also his interpretation?

Mr. BETTS. As I understood the discussion, it certainly is.

Mr. MILLS of Arkansas. I thank the gentleman.

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

Mr. MILLS of Arkansas. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, a number of States have been using Federal social service funding for some specific purposes which are not mentioned in the conference committee amendment.

For example, parolees have received counseling and work training. Emotionally disturbed people in institutions have been provided with intensive social services so they can move back into the community and become self-sufficient. Disabled children have received supportive services so they can receive an education.

None of these services are mentioned in the conference amendment. As a result, we have gotten reports that some Federal officials are interpreting the pending legislation to mean that no one, even current welfare recipients or those who could be served under the 10-percent language, can receive social services not specifically mentioned in the amendment.

My question is: Did the conference committee mean to restrict social services so that parolees, patients in mental institutions, and disabled children cannot receive these services even if they are current welfare recipients?

Mr. MILLS of Arkansas. Let me get the record straight, if I may. We have not changed the definition of "social services" that are available for those who are recipients of or applicants for welfare. Those who are not in that category, however, may not have services rendered for their benefit beyond the services which are listed as being exceptions to the 90-percent rule.

Mr. FRASER. Or within the 10-percent category.

Mr. MILLS of Arkansas. Or within the 10 percent.

Mr. FRASER. But for those who are on welfare there is no restriction on the nature of social services?

Mr. MILLS of Arkansas. None at all. I want to make that clear, Mr. Speaker.

What we are trying to do here by this 90-percent limitation is to see to it that the bulk of the money is used for those people who need it most, mainly those who are on welfare.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 3 additional minutes.

Mr. FRASER. Will the gentleman yield further to me?

Mr. MILLS. of Arkansas. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, the biggest problem affecting our State is the fact that we are into the fourth quarter of this fiscal year, and we are already operating social service programs at a level higher than we will be able to do under this bill.

If there was any way to defer implementation of the ceiling until January 1 or sometime into the fall, it would allow the States an opportunity to adjust to the lower ceiling in an orderly way. There is such an amendment in H.R. 1, and I would hope the gentleman would look very seriously into that.

Mr. MILLS of Arkansas. Mr. Speaker, I want the gentleman to know this was discussed in the conference, but the conference committee was adverse to making this limitation prospective; they wanted it to apply to the entire fiscal year 1973.

Let me point out that the House passed in June of 1971 H.R. 1, and if there was ever notice served upon the Governors of the country as to what might happen, it was in that bill, because the House passed it without any protest whatsoever, passed a spending limitation of $800 mil-

lion in toto for these services. And then they come in now and try to double and triple and quadruple it and raise it as much as eight times in some districts, and they want us to "grandfather" it by amendment. They had plenty of notice in 1971.

Mr. BURKE of Massachusetts. Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, but the fact does remain that even though the course of prudence today would appear to be to accept the $2.5 billion ceiling on social services, and vote for the total conference report on revenue sharing, warts and all, let us make no mistake about it, we are accepting in the process a very ugly wart, indeed. Simply put, a ceiling on social welfare services expenditures is not really to address our attention to the underlying problems. To be sure, skyrocketing and seemingly deliberately inflated requests from certain States have created the sense of urgency which has led to the imposition of this ceiling but as is so often the case when a lid is slapped on an expanding situation without any attention to the underlying causes of the expansion, then we are really creating a potentially explosive situation. Another way of looking at it is that while we definitely will be curbing some needless and wasteful expenditures and blocking a loophole which for a while threatened to be one of the most open ended programs in the Federal Government, unfortunately we are probably doing a lot of damage to a whole variety of perfectly laudable, worthwhile projects in communities across the Nation. Slapping on a spending ceiling is really not the answer to this situation and from all one can gather may well end up doing more harm than good. The alternative which I would have preferred would have been for the Secretary of Health, Education, and Welfare to exercise the discretion he has under law to review the various claims and to set up new guidelines on what is permitted under the various titles of the Social Security Act involved. If there is waste and extravagance in the claims, if there is a loophole, it is because of a lack of proper controls and regulations. Something which may be Congress' fault as much if not more than HEW's. But instead of examining the abuses and holding the hearings necessary to examine adequately a problem of this magnitude, the Senate saw fit to simply slap a lid on the whole program which is going to cause as much harm as it does good. There is no shortcut to responsible legislation. The various titles under which these claims have been made were set up by Congress for perfectly legitimate reasons after certain needs were presented to the committees with jurisdiction in these areas. In other words, there were problems under these titles that needed funding. No amount of manipulation by Federal aid coordinators at the State level have made these underlying problems the original provisions were designed to meet any less pressing. These needs will not just disappear. And there are plenty of genuine needs in these areas which will in effect be neglected as a result of this blind, indifferent, and totally artificial spending ceiling. Under this ceiling, there is still no guarantee that the genuine needs will be sorted away from the phony needs, the artificially created needs. Some States will still be getting more money than they deserve for doing very little about some serious social problems while other States with good programs will be underfunded and experiencing cutbacks.

The welfare mess will not be attacked and resolved as a result of legislation like this; it will, in fact, continue and grow worse. Unfortunately, there are probably few areas where rational discussion is less possible in this country than the welfare situation. Yet, the problem does not wait for us to catch up with it. It is growing worse by leaps and bounds. We all know in our heart of hearts there are plenty of genuine deserving welfare problems requiring assistance in this land of opportunity. Yet, we also have heard plenty about the glaring abuses which is occurring in so many cases in the name of welfare. We all know the present approach at the local and the Federal level is incapable of dealing with the problem or distinguishing between legitimate and illegitimate, no pun intended. And yet, for 2 years now while Congress has talked about the problem, interest groups have lobbied on the problem, the best we have been able to do in this Congress is this feeble attempt of imposing a ceiling. Meanwhile, overall welfare costs continue to grow and grow with no end in sight. Just legislating ceilings is not the answer to the underlying problems. It is too much like Canute trying to control the seas by ordering the waves to roll back. The waves continue to rush in just as the welfare mess continues to swirl and deepen and threatens to swamp us before too long.

This same Senate which has brought this half-hearted measure before us today is the same Senate ultimately which could not make up its mind about welfare reform in H.R. 1, and instead voted to continue as we have before basically to throw more good money after bad. Mr. Speaker, the last thing this Nation needs now is 2 more years of patchwork welfare programs and more social experimentation.

Mr. Speaker, if all this Congress has to show for welfare reform after 2 years of wrestling with the subject is this totally insensitive, inflexible, and chaotic spending ceiling, as well as the patchwork compromise embodied in H.R. 1, then we deserve all the criticism we get. For in the process, we will have satisfied no one, neither those in genuine need of a better standard of living nor those understandably concerned about widespread abuses of the system. The Aegean stables are not being swept clean by our actions in either of these bills. We have lost a golden opportunity to tackle a serious problem of towering proportions before it gets worse. We have missed one of the great opportunities to implement real revenue sharing where it is needed the most—through Federal reform and takeover of the whole welfare problem, lock, stock, and barrel. The resulting chaos is nothing short of a national disgrace or worse still, a national scandal. Nothing short of a complete overhaul of our present system will satisfy anyone in this Nation, either those that will receive or those that are expected to pay. Any Congressman voting for this measure today who thinks he is doing something substantive about the welfare problem in this Nation is deluding himself and no one else. In passing bills like this, we are doing nothing more than walking away from this Nation's No. 1 domestic problem today. It would, indeed, be the height of tragedy if passage of legislation like this and H.R. 1 were to delude any Members into thinking that having disposed of the welfare problem we can now turn our attention to other issues.

Thus, with the passage of legislation even as monumental as the State and Local Assistance Act of 1972—a truly monumental piece of legislation which recognizes the seriousness of the fiscal problems facing local government and the unbearable burdens on property taxpayers and indirectly, rent payers—we are still left with considerable unfinished business. It is a pity that this great bill should be tainted by the addition of this ceiling on social services which is more of a sop than a solution to the problem. If it were not for the overwhelming importance of revenue sharing, I am sure this rider would never have got as far as it has. It is a classic example of how good legislation can be responsible for some of the worst legislation on our books.

Mr. Speaker, I would urge the Members of the House to pay good attention to what the distinguished chairman of the Committee on Ways and Means of the House is saying here today.

I take my hat off to no one in this House in favoring liberal measures and liberalizing social services in this House, because if there has ever been anyone who has been on the side of people on the Committee on Ways and Means, it has been the Member from Massachusetts.

But, Mr. Speaker, in what the opponents of the position of the chairman are saying here and in what they are doing, they are acting like the fox with the grapes: They are looking into the water and trying to pick up that additional bunch of grapes.

In reality, they are putting in jeopardy the entire revenue sharing bill that is before us here, because if there is no ceiling put on these social services, within a few years the cost of social services will outdistance what we are spending here today on the revenue sharing. It could well go up to $8 billion or $10 billion, because if every one of the 50 States finds out what these four or five States have done, God help us, the boat will sink.

Mr. MILLS of Arkansas. Mr. Speaker, I now yield to the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Speaker, I want to take this opportunity to associate myself with the remarks of the chairman in support of this amendment. I want to agree with him completely, that this is a program which is rapidly skyrocketing, completely out of proportion, and we are headed for complete disaster unless some limitation on spending is affixed.

Mr. Speaker, I urge the House to support this amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself 2 minutes.

Mr. BINGHAM. Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from New York (Mr. BINGHAM).

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

I would just like to reemphasize for the benefit of the chairman the extent of the importance for people in my State of New York, particularly in the child care field and the field of centers for the aging, of providing some relief for those citizens, which has arisen through the H.R. 1 mechanism, because, if I may just complete the thought, it may be that officials have been at fault, but the people who are benefiting from these services, the senior citizens in my district who are going to centers and having some kind of meaningful life, the young people, the women who may benefit from day care centers, so they can get jobs, benefit from all of this, those people are going to be the ones who will suffer if New York has to come back another time to seek what they are getting.

Mr. MILLS of Arkansas. I want to point out to the gentleman, I have the same feeling toward child care, and the child care services are also included in H.R. 1.

If we can dispose of this and get back to the conference on H.R. 1 and bring it before the House before we adjourn, I think my friend from New York will be satisfied.

Mr. ROSENTHAL. Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I wish to ask the gentleman, is there a likelihood we can get back to H.R. 1 and put that back on the docket so we will find the relief the gentleman is talking about?

Will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. ROSENTHAL. Is there a likelihood that you can get back to H.R. 1 and put it back on the tracks so that we will find the relief that the gentleman is talking about?

Mr. MILLS of Arkansas. There are provisions in H.R. 1 that go in the direction, as pointed out by your colleague, the gentleman from New York (Mr. REID). If we can get back and dispose of H.R. 1, there is still hope that there will be some areas within that that will provide you with some relief.

Mr. ROSENTHAL. I do want the chairman to understand that I associate myself with the remarks of the gentleman from New York (Mr. BINGHAM), and hope that the chairman understands the urgency of our request, the urgency of our need, and the inequity of our situation. It is deplorable.

Mr. MILLS of Arkansas. The Governors have talked to me about, and I am thoroughly aware of the urgency.

Mr. KOCH. Mr. Speaker, I believe it would be a tragic mistake for the House to accede to the Senate's provision in the revenue-sharing bill imposing a $2.5 billion spending ceiling on social services.

Many of my constituents and many of the social services programs in my district have contacted me to alert me to the disastrous effects such a ceiling would have on them. Some of these programs, in particular child care programs, would have to be discontinued entirely, while others would be forced to operate under minimal financing. The imposition of this $2.5 billion national ceiling would limit New York State's share of social services funds to $220 million—an amount which is less than one-half of what New York State is presently receiving, $588 million, and which is approximately one-fourth of the $800 million that HEW proposed for New York State next year.

Undoubtedly there have been abuses by States in drawing on the social services funds, abuses which should be corrected, but the imposition of the Senate's spending ceiling would, indeed, be throwing out the baby with the bath water. I am concerned over the level of Federal expenditures, as I know everyone else here is, but I am distressed that it always seems that our social services programs are the first to be deemed expendable, while other, more wasteful Federal projects receive full funding.

I hope my colleagues here in the House will join in rejecting this major demotion of social services in our list of priorities.

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to the adoption of title III of this bill. It is obvious that we cannot let expenditures for social service programs go unchecked, but the means for bringing this program under control contained in title III simply do not take into consideration the many programs begun and contracts entered into prior to July 1, 1972. These programs were contracted for with the belief that they would be fulfilled and in complete reliance upon the authority contained in the Social Security Act as amended.

My State of Mississippi stands to be particularly hard hit by the imposition of both a $2.5 billion ceiling and the allocation of such funds based on population. Currently, the school districts and social service agencies in Mississippi have contracted, through the Mississippi Department of Public Welfare, for programs which will cost over $64 million in Federal expenditures. Yet, under title III of this bill, the State of Mississippi would be allocated only $27 million, leaving a deficit of $37 million which the school districts and social service agencies simply cannot provide from their own resources. To allow these needed programs to fail after they were started in good faith and reliance on the Federal Government would be unconscionable. To allocate funds on the basis of population rather than need would be a foolish waste of Federal resources.

I want to stress in the strongest possible way the necessity to honor those social service contracts entered into prior to July 1, 1972. After this is done, we can then set a reasonable ceiling for such expenditures and determine an allocation formula which will maximize our resources and meet the chronic need for such services.

We have the moral and legal obligation to do no less.

Mr. HEINZ. Mr. Speaker, I rise in support of the $2.5 billion limitation on grants for social services under the Social Security Act. I want to make it clear at the outset that my support of this spending ceiling is not aimed at the intent of the social services program, but rather its operation.

There has been a considerable amount of criticism lately that the Congress has abdicated its responsibility, and I am forced to agree with this statement. It is my belief that the failure to place a limitation on grants to the States for social services will signal a further abdication of the Congress' responsibility to spend the taxpayer's money wisely. Within the last three years expenditures under this program have increased by $1.6 billion. If we refuse to halt the open-ended spending which is now allowed under the present system, Congress will have no hope whatsoever of controlling these expenditures or properly managing the Nation's business.

I believe that it is time that we in the Congress served notice to the State governments that they, too, are responsible for the sound fiscal management of this country. For too long the States' approach to social services has been to concentrate on how to get Federal funds rather than on which priority areas these funds should be expended. The present system has caused duplication of services and in many cases, it has not provided meaningful assistance to those it was instituted to serve.

Passage of the social services limitation will provide quality control to ensure that the taxpayer's dollars are spent on priority programs. At the same time, the taxpayers should take careful note of how each State plans to spend the substantial amount of revenue allocated and granted by the companion measure to this limitation, the revenue sharing bill, H.R. 14370, which we have just passed. The wise use of this money by State and local government should also take high priority.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 281, nays 86, not voting 64, as follows:

[Roll No. 433]

YEAS—281

Abbitt	Bennett	Brotzman
Abernethy	Bergland	Brown, Mich.
Alexander	Betts	Brown, Ohio
Anderson, Ill.	Bevill	Broyhill, N.C.
Andrews, Ala.	Biaggi	Broyhill, Va.
Andrews, N. Dak.	Blanton	Burke, Fla.
	Blatnik	Burke, Mass.
Annunzio	Boggs	Burleson, Tex.
Arends	Boland	Burlison, Mo.
Ashbrook	Bow	Byrnes, Wis.
Aspin	Bray	Byron
Aspinall	Breaux	Camp
Baker	Brooks	Carey, N.Y.
Belcher	Broomfield	Carlson

Carney	Hicks, Wash.	Quillen
Carter	Hillis	Railsback
Casey, Tex.	Hogan	Randall
Cederberg	Hosmer	Rarick
Celler	Hull	Reuss
Chamberlain	Hunt	Rhodes
Chappell	Hutchinson	Roberts
Clancy	Ichord	Robinson, Va.
Clausen, Don H.	Jacobs	Robison, N.Y.
Clawson, Del	Jarman	Rogers
Cleveland	Johnson, Calif.	Rostenkowski
Collier	Johnson, Pa.	Roush
Collins, Tex.	Jonas	Rousselot
Colmer	Jones, Ala.	Roy
Conable	Jones, Tenn.	Runnels
Conover	Karth	Ruth
Conte	Kazen	St Germain
Cotter	Keating	Sandman
Coughlin	Keith	Satterfield
Culver	Kemp	Saylor
Curlin	Kluczynski	Scherle
Daniel, Va.	Kyl	Schneebeli
Davis, Ga.	Landgrebe	Schwengel
Davis, Wis.	Landrum	Scott
Delaney	Latta	Sebelius
Dellenback	Leggett	Seiberling
Dennis	Lennon	Shipley
Derwinski	Lent	Shoup
Dickinson	Long, La.	Shriver
Dingell	Long, Md.	Sikes
Donohue	Lujan	Skubitz
Dorn	McClory	Slack
Downing	McCloskey	Smith, Calif.
Drinan	McCollister	Smith, Iowa
Dulski	McCormack	Smith, N.Y.
Duncan	McCulloch	Snyder
du Pont	McEwen	Spence
Edwards, Ala.	McKay	Springer
Erlenborn	McKinney	Staggers
Esch	Macdonald, Mass.	Stanton, J. William
Evins, Tenn.	Mahon	Stanton, James V.
Fascell	Mailliard	Steed
Findley	Mallary	Steele
Fisher	Mann	Steiger, Wis.
Flowers	Mathias, Calif.	Stephens
Flynt	Mayne	Stratton
Foley	Mazzoli	Stubblefield
Ford, Gerald R.	Melcher	Stuckey
Ford, William D.	Michel	Talcott
Forsythe	Mikva	Taylor
Fountain	Miller, Calif.	Teague, Calif.
Frelinghuysen	Miller, Ohio	Teague, Tex.
Frenzel	Mills, Ark.	Terry
Frey	Mills, Md.	Thomson, Wis.
Fulton	Minshall	Thone
Fuqua	Mizell	Tiernan
Garmatz	Mollohan	Udall
Gibbons	Moorhead	Ullman
Goldwater	Mosher	Vanik
Goodling	Murphy, Ill.	Veysey
Grasso	Myers	Vigorito
Gray	Natcher	Waggonner
Griffin	Nedzi	Wampler
Griffiths	Nelsen	Ware
Grover	Obey	Whalley
Gubser	O'Hara	Whitehurst
Hagan	O'Konski	Whitten
Hall	O'Neill	Wiggins
Hamilton	Passman	Williams
Hammer-schmidt	Patman	Wilson, Bob
Hanley	Pepper	Winn
Hansen, Idaho	Pettis	Wolff
Harsha	Pickle	Wright
Hastings	Pike	Wydler
Hays	Pirnie	Wylie
Hechler, W. Va.	Poage	Wyman
Heinz	Powell	Young, Fla.
Henderson	Preyer, N.C.	Zablocki
Hicks, Mass.	Price, Tex.	Zion
	Pryor, Ark.	Zwach
	Quie	

NAYS—86

Abzug	de la Garza	Koch
Adams	Dellums	Kyros
Addabbo	Dent	McDade
Anderson, Calif.	Diggs	McFall
	Eckhardt	Madden
Ashley	Edwards, Calif.	Mathis, Ga.
Badillo	Eilberg	Meeds
Barrett	Flood	Metcalfe
Begich	Fraser	Minish
Biester	Gaydos	Mink
Bingham	Gonzalez	Mitchell
Bolling	Green, Pa.	Montgomery
Brademas	Gude	Morgan
Brasco	Halpern	Moss
Brinkley	Harrington	Nix
Buchanan	Hathaway	Patten
Burton	Hawkins	Perkins
Chisholm	Heckler, Mass.	Peyser
Collins, Ill.	Helstoski	Podell
Conyers	Holifield	Price, Ill.
Corman	Horton	Rangel
Daniels, N.J.	Howard	Rees
Danielson	Kastenmeier	Reid
Riegle	Sarbanes	White
Rodino	Scheuer	Wilson, Charles H.
Roe	Sisk	
Rooney, N.Y.	Stokes	Yates
Rooney, Pa.	Van Deerlin	Young, Tex.
Rosenthal	Waldie	
Roybal	Whalen	

NOT VOTING—64

Abourezk	Fish	McKevitt
Anderson, Tenn.	Galifianakis	McMillan
	Gallagher	Martin
Archer	Gettys	Matsunaga
Baring	Giaimo	Monagan
Bell	Green, Oreg.	Murphy, N.Y.
Blackburn	Gross	Nichols
Byrne, Pa.	Haley	Pelly
Cabell	Hanna	Pucinski
Caffery	Hansen, Wash.	Purcell
Clark	Harvey	Roncalio
Clay	Hébert	Ruppe
Crane	Hungate	Schmitz
Davis, S.C.	Jones, N.C.	Steiger, Ariz.
Denholm	Kee	Sullivan
Devine	King	Symington
Dow	Kuykendall	Thompson, Ga.
Dowdy	Link	Thompson, N.J.
Dwyer	Lloyd	Vander Jagt
Edmondson	McClure	Widnall
Eshleman	McDonald, Mich.	Wyatt
Evans, Colo.		Yatron

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Widnall.

Mrs. Sullivan with Mr. Crane.

Mr. Hébert with Mr. Blackburn.

Mr. Matsunaga with Mr. Vander Jagt.

Mr. Murphy of New York with Mr. Fish.

Mr. Roncalio with Mr. Harvey.

Mr. Giaimo with Mr. McDonald of Michigan.

Mr. Davis of South Carolina with Mr. Pelly.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Abourezk with Mr. Martin.

Mr. Yatron with Mr. Eshleman.

Mr. Hanna with Mr. Bell.

Mr. Cabell with Mr. Archer.

Mr. Clark with Mr. Wyatt.

Mr. Denholm with Mr. Lloyd.

Mr. Evans of Colorado with Mr. McKevitt.

Mr. Gettys with Mr. Ruppe.

Mrs. Green of Oregon with Mr. Devine.

Mr. Purcell with Mr. Gallagher.

Mr. Caffery with Mr. McClure.

Mr. Jones of North Carolina with Mr. Schmitz.

Mr. Link with Mr. Steiger of Arizona.

Mr. Monagan with Mr. King.

Mr. Nichols with Mr. Thompson of Georgia.

Mr. Anderson of Tennessee with Mr. Kuykendall.

Mr. Haley with Mr. Byrne of Pennsylvania.

Mr. Clay with Mr. Baring.

Mr. Hungate with Mr. Symington.

Mr. Pucinski with Mr. McMillan.

Mr. Dow with Mr. Kee.

Mr. FLOOD changed his vote from "yea" to "nay."

Mr. BOB WILSON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD on the motion just agreed to.

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

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that Members desiring to do so may be permitted to extend their remarks in the RECORD on the amendment and to include extraneous matter.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 3419, CONSUMER PROTECTION, HAZARDOUS PRODUCTS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the conferees on S. 3419, the Product Safety Act, have until midnight tonight to file the report of the committee of conference.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 16654, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 16654) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1973.

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

There was no objection.

CONFERENCE REPORT ON H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 10, 1972).

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

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

There was no objection.

Mr. MAHON. Mr. Speaker, this is the conference report on the Defense appropriation bill.

The bill provides for $74.3 billion in new obligational authority for the Department of Defense and related agencies for the current fiscal year. This represents a reduction of about $5.2 billion below the budget estimate.

The bill before us is about $200 million below the amount passed by the House,

and about the same amount below the bill as it passed the other body.

It should be pointed out that the new obligational authority reduction of $5.2 billion is offset in part by transfer authority totaling $1.3 billion. The House had provided transfer authority of $649 million, and the other body provided a total of $1.3 billion. The total funding authority provided is $75.7 billion.

Mr. Speaker, the House bill provided for the funding of the hiring of civilians for KP work through transfer authority in section 735. The Senate included funds in each of the applicable Operation and Maintenance appropriation.

In conference, it was agreed that the expenses of kitchen police by civilians would be provided for by direct appropriation, and not by transfer authority.

The conference generally agreed to the higher Senate amounts for the Military Personnel appropriations, but insisted that specific reductions be made as proposed by the House rather than general reductions as proposed by the other body.

Separate appropriations are made for the Reserve Forces' Operation and Maintenance operations, these funds have heretofore been included in the regular services Operation and Maintenance funds.

With respect to procurement, under Navy aircraft procurement, the conference agreement provided for the procurement of 35 aircraft known as the S–3A, an antisubmarine warfare aircraft, instead of the 23 as proposed by the House, or 42 as proposed by the Senate.

The conferees agreed to include $25 million for the AIM 7–F missile for the Navy as proposed by the Senate and not included in the House version. The conferees also agreed that 12 P3C antisubmarine aircraft would be provided the Navy as proposed by the Senate, instead of 24 aircraft as proposed in the House bill.

The conferees agreed on the House amount of $7.1 million for advance funding for the Harrier aircraft for the Marine Corps. The House agreed to the deletion of one conversion of a guided-missile frigate as proposed by the Senate.

The conferees also provided $42.5 million for the command data buffer for the Minuteman missile as proposed by the Senate.

In research, development, test, and evaluation, the conferees agreed on $20 million for new advanced attack helicopter for the Army.

A total of $6 million is provided for the strategic submarine launched cruise missile of the Navy instead of $2 million as provided by the House and $10 million as provided by the Senate. A part of that amount is to be utilized by the Department of Defense to perform comparison studies of this missile and other candidate strategic systems. Copies of such studies are to be provided to the Congress.

The conferees agreed on $25 million for airframe development of a new STOL transport aircraft but no funds are provided for the development of a new engine.

The House had provided $10,000,000 more than the Senate for the advanced ballistic reentry program. This involved a so-called hard warhead. The Senate position prevailed and the $10,000,000 is not agreed to.

There were several important general provisions. General transfer authority was provided the Secretary of Defense in the amount of $750 million as proposed by the House instead of $850 million as proposed by the Senate.

The limitation on funds for "free world forces" was increased from the $2.5 billion in the House bill to $2,735,000,000 as proposed by the Senate.

The "end the war" amendment, proposed by the Senate, was not agreed to.

The House reluctantly agreed to agree to include a new title on additional authorizations. The budget amendment of June 30 included amounts involving authorizations. The authorizing committees did not have time to act and a provision making the required authorizations was included in the appropriation bill in the Senate. After conferring with the chairman of the House Armed Services Committee, the gentleman from Louisiana, the House agreed to the Senate position. Since this involves legislation on an appropriation bill, separate motions will be offered on this matter, on which I believe there is general agreement.

Of course, Mr. Speaker, this bill carries the huge sum of $74 billion-plus in new obligational authority and is very complex, and it would be impossible in the time allotted here to discuss all of the proposals agreed to in this huge bill.

Unless there are questions that might be asked, I ask unanimous consent to place in the RECORD at a later time a fuller discussion of the actions of the conferees on this bill.

I will also place in the RECORD a table which gives more detailed information.

I ask unanimous consent to place this statement and table in the RECORD.

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

There was no objection.

Mr. MAHON. The table I referred to follows:

DEFENSE APPROPRIATION BILL 1973—SUMMARY OF APPROPRIATIONS

[Amounts in thousands of dollars]

Functional title	Appropriation, fiscal year 1972 (new obligational authority)	Budget estimate, fiscal year 1973 (new obligational authority)	Passed House	Passed Senate	Conference Action	Conference action compared with— 1972 appropriation	Budget estimate	House	Senate
Title I—Military personnel	22,964,100	23,658,559	23,081,821	23,145,963	23,140,900	+176,800	−517,659	+59,079	−5,063
Title II—Retired military personnel	3,921,446	4,358,684	4,358,684	4,358,684	4,358,684	+437,238			
Title III—Operation and maintenance	20,553,925	21,634,944	21,001,245	21,198,613	21,110,624	+556,699	−524,320	+109,379	−87,989
Transfer from other accounts			(200,000)	(200,000)	(200,000)	(+200,000)	(+200,000)		
Title IV—Procurement	17,776,892	21,169,830	18,338,470	17,759,470	17,799,870	+22,978	−3,369,960	−538,600	+40,400
Transfer from other accounts	(843,700)		(389,500)	(1,055,900)	(1,055,900)	(+212,200)	(+1,055,900)	(+666,400)	
Title V—Research, development, test, and evaluation	7,519,062	8,768,767	7,793,928	8,105,568	7,959,498	+440,436	−809,269	+165,570	−146,070
Transfer from other accounts	(101,900)		(60,000)	(60,000)	(60,000)	(−41,900)	(+60,000)		
Transfer authority	(50,000)	(50,000)				(−50,000)	(−50,000)		
Title VI—Special foreign currency program	12,000	3,400	3,400	3,400	3,400	−8,600			
Title VII—General Provisions (additional transfer authority, sec. 735)	(750,000)	(1,000,000)	(750,000)	(850,000)	(750,000)		(−250,000)		(−100,000)
Title VIII—Anti-ballistic missile construction	109,570					−109,570			
Total, Department of Defense (NOA)	72,856,995	79,594,184	74,577,548	74,571,698	74,372,976	+1,515,981	−5,221,208	−204,572	−198,722
Transfer from other accounts	(945,600)		(649,500)	(1,315,900)	(1,315,900)	(+370,300)	(+1,315,900)	(+666,400)	
Total funding available	73,802,595	79,594,184	75,227,048	75,887,598	75,688,876	+1,886,281	−3,905,308	+461,828	−198,722
Transfer authority	(800,000)	(1,050,000)	(750,000)	(850,000)	(750,000)	(−50,000)	(−300,000)		(−100,000)
Distribution by organizational component:									
Army	[1] 21,039,789	22,027,312	20,461,434	20,502,564	20,402,167	−637,622	−1,625,046	−59,267	−100,397
Transfer from other accounts	(351,900)		(283,600)	(441,000)	(441,000)	(+89,100)	(+441,000)	(+157,400)	
Navy	23,176,145	26,154,554	24,459,587	24,444,225	23,343,100	+1,166,955	−1,811,454	−116,487	−101,125
Transfer from other accounts	(260,000)		(125,000)	(316,000)	(316,000)	(+56,000)	(+316,000)	(+191,000)	
Air Force	22,882,597	25,043,601	23,451,342	23,409,324	23,419,924	+537,327	−1,623,677	−31,418	+10,600
Transfer from other accounts	(323,700)		(233,200)	(551,200)	(551,200)	(+227,500)	(+551,200)	(+318,000)	
Defense agencies/OSD	[2] 1,837,018	2,010,132	1,846,501	1,856,901	1,849,101	+12,083	−161,031	+2,600	−7,800
Transfer from other accounts	(10,000)		(7,700)	(7,700)	(7,700)	(−2,300)	(+7,700)		
Retired military personnel	3,921,446	4,358,684	4,358,684	4,358,684	4,358,684	+437,238			
Total, Department of Defense (NOA)	72,856,995	79,594,184	74,577,548	74,571,698	74,372,976	+1,515,981	−5,221,208	−204,572	−198,722
Transfer from other accounts	(945,600)		(649,500)	(1,315,900)	(1,315,900)	(+370,300)	(+1,315,900)	(+666,400)	
Total funding available	73,802,595	79,594,184	75,227,048	75,887,598	75,688,876	+1,886,281	−3,905,308	+461,828	−198,722
Transfer authority	(800,000)	(1,050,000)	(750,000)	(850,000)	(750,000)	(−50,000)	(−300,000)		(−100,000)

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

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

Mr. MAHON. Let me say this: The so-called end-the-war amendment, as proposed by the other body, was not agreed to and is not included in the bill.

There were certain requirements which grew out of the budget amendment of June 30, which followed the attack by the North Vietnamese on South Vietnam that were not authorized. These were mainly for the replacement of aircraft and ammunition.

The House reluctantly agreed to a new Senate title which gives authorization in addition to the appropriation of funds for these programs in this bill.

I believe the House will support the action which has been taken. This bill has been thoroughly studied, reviewed, debated, discussed, and researched. I trust that the information made available in the House and Senate reports and in previous debates and in this detailed and complete conference report answers to questions which may be in will be adequate for Members to secure their minds as to what is proposed in the defense bill this year.

SYSTEMS ENGINEERING FACILITY FOR DCA

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

Mr. MAHON. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Appropriations, my friend from Texas, yielding to me.

I refer to colloquy when this bill first passed the House on the 14th of September in the CONGRESSIONAL RECORD, page H8367. At that time I pointed out to the Committee of the Whole House on the State of the Union and certainly to the gentleman's committee, the paradox of the committee report stopping any further effective utilization of the simulator and the test bed facility, Reston, Va., in the Defense Communications Agency on the one hand and our known national defense lack of secure voice communications on the other hand. Suffice it to say I thought there was adequate record and concurrence of the chairman, the ranking minority member, and the others handling the bill on the floor at that time, that at least the language of the report would be relaxed and there was actually some indication that the other body might seek to restore this, and the conferees agreed.

This did not happen. Therefore it was not addressed in conference, and we are up against the barebone situation now, I can say as a member of the legislative Committee on Armed Services, where, if the bar to the installation of the proposed computer, which caused the trouble and demonstrated bad lack of staff coordination, admitted by the Defense Communications Agency—and I hope rectified since that time, within the responsibility of the Committee on Appropriations, is allowed to stand—that we cannot use the old Autodin or Autovon switches in the simulation or the test bed facility, and we will at least not be able to predict future utilization of secure voice communications techniques.

My question to the distinguished gentleman is, as a result of the importunings to himself and information on the record, is there any way that we can relax that language on the House Committee on Appropriations report referred to, which says specifically:

> Do not install the computer simulator which is now scheduled for delivery next month. In lieu of the computer, install Government-owned Autovon and Autodin switches or else close the SEF.

Mr. Speaker, the chairman of the Committee on Appropriations knows that there is a great reduction in the funds that would have an impact on SEF, but it could continue with its highly professional personnel to do this vital work, at least vital in the opinion of Chairman BOB MOLLOHAN and myself of the special investigating subcommittee of the legislative Committee on Armed Services, if we can relax this language.

Mr. MAHON. The gentleman has referred to language in the House report, and I believe to the colloquy which took place when this bill was originally before the House a month ago. There is a statement in the report but there is prohibition in the law with respect to the System Engineering Facility. Since the bill was before the House some further study has been made of the matter, and an additional study will be made on the issue which my friend, the gentleman from Missouri (Mr. HALL) has raised. If this problem proves to be acute, a prior approval reprograming under the established procedures should be followed. A request could be submitted by the Department of Defense, since the prohibition is in the report and not in the bill and if it were found in the judgment of those involved to be justified—and the gentleman from Missouri has assured us that he is confident that it could be justified—then it would be possible to approve the transfer of the necessary funds within the appropriation for the purpose of installation of this equipment.

Mr. HALL. Mr. Speaker, I certainly appreciate the statement of the chairman, the gentleman from Texas (Mr. MAHON). I think that it is adequate. I want to assure the gentleman that we have there the test-bed facility and we have no doubt but what a full case for reprograming, as much as I generally dislike that technique, would be in order here, in order to predict and prove in advance we can secure our voice communications against the enemy if needed. The legislative committee's new report, recently published, is a tough one but fully supports this action and I commend it to you and your staff.

I thank the gentleman.

Mr. MAHON. Mr. Speaker, I thank the gentleman from Missouri for his cooperation.

Mr. Speaker, I now yield to the distinguished gentleman from Ohio (Mr. MINSHALL), the ranking minority member on this committee, who has done a fine job in this very difficult bill, and whose cooperation in the national interest has been outstanding.

Mr. MINSHALL. I thank the distinguished gentleman from Texas.

I want to try to summarize in a few minutes what really entailed many, many hours in conference, which I think was a very successful conference.

I think that we have come up with not only the very best we could so far as the record of the Congress is concerned, but it is a report that is good for the continued defense of our country.

Mr. MAHON. Mr. Speaker, I yield to the distinguished gentleman from New Hampshire (Mr. WYMAN), a member of the subcommittee, who has been very diligent in studying and helping with respect to the defense appropriation bill.

Mr. WYMAN. Mr. Speaker, while I have signed the conference report, I am distressed by the appropriation by the conferees of millions in new funds for civilianization of KP, as well as the deletion of language in the House bill requiring that this be financed through reprogramings. This House previously voted to continue the principle of civilianization of KP only on the assurance of the gentleman from Florida (Mr. SIKES) that no new funds would be required, and language in the Sikes amendment requiring reprograming requests for such money from the separate services.

Reprograming means the service desiring money to spend for hiring civilians to do KP duty must come before the Defense Appropriations Subcommittee and request permission to use funds appropriated for another purpose—not new money.

Contrary to the expressed will of this body this conference reports a bill with an appropriation of many, many, millions of dollars to hire civilians to do military KP.

The road ahead is enormously expensive if this is continued, leading toward as much as half a billion dollars a year for all three services. Such an added expense for the hire of dishwashers, food processors and potato peelers is inexcusable, unjustified and grossly wasteful. Worse still, it contributes to a public image of our military as operating in a country club atmosphere at the taxpayers expense.

Already military and civilian personnel costs are eating us alive in defense appropriations. With the all-volunteer Army concept, nearing 60 percent of defense spending is for personnel costs and fringe benefits. This compares with less than half this figure in the Soviet military, for example. We should not add to this enormous burden by millions more for civilianization of KP duties.

I remain deeply opposed to civilianization of KP as a matter of principle and feel strongly that the policy should be ended. It is my hope that the Appropriations Committee will review this unnecessary expense and delete such funds from the fiscal year 1974 Defense budget.

Mr. SEIBERLING. Mr. Speaker, will the gentleman from Texas yield for a question?

Mr. MAHON. I yield to the gentleman.

Mr. SEIBERLING. I wonder if the chairman could give us some idea how much of the funds appropriated in this legislation would be expended for operations in, over and around Indochina?

Mr. MAHON. It is difficult to acquire accurate information on this matter. In

regard to the operation of the war in Southeast Asia, the best figure that was presented to the committee was somewhere between $5.5 billion and $6 billion. That is the general range of the estimates which have been presented. Included in this amount of about $5.8 billion is $2.7 billion for support of Vietnamese and other free world forces.

The specific figure that has been used for operations in Southeast Asia is $5.8 billion and that figure is generally considered to be a reasonable estimate of the incremental cost of the war.

Mr. SEIBERLING. Vietnamization funds are in addition to military and economic aid that have been handled in other legislation; is that not correct?

Mr. MAHON. The amount for support of Vietnamese and free world forces that I made reference to—that $2.7 billion is part of the $5.8 billion.

There are other funds made available by way of supporting assistance, economic assistance and so forth in Southeast Asia that would be included in the foreign aid appropriation bill.

Mr. SEIBERLING. Yes. May I ask the gentleman another question?

Mr. MAHON. I yield to the gentleman.

Mr. SEIBERLING. Is that not about the same amount by which it is estimated the total appropriations will exceed the $250 billion ceiling which was enacted this week by the House?

Mr. MAHON. The $250 billion figure did not deal specifically with appropriations. It dealt with expenditures. It is true that it has been estimated that without a ceiling the Government would spend during the current fiscal year about $256 billion unless there is an expenditure ceiling of $250 billion. Thus, there is some similarity in the amount.

Mr. SEIBERLING. I thank the gentleman.

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

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

Mr. YATES. Mr. Speaker, when the bill passed the House there was a limitation imposed on the Vietnamization program of $2.5 billion. The conferees agreed upon a figure of $2,735,000,000. Will the chairman advise us as to why the conferees on the part of the House accepted the increase of $235 million?

Mr. MAHON. The invasion from the north brought about a very sharp increase in the cost of the war in Southeast Asia. The President, as a result of the invasion, made a request for supplemental funds in the sum of $2.2 billion and asked that the limitation be increased to $3.2 billion. As the gentleman from Illinois well knows, the Secretary of Defense told us many weeks ago that it would be necessary to raise this ceiling. Therefore, in consultation with the Senate and the Department of Defense we agreed that the $2.7 billion was realistic and correct.

Mr. YATES. Mr. Speaker, will the chairman yield further?

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

Mr. YATES. Newspapers report that the negotiations with the North Vietnamese are very sensitive at the present time. Presumably, the war will be ended within the next 2 or 3 months. Therefore, why should the additional amount have been added to the bill?

Mr. MAHON. Much of the costs have already accrued as a result of the loss of equipment and the utilization of ammunition by reason of the increased activity of North Vietnamese units in South Vietnam. Of course, if the war does end, then, no doubt, there will be some changes in defense spending and defense programs. It is not known at this time as to just how long this war and the associated costs will have to be borne by the American people.

Under the Nixon doctrine we support free countries with military assistance and equipment in the hope that the use of American manpower will be at a minimum, if at all.

Mr. YATES. Does the figure of $2,735,000,000 include operations in and around Southeast Asia until June 30, 1973?

Mr. MAHON. No; the $2.7 billion is for the support of free world forces. The $5.8 billion, which I referred to is the estimate cost that will be required for this purpose, at the present time.

Mr. YATES. Until that date?

Mr. MAHON. Yes; for the current fiscal year.

Mr. YATES. What will happen to those funds in the event that, as we all hope, the war ends in the next 60 or 90 days?

Mr. MAHON. To whatever extent the costs are reduced, the expenditures will be reduced.

Mr. YATES. Will those funds be subject to recapture?

Mr. MAHON. They could be rescinded or they could be applied to other programs. Also, the 1974 budget could be adjusted to reflect any saving resulting from an early termination of the war. But, after all, this is a limitation. This is not an appropriation of an additional sum. This is a limitation on the spending.

Mr. YATES. Yes; but the funds have been put up to spend up to that ceiling, have they not?

Mr. MAHON. They have funds within the bill that are needed to carry on the war, and this is within the amount of the appropriation agreed by the conferees.

Mr. YATES. Then, as I understand this bill, this bill makes provision for a continuation of the war in Southeast Asia until next June 30; is that correct? The funds are provided for that purpose?

Mr. MAHON. We have provided the funds. We have also provided a ceiling on the amount that can be spent in support of free world forces. No more can be spent than this figure of $2.7 billion for that purpose.

Mr. YATES. Except that sufficient funds have been provided to carry on the war until June 30, 1973, with the limitation that the Defense Department cannot exceed that amount; is that correct?

Mr. MAHON. The intensity of the war and the date of its termination cannot be predicted. As I stated earlier, there was a request for a supplemental of $2.2 billion a few months ago because of the change in the war picture; so if there are any changes that will bring about reduction or acceleration of costs, which is an unpredictable item, it can be taken care of later. I say this to my friend, the gentleman from Illinois.

Mr. YATES. I thank the chairman.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 316, nays 42, answered "present" 1, not voting 72, as follows:

[Roll No. 434]

YEAS—316

Abbitt	Corman	Hastings
Abernethy	Cotter	Hathaway
Adams	Coughlin	Hays
Addabbo	Culver	Heckler, Mass.
Anderson, Ill.	Curlin	Heinz
Andrews, Ala.	Daniel, Va.	Henderson
Andrews, N. Dak.	Daniels, N.J.	Hicks, Mass.
	Danielson	Hicks, Wash.
Annunzio	Davis, Ga.	Hillis
Arends	Davis, Wis.	Hogan
Ashbrook	de la Garza	Holifield
Ashley	Delaney	Horton
Aspinall	Dellenback	Hosmer
Baker	Dennis	Howard
Barrett	Dent	Hull
Begich	Derwinski	Hunt
Belcher	Dickinson	Hutchinson
Bennett	Diggs	Ichord
Bergland	Dingell	Jacobs
Bevill	Donohue	Jarman
Biaggi	Dorn	Johnson, Calif.
Biester	Downing	Johnson, Pa.
Blanton	Dulski	Jonas
Boggs	Duncan	Jones, Ala.
Boland	du Pont	Jones, N.C.
Bolling	Edwards, Ala.	Jones, Tenn.
Bow	Eilberg	Kazen
Brademas	Erlenborn	Keating
Brasco	Esch	Keith
Bray	Evins, Tenn.	Kemp
Breaux	Fascell	Kluczynski
Brinkley	Findley	Kyl
Brooks	Fisher	Kyros
Broomfield	Flood	Landgrebe
Brotzman	Flowers	Landrum
Brown, Mich.	Flynt	Latta
Brown, Ohio	Foley	Leggett
Broyhill, N.C.	Ford, Gerald R.	Lennon
Broyhill, Va.	Ford, William D.	Lent
Buchanan	Fountain	Long, La.
Burke, Fla.	Frelinghuysen	Long, Md.
Burke, Mass.	Frenzel	Lujan
Burleson, Tex.	Frey	McClory
Burlison, Mo.	Fulton	McCloskey
Byrnes, Wis.	Garmatz	McCollister
Byron	Gaydos	McCormack
Camp	Gibbons	McCulloch
Carey, N.Y.	Goldwater	McDade
Carlson	Gonzalez	McDonald, Mich.
Carney	Goodling	McEwen
Carter	Grasso	McFall
Casey, Tex.	Gray	McKay
Cederberg	Griffin	McKinney
Celler	Griffiths	Madden
Chamberlain	Grover	Mahon
Clancy	Gubser	Mailliard
Clausen, Don H.	Gude	Mallary
Clawson, Del	Hagan	Mann
Cleveland	Hall	Mathias, Calif.
Collier	Halpern	Mathis, Ga.
Collins, Ill.	Hamilton	Mayne
Collins, Tex.	Hammer-schmidt	Mazzoli
Colmer		Meeds
Conable	Hanley	Melcher
Conover	Hansen, Idaho	Michel
Conte	Harsha	Miller, Calif.

Miller, Ohio	Rodino	Steiger, Wis.
Mills, Ark.	Roe	Stephens
Mills, Md.	Rogers	Stratton
Minish	Rooney, N.Y.	Stubblefield
Mink	Rooney, Pa.	Stuckey
Minshall	Rostenkowski	Talcott
Mizell	Roush	Taylor
Mollohan	Rousselot	Teague, Calif.
Montgomery	Roy	Teague, Tex.
Moorhead	Runnels	Terry
Morgan	Ruppe	Thomson, Wis.
Moss	Ruth	Thone
Murphy, Ill.	St Germain	Tiernan
Myers	Sandman	Udall
Natcher	Sarbanes	Ullman
Nelsen	Satterfield	Van Deerlin
Nix	Saylor	Veysey
O'Hara	Scherle	Vigorito
O'Neill	Schneebeli	Waggonner
Passman	Schwengel	Wampler
Patman	Scott	Ware
Patten	Sebelius	Whalley
Pepper	Shipley	White
Perkins	Shoup	Whitehurst
Pettis	Shriver	Whitten
Pickle	Sikes	Wiggins
Pike	Sisk	Williams
Poage	Skubitz	Wilson, Bob
Powell	Slack	Wilson,
Preyer, N.C.	Smith, Calif.	Charles H.
Price, Ill.	Smith, Iowa	Winn
Price, Tex.	Smith, N.Y.	Wright
Pryor, Ark.	Snyder	Wyatt
Quie	Spence	Wydler
Quillen	Springer	Wylie
Railsback	Stanton,	Wyman
Randall	J. William	Young, Fla.
Rarick	Stanton,	Young, Tex.
Roberts	James V.	Zablocki
Robinson, Va.	Steed	Zion
Robison, N.Y.	Steele	Zwach

NAYS—42

Abzug	Harrington	Rangel
Anderson,	Hawkins	Rees
Calif.	Hechler, W. Va.	Reuss
Aspin	Helstoski	Rosenthal
Bingham	Karth	Roybal
Blatnik	Kastenmeier	Scheuer
Burton	Koch	Selberling
Conyers	Metcalfe	Stokes
Dellums	Mikva	Vanik
Drinan	Mitchell	Waldie
Eckhardt	Mosher	Whalen
Edwards, Calif.	Nedzi	Wolff
Forsythe	Obey	Yates
Fraser	O'Konski	
Green, Pa.	Podell	

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—72

Abourezk	Evans, Colo.	Matsunaga
Alexander	Fish	Monagan
Anderson,	Fuqua	Murphy, N.Y.
Tenn.	Galifianakis	Nichols
Archer	Gallagher	Pelly
Badillo	Gettys	Peyser
Baring	Giaimo	Pirnie
Bell	Green, Oreg.	Pucinski
Betts	Gross	Purcell
Blackburn	Haley	Reid
Byrne, Pa.	Hanna	Rhodes
Cabell	Hansen, Wash.	Roncalio
Caffery	Harvey	Schmitz
Chappell	Hébert	Staggers
Chisholm	Hungate	Steiger, Ariz.
Clark	Kee	Sullivan
Clay	King	Symington
Crane	Kuykendall	Thompson, Ga.
Davis, S.C.	Link	Thompson, N.J.
Denholm	Lloyd	Vander Jagt
Devine	McClure	Widnall
Dow	McKevitt	Yatron
Dowdy	McMillan	
Dwyer	Macdonald,	
Edmondson	Mass.	
Eshleman	Martin	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.

Mr. Chappell for, with Mr. Badillo against.

Mr. Murphy of New York for, with Mrs. Chisholm against.

Mr. Reid for, with Mr. Clay against.

Mrs. Sullivan for, with Mr. Abourezk against.

Mr. Staggers for, with Mr. Dow against.

Until further notice:

Mr. Macdonald of Massachusetts with Mr. King.

Mr. Davis of South Carolina with Mr. Gross.

Mr. Monagan with Mr. Crane.

Mr. Nichols with Mr. Harvey.

Mr. Evans of Colorado with Mrs. Dwyer.

Mr. Roncalio with Mr. Kuykendall.

Mr. Yatron with Mr. Eshleman.

Mrs. Hansen of Washington with Mr. Devine.

Mr. Cabell with Mr. Lloyd.

Mr. Clark with Mr. Fish.

Mr. Fuqua with Mr. Betts.

Mr. Gettys with Mr. Archer.

Mr. Giaimo with Mr. McClure.

Mr. Pucinski with Mr. Bell.

Mr. Matsunaga with Mr. Martin.

Mr. Symington with Mr. Pirnie.

Mr. Link with Mr. McKevitt.

Mr. Caffery with Mr. Blackburn.

Mr. Denholm with Mr. Schmitz.

Mr. Purcell with Mr. Pelly.

Mrs. Green of Oregon with Mr. Peyser.

Mr. Hungate with Mr. Rhodes.

Mr. Alexander with Mr. Steiger of Arizona.

Mr. Kee with Mr. Thompson of Georgia.

Mr. Hanna with Mr. Widnall.

Mr. Anderson of Tennessee with Mr. Vander Jagt.

Mr. Edmondson with Mr. Gallagher.

Mr. Haley with Mr. Galifianakis.

Mr. McMillan with Mr. Dowdy.

Mr. REUSS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 19, insert: "of which not more than $1,000,000 shall be available for payment of transportation bills for shipment of household goods and for transportation costs already incurred and chargeable to the fiscal year 1971 Military Personnel, Navy appropriations: *Provided*, That such payments shall not result in adjustments in the account of that appropriation."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In Senate amendment number 3, after "appropriation" insert ": *Provided further*, That these funds shall not be available until a report has been submitted as required by Revised Statute 3679 (31 USC 665)."

The motion was agreed to.

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

The Clerk read as follows:

Senate Amendment No. 7. On page 6, line 4, strike out:

"For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation of things; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; as follows: for strategic forces, $109,184,000; for general purpose forces, $1,655,990,000; for intelligence and communications, $414,918,000; for airlift and sealift, $44,059,000; for central supply and maintenance, $2,108,448,000; for training operations, $625,825,000; for medical activities, $564,073,000; for general personnel activities, $261,755,000; for administration and associated activities, $378,756,000; and for the support of other nations, $524,242,000; in all: $6,587,250,000, and in addition, $100,000,000 shall be derived by transfer from the Army stock fund. Of the total amount of this appropriation not to exceed $3,453,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payment may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. Not less than $231,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

And insert: "For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $3,453,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,866,619,000, and in addition, $100,000,000 which shall be derived by transfer from the Army Stock Fund, of which not less than $240,000,000 shall be available only for the maintenance of real property facilities."

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military person-

nel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $3,453,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,636,570,000, and in addition, $100,000,000 which shall be derived by transfer from the Army Stock Fund, of which not less than $231,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That the budget estimates for the fiscal year ending June 30, 1974, for the appropriations "Operation and Maintenance, Army", "Operation and Maintenance, Navy", "Operation and Maintenance, Marine Corps", and "Operation and Maintenance, Air Force" shall be submitted on a basis providing for the appropriation of specific sums for the various budget programs and activities, generally in accord with the structure included in H.R. 16593, 92d Congress, as passed by the House of Representatives."

Mr. MAHON. (during the reading). Mr. Speaker, this amendment pertains to an adjustment in the appropriation language and not to dollars. I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Texas is recognized.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I want to make an announcement that the House Administration Committee has given me the authority to obtain the services of a lawyer to file an appeal in the Helstoski case on franking in New Jersey.

The Federal judge up there has said that a Member cannot even frank an answer to a letter from a constituent. He has said we can frank farmers' bulletins, but we cannot frank defense bulletins.

It is the most ridiculous decision that I have ever heard. In addition to that, I want to say that I have the staff attorneys of the committee drawing up legislation which I, hopefully, will be able to introduce in the next Congress permitting this gentleman and all his ilk—that is an old Scottish expression—to contribute to their own pension fund—none of them do now—just like we Members of Congress all do.

Then I am having another piece of legislation drafted to have them come up for reconsideration by the Senate every 6 years.

I would just like to say finally that I have inquired into this particular Federal judge, and I am informed that he is the house prostitute of the Federal district attorney of New Jersey, and that he has never rendered a decision that has not been politically motivated.

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

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 19: Page 23, line 6, strike "$43,500,000" and insert "$38,800,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$33,500,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 24: Page 24, line 20, strike "$279,200,000" and insert "$190,400,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$186,800,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 30: Page 27, line 1, strike "$3,682,140,000" and insert "$3,578,040,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$3,541,340,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 34: On page 28, line 22, strike "$2,328,400,000" and insert "$2,316,400,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert "$2,310,900,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 55: On page 34, line 22, strike "$435,513.000" and insert "$467,313,000".

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$435,313,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 89: page 59, insert the following:

SEC. 801. In addition to any other funds authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement, there is hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and other weapons, as authorized by law, in amounts as follows:

Aircraft	
For aircraft:	
For the Navy and Marine Corps	$134,400,000
For the Air Force	335,500,000
Missiles	
For missiles:	
For the Army	4,300,000
For the Navy	65,300,000
For the Air Force	39,800,000
Other Weapons	
For other weapons:	
For the Army	3,600,000

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert:

SEC. 801. In addition to any other funds authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement, there is hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and other weapons, as authorized by law, in amounts as follows:

Aircraft	
For aircraft:	
For the Navy and Marine Corps	$134,400,000
For the Air Force	397,500,000
Missiles	
For missiles:	
For the Army	4,300,000
For the Navy	65,300,000
For the Air Force	39,800,000
Other Weapons	
For other weapons:	
For the Army	3,600,000

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 90: On page 59, line 10, insert the following:

SEC. 802. Subsection (a) (1) of section 401 of Public Law 89-367, as amended by section 601(b) of Public Law 92-436, is hereby amended by deleting "$2,500,000,000" and inserting "$2,735,000,000" in lieu thereof.

MOTION OFFERED BY MR. MAHON

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

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbred 90 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

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

may have 5 legislative days in which to extend their remarks on the conference report on the Defense Appropriation bill (H.R. 16593) and include extraneous matter.

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

There was no objection.

PERMITTING SUITS TO ADJUDICATE CERTAIN REAL PROPERTY QUIET TITLE ACTIONS

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 216) to permit suits to adjudicate certain real property quiet title actions.

The Clerk read the title of the Senate bill.

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

Mr. SISK. Mr. Speaker, reserving the right to object, and I do not expect to object, in view of some specific concerns I have with reference to this matter and its connection with in lieu lands action, which was a bill I authored and became law some years ago, I have only one question to ask of the gentleman if he would answer it.

I find that the Department of the Interior in their initial statement said that they are opposed to the Senate bill and prefer a bill from the Department of Justice. My question goes to the fact that I know the distinguished gentleman from Massachusetts and his committee have substituted language for the Senate bill. My question is this: Is this in fact the text as directed by the Department of Justice rather than the original Senate language?

I yield to the gentleman.

Mr. DONOHUE. The gentleman is correct. The language in the bill now is the language that was submitted by the Department of Justice.

Mr. SISK. I thank my colleague very much. I hope he understands it was of direct concern to me.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 216

An act to permit suits to adjudicate certain real property quiet title actions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1346 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The district courts shall have original jurisdiction of any civil action under section 2408a to quiet title to lands claimed by the United States."

SEC. 2. (a) Chapter 58 of title 28, United States Code, is amended by adding after section 1347 of such title the following new section:

"§ 1347a. Real property quiet title actions

"The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

(b) The chapter analysis at the beginning of chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1347 the following new item: "1347a. Real property quiet title actions."

SEC. 3. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2409 to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts in the same State, in any of such districts.'

SEC. 4. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

"§ 2409a. Real property quiet title actions

"(a) The United States may be named as a party defendant in a civil action under this section to quiet title to an estate or interest in real property, other than security interests and water rights, in which an interest adverse to plaintiff is claimed by the United States. This section does not apply to trust or restricted Indian lands, to any lands claimed by Indian or Native people based upon aboriginal right, title, use or occupancy, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 308 of the Act of July 10, 1952 (43 U.S.C. 666).

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section, which possession or control existed at least ninety days prior to the commencement thereof, pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, upon due application to the court and showing that the United States desires to condemn said real property or any interest therein, or portion thereof, the court shall enter an order continuing said possession or control pending filing of such condemnation action within ninety days thereafter.

"(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

"(d) If the United States disclaims all interest in the real property or interest therein adverse to plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by decree of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1347a of this title. If such jurisdiction ceases, and there are other defendants in said action, the court shall remand the case to the appropriate State court of general jurisdiction where the real property is located as though remand were under section 1447 of this title.

"(e) A civil action against the United States under this section shall be tried by the court without a jury.

"(f) Any civil action under this section shall be barred unless the action is begun within six years after the claim for relief first accrues or within two years after the effective date of this Act, whichever is later. The claim for relief shall be deemed to have accrued upon actual knowledge of the claim of the United States.

"(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2409 the following new item: "2409a. Real property quiet title actions."

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That section 1346 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

Sec. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

(d) Any civil action under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts, in any of such districts.

SEC. 3. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

§ 2409a. Real property quiet title actions

(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954 as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

(d) If the United States disclaims all interest in the real property or interest therein adverse to plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

(e) A civil action against the United States under this section shall be tried by the court without a jury.

(f) Any civil action under this section shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claim of the United States.

(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relat-

ing to section 2409 the following new item: "2409a. Real property quiet title actions."

The committee amendment was agreed to.

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

COURT RULING ON FRANKED MAIL

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

Mr. HELSTOSKI. Mr. Speaker, my office has been deluged with calls from Members of Congress. May I respectfully request you wait until I receive the opinion which has been delayed. I will then insert it in the RECORD. I have just received from the Honorable PETER RODINO, whose administrative assistant, in a telephone conversation with the clerk of the court of Judge Leonard Garth's court, obtained a memorandum of the court's opinion. As of this moment, 4:30, the law clerk to Mr. Alfred Porro, my attorney, sat in the judge's office from 9 o'clock this morning until this moment, and still has received neither the opinion nor the transcript.

I would like to read into the RECORD—the interpretation will have to be made by each Member—the memorandum given to me by the Honorable PETER RODINO:

(Action by an opponent of Congressman Helstoski of the Ninth District of New Jersey—Civil Action 1571–72 of the District of New Jersey before Judge Leonard I. Garth.)

Following categories were not enjoined:

Under 39 U.S.C. 3213 agricultural reports were permitted.

Under 3212 of the same title anything copied or reprinted from the Congressional Record.

Under section 3211 any public document printed by order of Congress was allowed to be distributed by Congressmen with this proviso:

1. any reprint of such a public document reprinted by the Congressman's own expense was not permitted;

2. the court had before it a document printed by Executive order and not necessarily by order of Congress. No decision was reached whether this was permissible.

Section 3210:

1. Deals with mail matter permitted to be sent out by Congressmen to government officials weighing less than four ounces. "Government official" meant "U.S. official."

2. Weighing less than four ounces to any person on official or departmental business. Judge determined that that did not allow unsolicited mailings to persons other than federal officials.

Basis of the decision:

1970 Act is derived from and based on the Act of January 12, 1895. That Act can be cited as 28 Stat. 622, Section 85 of the Act was the forerunner of both Sections 3210 and 3211.

25 Congressional Record, 2748 and 2749—House Debate October 20, 1893, used for determining definition of "Government Official."

Judge determined that the 1895 statute, although amended, has never been changed in scope.

Two opinions of the Attorney General: 16 Opinion Attorney General 511 of 1880, 17 Opinion Attorney General 264 of 1882.

Interpretation of "government official", 1895 Act controlling, found that the term "government official" was defined in House Miscellaneous Document No. 90, 52nd Congress, Second Session, printed in 1893, entitled "Postal Laws and Regulations of the U.S.A.", p. 157 interpreting the regulations of the Act of March 3, 1891, Section 3.

Statute was amended in 1898 raising the weight limit from one to two, and later from two to four.

Congressman Helstoski had reprinted the Declaration of Independence on facsimile parchment. Judge determined that this was not a reprint of a public document and was not permitted under Section 3211.

The foregoing was received by telephone from the law clerk to Judge Garth. Transcript has not been printed nor are the opinion or the order ready.

By subsequent telephone conversation with Judge Garth's law clerk, further detail was supplied as follows:

Several items were involved in the law suit.

The following were deemed permitted:

1. Yearbook of Agriculture (under Section 3212).

2. A document printed by the Order of the House.

3. Results of a voter questionnaire which had appeared in the Congressional Record.

4. A speech by the Congressman concerning New Jersey participation in the drafting of the Declaration of Independence (the Declaration itself on facsimile parchment which was attached thereto was regarded as not covered by the statute).

The following article was not ruled upon:

50,000 copies of a document printed by Executive Order entitled "Consumer Product Information." Since this had been fully distributed and there were no damages the Court did not reach a decision on this point as to whether documents printed by Executive Order are permissible under 3211.

The following were not permitted:

1. Report of the "Consumer Product Information" reprinted at the Congressman's own expense.

2. A questionnaire and voter opinion survey printed at the Congressman's expense.

3. Brochure on the drug problem printed at the Congressman's expense.

4. Two reports distributed to state and local officials who were deemed not to be "government officials" within the meaning of the statute.

The opinion will show that in the view of the Court the Congressman acted in good faith based on advisory opinions he had received from Congressional committees or members thereof and that his activities were not electioneering within the meaning of *Rising* v. *Brown* 313 F. Supp. 824 (Central District of California).

The judgment and interpretation will, of course, be each Member's own. However, it is apparent that the opinion is replete with error and contradiction.

This seems to have serious widespread ramification and touches on serious constitutional questions—the free speech and debate clause and the separation of powers.

How long will Congress permit the erosion of its delegated responsibilities by the intrusion of the executive and/or the judiciary?

FURTHER MESSAGE FROM THE SENATE

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

H.R. 8756. An act to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes;

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National National Historic Site, in Palm Beach, Fla.;

H.R. 14128. An act for the relief of Jorge Ortuzar-Varas and Maria Pabla de Ortuzar; and

H. Con. Res. 719. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 7117.

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 amendment of the Senate to the bill (H.R. 15657) entitled "an act to strengthen and improve the Older Americans Act of 1965, 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 amendment of the Senate to the bill (H.R. 15641) entitled "An act to authorize certain construction at military installations, 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. 4018) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11773) entitled "An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection."

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

S. 3337. An act to amend the Small Business Investment Act of 1958, and for other purposes.

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

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes.

CONFERENCE REPORT ON H.R. 16754, MILITARY CONSTRUCTION, APPROPRIATIONS, 1973

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

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

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, we bring to the House this afternoon the conference report, House Report No. 92–1578, on H.R. 16754 making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The total amount recommended by the conferees, as contained in the conference report and in the amendments we propose to submit, represents a reduction of $337,981,000 from the revised budget request. It is $42,619,000 over the House bill, and $14,323,000 below the Senate amount.

We feel that the conference recommendations are sound. Every conferee signed the report, and none made reservations. Part of the increase above the House bill is due to projects requested by the Department of Defense. This includes $1,686,000 to replace facilities destroyed by fire at the Naval Air Test Center, Patuxent River, Md. Also urgently needed construction to take advantage of technological advances, is recommended at Kirtland Air Force Base, N. Mex., where an armament research test facility is provided at a cost of $5,656,000. Finally $1.9 million of planning funds, which are permanently authorized under 31 U.S.C. 723, are approved to begin planning of facilities for a Uniformed Services University of the Health Sciences as envisioned under H.R. 2.

There are no funds herein for the war in Vietnam and no new money for Safeguard.

The conferees also reinstated some $4 million of the House's $10 million reduction in the Navy's pollution abatement facilities and restored a House cut of $837,000 in the Army's pollution abatement program overseas.

I would point out that the amount recommended represents a reduction of nearly 13 percent below the revised budget request and 23 percent below the original budget request for fiscal year 1973.

You may also note that, although this year's recommendation represents an increase of $287,638,000 over the amount of new obligational authority allowed in last year's military construction bill, which is carried in the table at the end of our conference report, the increase over the comparative amount of new obligational authority allowed for military construction, family housing, and homeowners assistance in fiscal year 1972 is $178,068,000. This is because the appropriation for Safeguard construction and family housing was contained in the Department of Defense Appropriation Act, 1972.

The committee takes particular pride in the fact that this bill makes the most significant progress yet toward providing adequate living quarters for military families and for bachelor military personnel.

All in all, I feel we have a sound recommendation here which supports only the essential construction needs of the military.

Mr. Speaker, I should like to include as part of my statement a table showing the comparative statement of new budget—obligational—authority for 1972 and budget estimates and amounts recommended in the bill for 1973:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

[In dollars]

Item	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
Military construction, Army	[1] 438,316,000	[2] 619,200,000	405,264,000	421,879,000	413,955,000	−24,361,000	−205,245,000	+8,691,000	−7,924,000
Military construction, Navy	355,500,000	554,200,000	500,871,000	520,612,000	517,830,000	+162,330,000	−36,370,000	+16,959,000	−2,782,000
Military construction, Air Force	[3] 289,851,000	[4] 357,200,000	250,483,000	269,169,000	265,552,000	−24,299,000	−91,648,000	+15,069,000	−3,617,000
Military construction, Defense agencies	[3] 14,139,000	48,200,000	34,804,000	36,704,000	36,704,000	+22,565,000	−11,496,000	+1,900,000	
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)				
Military construction, Army National Guard	29,000,000	40,000,000	40,000,000	40,000,000	40,000,000	+11,000,000			
Military construction, Air National Guard	10,600,000	10,600,000	16,100,000	16,100,000	16,100,000	+5,500,000	+5,500,000		
Military construction, Army Reserve	33,500,000	38,200,000	38,200,000	38,200,000	38,200,000	+4,700,000			
Military construction, Naval Reserve	10,900,000	16,000,000	20,500,000	20,500,000	20,500,000	+9,600,000	+4,500,000		
Military construction, Air Force Reserve	6,581,000	7,000,000	7,000,000	7,000,000	7,000,000	+419,000			
Total, military construction	1,188,387,000	1,690,600,000	1,313,222,000	1,370,164,000	1,355,841,000	+167,454,000	−334,759,000	+42,619,000	−14,323,000
Family housing, defense	[5] 933,955,000	[6] 1,067,268,000	1,064,046,000	1,064,046,000	1,064,046,000	+130,091,000	−3,222,000		
Portion applied to debt reduction	−94,152,000	−96,484,000	−96,484,000	−96,484,000	−96,484,000	−2,332,000			
Subtotal, family housing	839,803,000	970,784,000	967,562,000	967,562,000	967,562,000	+127,759,000	−3,222,000		
Homeowners assistance fund, defense	7,575,000					−7,575,000			
Grand total, new budget (obligational) authority	2,035,765,000	2,661,384,000	2,280,784,000	2,337,726,000	2,323,403,000	+287,638,000	−337,981,000	+42,619,000	−14,323,000

[1] Excludes $98,500,000 contained in Defense Appropriation bill for Safeguard construction.
[2] Budget estimate of $1,009,200,000 amended by H. Doc. 92–321 to delete $390,000,000 for Safeguard construction.
[3] Reflects $662,000 transferred to military construction, Air Force from military construction, Defense agencies.
[4] Budget estimate of $317,200,000 amended by H. Doc. 92–321 to add $40,000,000 for satellite basing.
[5] Excludes $11,070,000 contained in Defense Appropriation bill for Safeguard family housing.
[6] Budget estimate of $1,073,684,000 amended by H. Doc. 92–321 to delete $6,416,000 for Safeguard family housing.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Michigan (Mr. CEDERBERG) the ranking minority member of the subcommittee.

Mr. CEDERBERG. I appreciate the gentleman's yielding.

Mr. Speaker, there is nothing I can add to what has been said about the conference report by the chairman.

I have no requests for time.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 333, nays 10, not voting 88, as follows:

[Roll No. 435]

YEAS—333

Abbitt	Aspinall	Boland
Adams	Baker	Bolling
Addabbo	Barrett	Bow
Alexander	Begich	Brademas
Anderson, Calif.	Belcher	Brasco
	Bennett	Bray
Anderson, Ill.	Bergland	Breaux
Andrews, Ala.	Bevill	Brinkley
Andrews, N. Dak.	Biaggi	Brooks
	Biester	Broomfield
Arends	Bingham	Brown, Mich.
Ashley	Blanton	Brown, Ohio
Aspin	Boggs	Broyhill, N.C.

Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Hathaway
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—10

Abzug
Conyers
Dellums
Drinan
Harrington
Hechler, W. Va.
Kastenmeier
Rangel
Rosenthal
Zwach

NOT VOTING—88

Abernethy
Abourezk
Anderson, Tenn.
Annunzio
Archer
Ashbrook
Badillo
Baring
Bell
Betts
Blackburn
Blatnik
Brotzman
Byrne, Pa.
Cabell
Caffery
Celler
Chappell
Chisholm
Clark
Clay
Crane
Davis, S.C.
Denholm
Devine
Dickinson
Dow
Dowdy
Dwyer
Edmondson
Eilberg
Eshleman
Evans, Colo.
Fish
Ford, Gerald R.
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Green, Oreg.
Gross
Haley
Hanna
Hansen, Wash.
Harvey
Hébert
Hungate
Kee
King
Kuykendall
Link
Lloyd
McClure
McDonald, Mich.
McKevitt
McMillan
Macdonald, Mass.
Martin
Matsunaga
Miller, Calif.
Mills, Md.
Monagan
Murphy, N.Y.
Nichols
Patman
Pelly
Pettis
Peyser
Pirnie
Pucinski
Purcell
Reid
Roncalio
Schmitz
Schneebeli
Scott
Staggers
Steiger, Ariz.
Sullivan
Symington
Thompson, Ga.
Thompson, N.J.
Vander Jagt
Whitehurst
Widnall
Wydler
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Gerald R. Ford.
Mr. Annunzio with Mr. Devine.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Staggers with Mr. Gross.
Mr. Murphy of New York with Mr. Pirnie.
Mr. Chappell with Mr. Archer.
Mr. Reid with Mr. Fish
Mr. Badillo with Mr. Pelly.
Mrs. Chisholm with Mr. Byrne of Pennsylvania.
Mr. Dow with Mr. Peyser.
Mr. Abourezk with Mr. Pettis.
Mr. Clay with Mr. Miller of California.
Mr. Macdonald of Massachusetts with Mr. Kuykendall.
Mr. Davis of South Carolina with Mr. Schmitz.
Mr. Monagan with Mr. Eshleman.
Mr. Evans of Colorado with Mr. Ashbrook.
Mr. Roncalio with Mr. Lloyd.
Mrs. Hansen of Washington with Mr. Bell.
Mr. Gettys with Mr. Betts.
Mr. Giaimo with Mr. Schneebeli.
Mr. Link with Mr. Harvey.
Mr. Symington with Mr. Crane.
Mr. Caffery with Mr. Blackburn.
Mr. Purcell with Mr. Brotzman.
Mrs. Green of Oregon with Mr. Martin.
Mr. Hungate with Mr. McClure.
Mr. Edmondson with Mr. McDonald of Michigan.
Mr. Haley with Mr. Dickinson.
Mr. Hanna with Mr. Vander Jagt.
Mr. Kee with Mr. McKevitt.
Mr. Denholm with Mr. Mills of Maryland.
Mr. Hébert with Mr. King.
Mr. Nichols with Mr. Scott.
Mr. Matsunaga with Mr. Steiger of Arizona.
Mr. Yatron with Mr. Thompson of Georgia.
Mr. Blatnik with Mr. Whitehurst.
Mr. Anderson of Tennessee with Mr. Pucinski.
Mr. Abernethy with Mr. Patman.
Mr. Baring with Mr. Gallagher.
Mr. Cabell with Mr. Galifianakis.
Mr. Clark with Mr. Wydler.
Mr. Celler with Mr. Widnall.
Mr. Fuqua with Mr. McMillan.
Mr. Eilberg with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 1: On page 2, line 4, strike out "$405,264,000" and insert "$421,879,000".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$413,955,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 2: On page 2, line 14, strike "$500,871,000" and insert in lieu thereof "$520,612,000".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$517,830,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 22, strike out "$250,483,000" and insert "$269,169,000".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$265,552,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the amendments under consideration in connection with the conference report on the military construction appropriation bill.

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

There was no objection.

RESIGNATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following resignation from the Committee on Public Works:

WASHINGTON, D.C.,
October 12, 1972.

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

DEAR MR. SPEAKER: I hereby resign from

the House Committee on Public Works. It has been a pleasure to have served.

Very truly yours,

CHARLES B. RANGEL,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER laid before the House the following resignation from the Committee on Merchant Marine and Fisheries:

WASHINGTON, D.C.,
October 11, 1972.

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

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Merchant Marine and Fisheries.

It has indeed been a pleasure to serve on the Committee.

With kindest regards, I am,

Sincerely yours,

SPEEDY O. LONG,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. ULLMAN. Mr. Speaker, on behalf of the gentleman from Arkansas (Mr. MILLS) I offer a privileged resolution (H. Res. 1160) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1160

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on the Judiciary: Charles B. Rangel, New York;

Committee on Merchant Marine and Fisheries: John Breaux, Louisiana;

Committee on Public Works: John Breaux, Louisiana.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 14989, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 10, 1972.)

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, the bill (H.R. 14989), making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, was agreed to by the conferees. It contains a total of $4,681,017,850 in new obligational authority. It is a very complex appropriation measure dealing with 19 separate departments and agencies of the Government.

The bill contains an additional $233,312,000 of contract authorization. The bill is $93.9 million above the bill as originally passed by the House. It is $139.7 million below the Senate bill. Estimates totaling $16 million in new budget amendments were considered by the Senate which had not been considered by the House. The bill is $23 million below the total of the budget estimates.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a table giving details by department and agency the conference action.

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

There was no objection.

The table follows:

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1973

[In dollars]

Department or agency	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Department of State	510,802,360	569,848,000	524,825,750	570,460,169	553,621,750	+42,819,390	−16,226,250	+28,796,000	−17,048,419
Department of Justice	1,574,602,000	1,776,225,000	1,765,578,000	1,765,578,000	1,765,578,000	+190,976,000	−10,647,000		
Department of Commerce	1,274,609,000	1,332,925,000	1,309,074,000	1,472,421,000	1,363,919,500	+89,310,500	+30,994,500	+54,845,500	−108,501,500
By transfer				(20,000,000)	(20,000,000)	(+20,000,000)	(+20,000,000)	(+20,000,000)	
The Judiciary	176,104,750	199,531,600	186,753,600	191,499,600	188,408,600	+12,303,850	−11,123,000	+1,655,000	−3,091,000
American Battle Monuments Commission	3,367,000	3,370,000	3,370,000	3,370,000	3,370,000	+3,000			
Arms Control and Disarmament Agency	9,116,000	10,253,000	10,000,000	10,253,000	10,000,000	+884,000	−253,000		−253,000
Commission on American Shipbuilding	450,000	579,000	550,000	550,000	550,000	+100,000	−29,000		
Commission on Civil Rights	3,816,000	4,820,000	4,820,000	4,820,000	4,820,000	+1,004,000			
Commission on International Radio Broadcasting	32,225,000	38,795,000	38,795,000	38,795,000	38,795,000	+6,570,000			
Equal Employment Opportunity Commission	23,000,000	46,434,000	25,110,000	42,896,000	32,000,000	+9,000,000	−14,434,000	+6,890,000	−10,896,000
Federal Maritime Commission	5,300,000	5,679,000	5,679,000	5,679,000	5,679,000	+379,000			
Foreign Claims Settlement Commission	850,000	793,000	743,000	743,000	743,000	−107,000	−50,000		
National Commission on Fire Prevention and Control	300,000	476,000	450,000	450,000	450,000	+150,000	−26,000		
National Tourism Resources Review Commission	300,000	400,000	400,000	400,000	400,000	+100,000			
Small Business Administration	469,487,000	498,770,000	498,530,000	498,530,000	498,530,000	+29,043,000	−240,000		
Special representative for trade negotiations	814,000	1,160,000	925,000	1,100,000	1,000,000	+186,000	−160,000	+75,000	−100,000
Subversive Activities Control Board	450,000	706,000	450,000		350,000	−100,000	−356,000	−100,000	+350,000
Tariff Commission	5,299,000	6,353,000	5,800,000	6,160,000	6,000,000	+701,000	−353,000	+200,000	−160,000
United States Information Agency	199,098,000	207,209,000	205,251,000	206,803,000	206,803,000	+7,705,000	−406,000	+1,552,000	
Total, new budget (obligational) authority	4,289,990,110	4,704,326,600	4,587,104,350	4,820,717,769	4,681,017,850	+391,027,740	−23,308,750	+93,913,500	−139,699,919
By transfer				(20,000,000)	(20,000,000)	(+20,000,000)	(+20,000,000)	(+20,000,000)	
Appropriations to liquidate contract authorizations	(240,544,000)	(233,312,000)	(233,312,000)	(233,312,000)	(233,312,000)	(−7,232,000)			

Mr. SIKES. Mr. Speaker, a question has been raised about the Ervin amendment which was deleted from this bill in conference.

The FBI has been furnishing these identification records since 1937. Many States require that the fingerprint records be submitted before licenses are granted, before individuals are admitted to the bar, before individuals are employed by State and local governments, also in certain educational, banking institutions, and hospitals.

The Ervin amendment would prohibit the FBI from furnishing the record unless the disposition is shown. For example, here is the record of an individual who has an arrest record for burglary, theft, contributing to the sexual delinquency of a child, possession of marihuana, and so forth. Under the Ervin amendment this information could not be furnished since final deposition has not been submitted to the FBI.

I am sick and tired of all the clamor about the rights of the criminals.

It is high time that we paid a little more attention to the rights of the law-abiding citizens in this country.

The FBI says they cannot furnish this service under the Ervin amendment. If you want this service continued you should vote with your conferees.

TRIBUTES TO MR. FRANK T. BOW

Mr. SIKES. Mr. Speaker, I am going to yield to the distinguished ranking minority member of this subcommittee and also of the entire Committee or Appropriations, but before I do that, let me call attention to the fact that this outstanding Member of Congress, who is dearly beloved in the House, was appointed to the Committee on Appropriations in the 83d Congress, 1st session, 1953. He was assigned to the Subcommittee on State, Justice and Commerce, the Judiciary and related agencies in the same year and in the same session.

This is his 20th year of dedicated and very capable service on both the full committee and the subcommittee. This most distinguished and able Member enjoys the utmost confidence and respect of the membership on both sides of the aisle, we are sorry to see him leave this House but we know that he will continue to serve his country well in his new capacity as Ambassador to Panama.

I am happy to yield to the distinguished gentleman from Ohio (Mr. Bow).

Mr. BOW. I thank the gentleman for yielding and I thank him for his very kind remarks.

These have been 20 very happy years on this subcommittee, for 18 of which I have been the ranking minority Member, and most of the time working with the distinguished gentleman from New York (Mr. ROONEY) as the chairman of the subcommittee. It has been a great pleasure to work with him.

I can assure every Member of the House that I leave with regret, leaving the friendships I have made here, friendships on both sides of the aisle. It is difficult to say what one really believes and feels at a time like this. It is the last time I will handle this regular appropriation bill, which will be in the hands of a very capable man from now on, the gentleman from Michigan (Mr. CEDERBERG).

May I say, Mr. Speaker, these have been 22 glorious years, with 20 years on this committee.

I do thank the gentlman from Florida for his kind remarks and the things he has had to say.

May I say briefly, so far as this bill is concerned, I believe it is one of the best bills we have brought in. It is $23 million under the budget and $139 million under the Senate bill. It is a good bill. I believe it is a bill every Member here can support.

Mr. SIKES. Mr. Speaker, I yield to my dear friend the great and able gentleman from New York, the chairman of the subcommittee (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Speaker, I am grateful for this opportunity to join in these remarks with respect to a very, very distinguished gentleman from Ohio. FRANK Bow is a man I have come not only to know but also to love.

When one finds, after not so long, that when a fellow Member in his important official business with him, the people's business, gives his word and that word can be depended upon the same as a bank note, one then finds a sterling Member of the House. Such a man is FRANK Bow.

FRANK Bow and I over those 20 years have skinned many a cat. We did succeed in getting our will exerted once in a while against the wishes of—what should one say?—a spirited few. But we did get along.

To this day FRANK and I have never had an argument, ever since a short one on the first day we met. How did we meet? We met in the 80th Congress at the counsel table of this committee. FRANK Bow was the counsel to the Forest Harness Subcommittee of the House Government Operations Committee. He took it upon himself to travel over to the House Committee on Appropriations, to dictate to the Committee on Appropriations on how to do things. Members can see the point. As dear old Mike Kirwan would say, "see the point I mean."

We settled it all the same day. As a matter of fact, we settled it all before we left the room. We have been the closest friends and our wives have been the closest friends ever since, over all the intervening years.

It is really sad to think that the people of the United States will lose the services of a man of the ability and character of FRANK Bow of Ohio.

Mr. SIKES. Mr. Speaker, I yield to the distinguished gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I want to join my colleagues on my subcommittee in paying respect to FRANK Bow and just say this: That the subcommittee will not be the same and this House is not going to be the same without FRANK Bow.

FRANK Bow has made such a contribution to the activities of our committee that he just cannot be replaced. There is not going to be any replacement for FRANK Bow, because someone will try to fill his shoes, and I do not know that anyone can.

I guess maybe I am going to have to be the cat skinner that the chairman referred to if we are going to have another one on the committee.

Mr. Speaker, FRANK Bow has, as we all know, been one of the greatest Members that we have had, and it has been a real pleasure for me to serve with him.

Certainly we wish him well in his new venture, and we know very well he is going to do an excellent job there for his country, just as he has in serving here in the Congress.

Mr. SIKES. Mr. Speaker, I yield to the distinguished gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Speaker, I wish to thank the gentleman for yielding.

Mr. Speaker, I, too, rise to pay tribute to the distinguished and able gentleman from Ohio (Mr. Bow).

It has indeed been a great privilege for me to know him and to work with him during the past 12 years as a member of this committee. I have the deepest respect and admiration for him. He is one of the most honorable and dedicated men that I have had the privilege of knowing.

I wish him many years of happy, healthful, and pleasant retirement.

Mr. SIKES. Mr. Speaker, I yield to the distinguished gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I wish to thank the chairman for yielding to me at this time in order that I, too, may pay my respects, my deepest respects, to the gentleman from Ohio (Mr. Bow).

I, to, have known FRANK Bow since I was first elected to the House of Representatives. I have known him more intimately during the 11 years that we have served together on the Committee on Appropriations and during the 8 years during which we have served on this very special committee.

I know of the dedication that FRANK Bow has demonstrated not only in his service on this subcommittee but in every other capacity in which he has served as a Member of the House of Representatives.

In my opinion, Mr. Speaker, FRANK Bow has reflected credit upon the highest traditions of public service; he has reflected credit upon the people of his district who have continuously elected him to Congress since he first came; he has reflected credit upon the State of Ohio from which he comes. We have enjoyed our service with him.

We wish him every happiness and success in the new fields of responsibility and of the Government service upon which he is about to embark.

We know that as ambassador to the Republic of Panama, Ambassador Bow will serve his country in that capacity as he has served his district, his State, and our Nation as a Member of this body.

We bid you, FRANK Bow, an affectionate "until we meet again."

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. SIKES. Mr. Speaker, I am delighted to yield to the distinguished gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, may I add, as the junior member of this subcommittee, that my friend FRANK BOW asked me if I would substitute, begin substituting on this committee, some 8 years ago. I became a permanent member of this committee some 6 years ago, and this certainly shows that seniority can do, because it is 6 years now and I am still the junior member of the subcommittee.

At the time FRANK BOW asked me to substitute on the committee, he said to me, "Mark, you will enjoy the committee's work, and you will enjoy even more the men on the subcommittee."

Mr. Speaker, what he said was so very true. I do not know of any more harmonious, hard-working group.

I know of no man who has a greater record of service and love for America than FRANK BOW, and I suppose part of that comes from the fact that he married a wonderful person by the name of Caroline, who was born in Cesselton, N. Dak., which is 7 miles away from my home in Mapleton.

So, Frank, all that you are and a great part of what you are you owe to Caroline and that great North Dakota influence.

I am privileged to have been able to serve with you.

Mr. SMITH of Iowa. Mr. Speaker, I also want to extend my best wishes and pay my respect to the gentleman from Ohio. I have served for 8 years on the subcommittee which handles appropriations for the Departments of Justice, Commerce, and State. During all that time, the gentleman from Ohio has been the ranking member. He has been diligent, attends regularly and considers each of the many items in this bill very carefully. He knows the bill and is direct and forthright. He has been very attentive and his counsel has been important. He will be missed after he takes his well deserved retirement.

Mr. SIKES. Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Florida for yielding to me at this time.

Mr. Speaker, I want to refer to page 7 of the conference report, title II, Department of Justice, amendment No. 9.

This particular amendment actually authorizes the Federal Bureau of Investigation to furnish criminal records, rap sheets, to officials of Federal chartered or insured banking institutions and to furnish these records also to State and local governments for the purposes of employment or licensing.

The problem with this amendment, Mr. Speaker, is that it is in violation of rule XXI, section 2, of the House Rules and Manual which provides that no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

This activity by the Federal Bureau of Investigation, while it certainly might be commendable, has never been authorized by the Committee on the Judiciary.

When this provision was in the original appropriation bill I raised a point of order, and it was sustained. The bill went on to the Senate where Senator ERVIN remarked about the same thing and mentioned the same problem; namely, that the FBI was doing this work without any legislative authorization. Senator ERVIN did not just make a point of order against the authorization in the appropriation bill, but he added to the bill—and it was approved in the Senate—this language:

> Provided, however, that the FBI is hereby forbidden to furnish officials of Federally chartered or insured banking institutions or officials of any State or local government any record that is not a conviction record.

And not just an arrest record, because all of the evidence is that many, many of these arrest records sent out by the FBI are not complete; the man or woman might have been acquitted or it might have been a case of mistaken identity.

So Senator ERVIN thought, to prevent any injustices in sending out these criminal records, that the record sent out should be a conviction record and not just an arrest record.

This work has been done by the FBI for a number of years, but it was stopped by the U.S. District Court in Washington, D.C., on June 15, 1971, in the case of Menard against Mitchell, and Judge Gesell pointed out in his decision that this was work being done by the FBI that had never been authorized by the Congress and that the Committee on Appropriations had been furnishing money but the appropriation had been improper.

The judge also pointed out, and I quote him specifically:

> The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards. It is not the function of the court to make these judgments, but the court must call a halt until the legislature acts.

What the House of Representatives should have done after the decision and what the Department of Justice should have done and the FBI should have done and the Judiciary Committee should have done was immediately to hold hearings on this particular issue, and the Department of Justice should have sent up a bill with the suggestion that the Committee on the Judiciary hold hearings and decide whether or not this would be an appropriate work for the FBI and whether or not certain safeguards should be built into the work if it was authorized.

The Bureau never sent up a bill. The administration did not send up a bill. Instead, they took—and I must describe it as a rather devious route—of going to the Committee on Appropriations and getting again the authorization put into an appropriation bill. This is done at a time when the Committee on the Judiciary is holding hearings in my own subcommittee, Subcommittee No. 4, of which I am chairman, on arrest records, but also having to do, of course, with privacy. We expect next year to come out with a bill that will adequately handle this particular subject.

Mr. Speaker, I am not going to make any motion to recede and accept the Senate version. I only took this time to point out to the Members that the Committee on the Judiciary is displeased with what has been going on in this particular area, and we intend to rectify it early next year.

Mr. Speaker, I certainly do thank the gentleman from Florida (Mr. SIKES) for yielding to me at this time.

Mr. SIKES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I, too, wish the gentleman from Ohio, FRANK BOW, the best of everything. In my judgment the gentleman is one of the ablest Members of the U.S. Congress.

Mr. Speaker, I would like to address a question to my good friend and colleague, Mr. SIKES, with respect to the liner SS *United States*, which was the flagship of the U.S.-flag passenger fleet.

As you know, the House Merchant Marine and Fisheries Committee reported out a bill to authorize the sale of five U.S.-flag passenger vessels to foreign interests. This highly controversial bill was signed by the President on May 16, 1972, and is designated Public Law 92-296. Under section 2 of this law, the Secretary of Commerce is authorized and directed to purchase the steamship *United States* for lay-up in the National Defense Reserve Fleet and operation for the account of any agency or department of the U.S. Government and/or for sale or charter to a qualified operator for operation under the American flag. Unfortunately, no time for purchase was set out in the law. Thus, United States Lines finds themselves with the liner still under their ownership, costing them a million dollars a year in lay-up costs, and the Maritime Administration lacks funds for the specific purpose of purchasing this vessel.

As the gentleman knows, there is an authorization and appropriation of $30 million for the Maritime Administration to purchase vessels for the Reserve Fleet. This sum was included in the 1973 fiscal year authorization of appropriations. I wish we could have an expression from the gentleman for the record that part of these funds may be used for the Government's purchase of the SS *United States* as expeditiously as possible.

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

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

Mr. SIKES. Mr. Speaker, in response to the inquiry of the gentleman from Virginia let me say that the question of the purchase of the liner, *United States*, was not dealt with specifically but I can tell my good friend, the gentleman from Virginia, that there is money in the bill which could be used for that purpose, and that the committee certainly has no objection to it being done.

Mr. ROONEY of New York. I concur.

Mr. DOWNING. It is the opinion of the gentleman that this money can be used for that purpose?

Mr. SIKES. It is my opinion the money can be used for that purpose.

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

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

Mr. BOW. Mr. Speaker, I should like to confirm what the gentleman from Florida (Mr. SIKES) has said, and that is that in my opinion also there is money in the bill that could be used for the purchase of the ship.

Mr. DOWNING. I thank the gentleman.

Mr. RARICK. Mr. Speaker, the conference report on appropriations for State, Justice, and Commerce, the Judiciary, and related agencies was too padded when it originally passed the House. Now that it has returned from conference, almost $100 million higher, it does not appear any more palatable.

This is a real Christmas tree bill with everyone's friendly bureaucrat being taken care of. The giveaways run the gauntlet all the way from the United Nations subsidy to arms control and disarmament, including such "necessary" programs as the Equal Employment Opportunity Commission, Law Enforcement Assistance Administration, regional government development programs, and $14.5 million to pay the "free—un-free" lawyers being trained for the new national socialist bar association. Socialized legal practice may not be so bad for some, since last night's paper reported one of the local barristers had been able to recover $50,000 in taxpayers' fees under the program.

In fact, only one appropriation was lowered in conference from what was contained in the House-passed bill. The salaries and expenses for the Subversive Activities Control Board were cut from $450,000 to $350,000. When the average American compares $350,000 for the Subversive Activities Control Board to $33,750,000 for the Equal Employment Opportunity Commission, he might better understand why we have the problems which plague our land.

Earlier this week during the debt ceiling debate we heard all kinds of oratorical comments on fiscal responsibility and the concern of the taxpayers for prudent use of their hard earned contributions. This $4.5 billion boondoggle suggests that the fiscal responsibility charade did not catch on.

It is said that only through compromise can legislation be enacted. This may be so, but why must the taxpayers and the people be the ones who must give up the most in every compromise?

To the taxpayers, compromise has only meant how much more of our liberty and our money must we surrender this time.

I cannot, in good conscience, weed out the good from the bad, the necessary from the unnecessary appropriations; therefore, I am constrained to cast my people's vote against the adoption of this conference report.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 333, nays 3, not voting 95, as follows:

[Roll No. 436]

YEAS—333

Abbitt	Cotter	Hechler, W. Va.
Abzug	Coughlin	Heckler, Mass.
Adams	Culver	Heinz
Addabbo	Curlin	Helstoski
Alexander	Daniel, Va.	Henderson
Anderson, Calif.	Daniels, N.J.	Hicks, Mass.
	Danielson	Hicks, Wash.
Anderson, Ill.	Davis, Ga.	Hillis
Andrews, Ala.	Davis, Wis.	Hogan
Andrews, N. Dak.	de la Garza	Holifield
	Delaney	Horton
Arends	Dellenback	Hosmer
Ashbrook	Dellums	Howard
Ashley	Dennis	Hull
Aspin	Dent	Hunt
Aspinall	Derwinski	Hutchinson
Baker	Dickinson	Ichord
Barrett	Diggs	Jacobs
Begich	Dingell	Jarman
Belcher	Dorn	Johnson, Calif.
Bennett	Downing	Johnson, Pa.
Bergland	Drinan	Jonas
Bevill	Dulski	Jones, Ala.
Biaggi	Duncan	Jones, N.C.
Biester	du Pont	Jones, Tenn.
Bingham	Eckhardt	Karth
Blanton	Edwards, Ala.	Kastenmeier
Blatnik	Edwards, Calif.	Kazen
Boggs	Erlenborn	Keating
Boland	Fascell	Keith
Bolling	Findley	Kemp
Bow	Fisher	Kluczynski
Brademas	Flood	Koch
Brasco	Flowers	Kyl
Bray	Flynt	Kyros
Breaux	Foley	Landrum
Brinkley	Ford, William D.	Leggett
Brooks		Lennon
Broomfield	Forsythe	Lent
Brotzman	Fountain	Long, La.
Brown, Mich.	Fraser	Long, Md.
Brown, Ohio	Frelinghuysen	Lujan
Broyhill, N.C.	Frenzel	McClory
Buchanan	Frey	McCloskey
Burke, Fla.	Fulton	McCollister
Burke, Mass.	Garmatz	McCormack
Burleson, Tex.	Gaydos	McCulloch
Burlison, Mo.	Gibbons	McDade
Burton	Goldwater	McEwen
Byron	Gonzalez	McFall
Camp	Goodling	McKay
Carey, N.Y.	Grasso	McKinney
Carlson	Gray	Madden
Carney	Green, Pa.	Mahon
Carter	Griffin	Mailliard
Casey, Tex.	Griffiths	Mallary
Cederberg	Grover	Mann
Chamberlain	Gubser	Mathias, Calif.
Clancy	Gude	Mathis, Ga.
Clausen, Don H.	Hagan	Mayne
	Hall	Mazzoli
Clawson, Del	Hamilton	Meeds
Cleveland	Hammer-schmidt	Melcher
Collier		Metcalfe
Collins, Ill.	Hanley	Michel
Collins, Tex.	Hansen, Idaho	Mikva
Colmer	Harrington	Miller, Ohio
Conable	Harsha	Mills, Ark.
Conover	Hastings	Minish
Conte	Hathaway	Mink
Conyers	Hays	Minshall
Mitchell	Roe	Stokes
Mizell	Rogers	Stratton
Mollohan	Rooney, N.Y.	Stubblefield
Montgomery	Rooney, Pa.	Stuckey
Moorhead	Rosenthal	Talcott
Morgan	Rostenkowski	Taylor
Mosher	Roush	Teague, Calif.
Moss	Rousselot	Teague, Tex.
Murphy, Ill.	Roy	Thomson, Wis.
Myers	Roybal	Thone
Natcher	Runnels	Tiernan
Nedzi	Ruppe	Udall
Nelsen	Ruth	Ullman
Nix	St Germain	Van Deerlin
Obey	Sandman	Vanik
O'Hara	Sarbanes	Veysey
O'Neill	Satterfield	Vigorito
Passman	Saylor	Waggonner
Patten	Scherle	Waldie
Pepper	Scheuer	Wampler
Perkins	Schneebeli	Ware
Pettis	Schwengel	Whalen
Pickle	Sebelius	Whalley
Pike	Seiberling	White
Poage	Shipley	Whitten
Podell	Shoup	Wiggins
Powell	Shriver	Williams
Preyer, N.C.	Sikes	Wilson, Bob
Price, Ill.	Sisk	Wilson, Charles H.
Price, Tex.	Skubitz	
Quie	Slack	Winn
Quillen	Smith, Calif.	Wolff
Railsback	Smith, Iowa	Wright
Randall	Smith, N.Y.	Wyatt
Rangel	Snyder	Wylie
Rees	Spence	Wyman
Reuss	Springer	Yates
Rhodes	Stanton, J. William	Young, Fla.
Riegle		Young, Tex.
Roberts	Stanton, James V.	Zablocki
Robinson, Va.		Zion
Robison, N.Y.	Steele	Zwach
Rodino	Stephens	

NAYS—3

Latta	O'Konski	Rarick

NOT VOTING—95

Abernethy	Eshleman	Martin
Abourezk	Evans, Colo.	Matsunaga
Anderson, Tenn.	Evins, Tenn.	Miller, Calif.
	Fish	Mills, Md.
Annunzio	Ford, Gerald R.	Monagan
Archer	Fuqua	Murphy, N.Y.
Badillo	Galifianakis	Nichols
Baring	Gallagher	Patman
Bell	Gettys	Pelly
Betts	Giaimo	Peyser
Blackburn	Green, Oreg.	Pirnie
Broyhill, Va.	Gross	Pryor, Ark.
Byrne, Pa.	Haley	Pucinski
Byrnes, Wis.	Halpern	Purcell
Cabell	Hanna	Reid
Caffery	Hansen, Wash.	Roncalio
Celler	Harvey	Schmitz
Chappell	Hawkins	Scott
Chisholm	Hébert	Staggers
Clark	Hungate	Steed
Clay	Kee	Steiger, Ariz.
Corman	King	Steiger, Wis.
Crane	Kuykendall	Sullivan
Davis, S.C.	Landgrebe	Symington
Denholm	Link	Terry
Devine	Lloyd	Thompson, Ga.
Donohue	McClure	Thompson, N.J.
Dow	McDonald, Mich.	Vander Jagt
Dowdy		Whitehurst
Dwyer	McKevitt	Widnall
Edmondson	McMillan	Wydler
Eilberg	Macdonald, Mass.	Yatron
Esch		

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Gerald R. Ford.

Mr. Thompson of New Jersey with Mr. Devine.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Staggers with Mr. Broyhill of Virginia.

Mr. Murphy of New York with Mr. Fish.

Mr. Chappell with Mr. Archer.

Mr. Reid with Mr. Peyser.

Mr. Badillo with Mr. Halpern.

Mrs. Chisholm with Mr. Byrne of Pennsylvania.

Mr. Dow with Mr. Terry.

Mr. Abourezk with Mr. Harvey.

Mr. Clay with Mr. Miller of California.

Mr. Macdonald of Massachusetts with Mr. Vander Jagt.
Mr. Davis of South Carolina with Mr. Landgrebe.
Mr. Monagan with Mr. Whitehurst.
Mr. Evans of Colorado with Mr. Bell.
Mr. Roncalio with Mr. Kuykendall.
Mrs. Hansen of Washington with Mr. Crane.
Mr. Gettys with Mr. Betts.
Mr. Giaimo with Mr. Mills of Maryland.
Mr. Link with Mr. Esch.
Mr. Symington with Mr. Byrnes of Wisconsin.
Mr. Caffery with Mr. Thompson of Georgia.
Mr. Purcell with Mr. Lloyd.
Mrs. Green of Oregon with Mr. Widnall.
Mr. Hungate with Mr. McClure.
Mr. Edmondson with Mr. McKevitt.
Mr. Haley with Mr. Blackburn.
Mr. Hanna with Mr. Wydler.
Mr. Kee with Mr. King.
Mr. Denholm with Mr. McDonald of Michigan.
Mr. Nichols with Mr. Galifianakis.
Mr. Matsunaga with Mr. Martin.
Mr. Yatron with Mr. Gallagher.
Mr. Corman with Mr. McMillan.
Mr. Hébert with Mr. Donohue.
Mr. Anderson of Tennessee with Mr. Steiger of Arizona.
Mr. Abernethy with Mr. Schmitz.
Mr. Baring with Mr. Pelly.
Mr. Cabell with Mr. Evins of Tennessee.
Mr. Clark with Mr. Eshleman.
Mr. Celler with Mr. Pirnie.
Mr. Fuqua with Mr. Scott.
Mr. Eilberg with Mr. Steiger of Wisconsin.
Mr. Dowdy with Mr. Pryor of Arkansas.
Mr. Pucinski with Mr. Patman.
Mr. Steed with Mr. Hawkins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore (Mr. McFALL). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 5, on line 19, strike out: "*Provided*, That no payment shall be made herefrom to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

And insert: "*Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

Mr. SIKES. Mr. Speaker, I am pleased to yield to the distinguished chairman of the committee (Mr. MAHON).

TRIBUTE TO FRANK BOW

Mr. MAHON. Mr. Speaker, I note on the floor at this time the gentleman from Ohio (Mr. Bow), the ranking minority member of the subcommittee which originally drafted this bill and the ranking minority member of the Committee on Appropriations.

He did not seek reelection. He has served here for many years and with great distinction. The gentleman from Ohio has rendered outstanding service to his State, the Nation, and this House of Representatives. He has been a stalwart legislator under all circumstances in his service in the House of Representatives.

On this occasion, when he is present for this final action on this bill which he helped draft, I wanted to pay tribute to the record and character and achievements of this distinguished American.

Further, I wish to salute him as a warm personal friend. It has been an honor and privilege to work with him during a most important period in the Nation's history. Good luck FRANK.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SIKES).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9:
Page 17, line 10, insert:

"The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination at that provided for under the aforementioned appropriation: *Provided, however*, That the Federal Bureau of Investigation is hereby forbidden to furnish officials of federally chartered or insured banking institutions or officials of any State or local government any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense unless such record discloses that surch person pleaded guilty or nolle contendere to or was convicted of such charge or offense in a court of justice."

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 21, line 12, insert: ": *Provided*, That $15,000,000 of the funds available for planning grants to States under section 205 of such Act may be allocated without regard to the population formula set forth in that section."

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 28, line 14, insert: ", of which $300,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Assistance", fiscal year 1972."

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 30, line 2, insert: ", of which $6,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972:".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 30, line 17, insert: ", of which $13,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 33: Page 34, line 2, insert: ", of which $700,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,".

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 37: Page 40, line 16, insert: *"Provided*, That not to exceed $95,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1973."

MOTION OFFERED BY MR. SIKES

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

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted, and after the remarks of tribute concerning the gentleman from Ohio (Mr. Bow).

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

There was no objection.

CONFERENCE REPORT ON S. 141, FOSSIL BUTTE NATIONAL MONUMENT, WYOMING

Mr. ASPINALL submitted the following conference report and statement on the Senate bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1588)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation or exchange.

SEC. 4. (a) For a period of ten years, and for not more than ten years thereafter if extended by the Secretary, the continuation of existing uses of Federal lands and waters within the monument for grazing and stock watering may be permitted if the Secretary finds that such uses will not conflict with public use, interpretation, or administration of the monument: *Provided*, That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition and use of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument.

SEC. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
TENO RONCALIO,
JOHN P. SAYLOR,
JOE SKUBITZ,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
CLIFFORD P. HANSEN,
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 House to the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The Committee of Conference recommends the adoption of an amendment in the nature of a substitute for the House amendment to S. 141. The House amendment struck all after the enacting clause of S. 141 and inserted new language in its place. The Conference Committee substitute adopts the form of the House amendment with a few minor modifications, but it amends the substance in the following principal respects:

First, the Conference Committee recommends that the State lands may be acquired by donation or exchange for lands of approximately equal value. Normally, any publicly held lands within the boundaries of an area of this kind would be acquired only by donation, but in this particular case, the State lands are school sections which may be disposed of under the Wyoming Statehood Act (26 Stat. 222, 223) only by public sale. For this reason, the conferees agreed that the Secretary should be permitted to exchange public lands under his administrative jurisdiction for the State lands within the monument area if he finds that these lands cannot legally be donated and if he deems their acquisition to be necessary for the purposes of the national monument. The acquisition of the State lands is not mandatory if the Secretary determines they are not actually required for the monument.

Second, the Conference Committee recommends compromise language on the provisions permitting grazing to continue for a limited period of time. The conferees generally agreed that the grazing operations within the monument boundaries should be phased out in a manner which would not create an undue hardship on existing permittees. At the same time, however, it was the consensus of the conferees that the Secretary's authority should be permissive and that such activities should not be permitted to conflict with the public use, interpretation, or administration of the monument. If grazing in certain areas now under permit is determined to be in conflict with the basic purposes for which the monument is created, the Secretary could phase it out over a reasonable period of time.

Finally, the Conference Committee agreed to the House language limiting the amount authorized for land acquisition to no more than $378,000. The development costs ($4,469,000) are the same under both versions of the bill.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
TENO RONCALIO,
JOHN P. SAYLOR,
JOE SKUBITZ,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 1852, GATEWAY NATIONAL RECREATIONAL AREA, NEW YORK AND NEW JERSEY

Mr. ASPINALL submitted the following conference report and statement on the Senate bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1589)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 1852) To provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of

the matter inserted by the House amendment, insert the following:

That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Recreation Area," numbered 951–40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submarged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. (a) Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred, without consideration, to the administrative jurisdiction of the Secretary for administration as a part of the recreation area.

(c) Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 1 of this Act to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that the Secretary may designate, establish and maintain a buffer zone on Federal lands separating the public use area and the private community;

(B) that all construction commencing within the community, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision or agency thereof to further encumber any interest in the property so conveyed.

(d) Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after the date of enactment of this Act, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

SEC. 3. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) The Secretary shall designate the principal visitor center constructed within the recreation area as the "William Fitts Ryan Visitor Center" in commemoration of the leadership and contributions which Representative William Fitts Ryan made with respect to the creation and establishment of this public recreation area.

(c) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements (including the deepening of the shipping channel from the Atlantic Ocean to the New York harbor) on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(e) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided,* That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(f) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

(g) In the Sandy Hook and State Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(h) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

SEC. 4. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date of the establishment of the recreation area.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $12,125,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or

minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Amend the title so as to read: "A bill to establish the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes."

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOHN H. TERRY,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
LEN B. JORDAN,
JAMES L. BUCKLEY,
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 of the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1852) to establish the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The language agreed upon by the managers is the language of the House amendment with various changes. There were numerous points of difference between the Senate version and the House Amendment which were the subject of discussion and action by the Committee of Conference. These differences and the disposition of them are as follows:

(1) *Name of the Area*—The Senate version of the legislation designated this area as the "Gateway National Recreation Area," but the House version called it the "William Fitts Ryan Gateway National Urban Recreation Area". It was generally agreed by the conferees that the contributions of the late Representative Ryan merited recognition; however, all of the conferees recognized that no other national recreation area or national park has been named for an individual. Normally, these projects involve tremendous contributions of many people so that it is difficult to single out one individual for recognition. While the managers on the part of the House argued for the retention of the House designation, it was agreed, as a compromise, that the area should be known as the "Gateway National Recreation Area", but that the bill would require the principal visitor center for the recreation area to be designated as the "William Fitts Ryan Visitor Center". Precedents for the designation of these public facilities, which are the real focal point of visitor use, are well established.

(2) *Area Included*—The area involved in the two versions of the bill is essentially the same except that the House amendment added to the Great Kills area included in the Senate bill, the waterfront lands along Staten Island from Great Kills to Fort Wadsworth and Hoffman and Swinburne Islands. The Committee agreed that the House addition constituted a significant area having valuable outdoor recreation potential. With respect to other areas, where minor differences existed, the boundaries approved by the House were approved by the Committee of Conference.

(3) *Establishment*—The conferees agreed that the recreation area should be established when the legislation becomes law, as provided under the terms of the House amendment. Among the Federal lands involved are certain properties administered by the General Services Administration which have heretofore been designated as excess to the needs of the prior administering agency. Subject to the specific exceptions contained in the bill, it is expected that all of this land will be transferred promptly to the Secretary for use as a part of the recreation area. It is anticipated, in light of the commitment made during the House proceedings, that the military lands will be promptly inventoried and that those lands which are suitable for public recreation and which are excess to the needs of the Department of Defense will be transferred as soon as possible to the Secretary of the Interior notwithstanding the Surplus Property Act or any other provisions of law so that these important lands can help serve the public outdoor recreation needs. With the exception of facilities for recreation use, new Federal facilities—and particularly housing—should be located to the extent reasonably possible in areas outside the recreation area boundaries so that the maximum amount of open land areas can be made available for public use and enjoyment.

(4) *Boundary Changes*—Minor boundary changes may be necessary in the future, but they should not be undertaken without advising the Congress in advance and allowing a reasonable opportunity to comment. The House language, which the conferees approved, requires notice of boundary changes to be communicated directly to the committees having oversight responsibility for the program.

(5) *City and State Lands*—Both versions of the bill require all publicly-owned lands of the States and their political subdivisions or subordinate public agencies to be acquired by donation. The House version, however, specifically authorized the Secretary of the Interior to accept title to certain lands owned by the City of New York subject to certain conditions:

(a) The area known as Broad Channel Community is included in the recreation area and if, within 5 years after the date of enactment of the legislation, the city removes the improvements and tenders a clear title to the United States, then the donation may be accepted by the Secretary.

(b) Title to the area as a parking lot at Rockaway near Riis Park (which is presently pledged as security for the outstanding indebtedness of the Triborough Bridge and Tunnel Authority) may be acquired by donation, but the transfer must be accomplished without obligating the United States to extinguish any present or future indebtedness associated with such property.

The Committee of Conference accepted these provisions of the House amendment because it felt that these areas should be included, but that they—like other publicly owned areas—should be acquired by donation only.

(5) *Breezy Point Cooperation*—The only significant private property involved in this recreation area is the Breezy Point Cooperative. Under the terms of the language agreed upon, the oceanfront beach is to be purchased in fee simple. The remainder of the Cooperative property would remain in private ownership and the Secretary's power to condemn these lands would be suspended if an irrevocable agreement is consummated which assures the continued use of the area as a single-family residential community. The language of the House version was modified so that the agreement would not have the effect of prohibiting construction in the area between the existing line of dwellings and the Federal take-line; however, any such construction would be required to conform to the standards to be established by the Secretary pursuant to the agreement.

(7) *Transportation*—The Committee of Conference agreed that the provisions of the Senate bill authorizing a transportation program in conjunction with this project should be deleted.

(8) *Donated Funds*—The conferees accepted the Senate language authorizing the Secretary to accept donated funds for the purpose of providing services or facilities consistent with the purposes of this Act.

(9) *Historical Resources*—The Members of the Conference Committee accepted the House provision requiring an historical inventory of the Sandy Hook and Staten Island Units. It is the understanding of the managers that the inventory will evaluate the resources and develop a plan for the maintenance, preservation and interpretation of the values existing in these areas, including, in particular, Officers Row and the old lighthouse on Sandy Hook and the historic fortifications in the Sandy Hook and Staten Island Units.

(10) *Hunting and Fishing*—The conferees accepted the Senate language which provides that hunting and fishing shall be permitted in accordance with Federal and State law, subject to reasonable regulations imposed by the Secretary.

(11) *Army Corps Projects*—The managers generally accepted the language adopted by the House with respect to any potential Army Corps of Engineers project, which might involve the deepening of the shipping channel into New York Harbor, but the language has been clarified.

(12) *Airway Facilities*—The Committee accepted the House provision prohibiting further extension of runways into Jamaica Bay.

(13) The House provision establishing an eleven-member advisory Commission was accepted by the conferees. The Commission is to be composed of members selected by the Secretary from persons recommended by the Governors of New York and New Jersey (2 each), and from persons recommended by the Mayors of the cities of New York and Newark (2 each). The remaining members would be selected from the general public by the Secretary.

(14) *Appropriations Limitation*—The conferees adopted the House limitation with a modification adding $675,000 to cover administrative costs associated with the acquisition of lands within the recreation area.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD JOHNSON,
JOHN P. SAYLOR,
JOHN H. TERRY,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
LEN B. JORDAN,
JAMES BUCKLEY,
Managers on the Part of the Senate.

AUTHORIZING SECRETARY OF AGRICULTURE TO REVIEW SUITABILITY FOR PRESERVATION AS WILDERNESS THE INDIAN PEAKS AREA, COLO.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 5932) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

The Clerk read the title of the bill.

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

Mr. SAYLOR. Mr. Speaker, reserving the right to object, will the gentleman

from Colorado explain what is in this bill?

Mr. ASPINALL. Mr. Speaker, I shall be delighted to explain to the gentleman from Pennsylvania, if he will yield.

Mr. SAYLOR. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, this calls for a study of the Arapaho and Roosevelt National Forests area in Colorado which is not a primitive area.

The bill is so worded that after the present studies are made that have been requested, under the Wilderness Act of 1964, this study can take place.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 5932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in administering the provisions of subsection (b) of section 3 of the Wilderness Act, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-five thousand acres lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the "Indian Peaks Area," and shall report his findings to the President on or before the expiration of the eighteen-month period following the date of the enactment of this Act. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness," together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

With the following committee amendments:

Page 1, strike out all of lines 3 and 4 and the word "Act," on page 5 and insert in lieu thereof the following:

That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies,".

Page 2, line 3, strike out "seventy-five thousand" and insert in lieu thereof "seventy-one-thousand".

Page 2, line 6 following "Indian Peaks Area," insert:

as generally depicted on a map entitled "Indian Peaks Study Area," dated October 4, 1972.

Page 2, line 8, after the word "President" insert a period and delete the remainder of the sentence ending on line 4.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 5932, as amended.

H.R. 5932 authorizes the Secretary of Agriculture to review the suitability of some 71,000 acres of land, commonly known as the Indian Peaks Area, in the Arapaho and Roosevelt National Forests, in Colorado, for inclusion in the Wilderness System.

Mr. Speaker, the Committee on Interior and Insular Affairs has considered and reported many wilderness proposals to this body and so far as I can recall all have received favorable consideration and have subsequently been signed into law. This proposal is, however, somewhat different than others that have been brought here for consideration. This proposal does not, and will not, designate any land as suitable for wilderness. All it does is to authorize the Secretary of Agriculture to study, review, and subsequently report on the suitability of this area, or any part of it, for future wilderness consideration. In effect H.R. 5932 would cause this area, which is neither a primitive area nor managed as such by the Forest Service, to be studied and reviewed in the same manner that primitive areas are now reviewed by the Department of Agriculture, under authority of the 1964 Wilderness Act. As a matter of fact the Forest Service is now reviewing all of its undeveloped areas, including the Indian Peaks Area, for another wilderness potential. Enactment of H.R. 5932 would give express congressional direction and affirmation that this area be included in the process.

In considering H.R. 5932 the committee approved a minor boundary adjustment that deletes from the study area about 4,000 acres that conflicts with contemplated ski developments and with possible road construction. It also eliminated a requirement that the study and report be completed within 18 months. The Forest Service is already faced with the task of completing studies on primitive areas and advised the committee it would be difficult, if not impossible, to meet this deadline. These amendments make H.R. 5932 a workable proposal.

Mr. Speaker, in my opinion H.R. 5932, as amended, is a good bill and I strongly support its enactment.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of a similar Senate bill (S. 1198) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1198

An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-five thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the Indian Peaks Area, and shall report his findings to the President on or before the expiration of the two-year period following the date of the enactment of this Act. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness", together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

(c) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 1198 and insert the provisions of H.R. 5932, as passed, as follows:

That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-one thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the "Indian Peaks Area," as generally depicted on a map entitled "Indian Peaks Study Area," dated October 4, 1972, and shall report his findings to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness," together with maps and a definition of boundaries. Any recommendation of the President to the effect that such

area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

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

A similar House bill (H.R. 5932) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. SAYLOR) may extend his remarks in the RECORD and any other Members desiring to do so may extend their remarks on the bill just passed.

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

There was no objection.

ONE HUNDREDTH ANNIVERSARY OF AMERICAN PUBLIC HEALTH ASSOCIATION

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 710) extending the greetings and felicitations of Congress to the American Public Health Association on the occasion of the 100th anniversary of its founding.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 710

Whereas the American Public Health Association had its first organizational meeting in Long Branch, New Jersey, on September 12, 1872; and

Whereas the American Public Health Association was instrumental in establishing the National Board of Health in 1879 and the creation of the United States Public Health Service in 1902; and

Whereas the American Public Health Association has supported and contributed to improved health programs at the Federal, State, and local levels; and

Whereas the American Public Health Association has continually contributed to cooperative efforts among nations in behalf of improving the health status of mankind; and

Whereas the fifty-five thousand members of the sections and affiliates of the American Public Health Association are dedicating the experience and knowledge of more than forty health professions to advance the health of mankind; and

Whereas the American Public Health Association serves as a source of competence in the formulation of health standards, model codes, professional health personnel standards, and public health programs; and

Whereas the American Public Health Association will celebrate its centennial anniversary and a century of service toward improving the health of man in Atlantic City, New Jersey, during November 13–17, 1972: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress extends its greetings and felicitations to the American Public Health Association on the occasion of the one hundredth anniversary of its founding.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out the entire preamble.

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 236) to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week".

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 236

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to heighten the awareness of the people of the United States with regard to the national threat of drug abuse, and to provide an opportunity for a period of special emphasis on this problem, the President is authorized and requested to issue a proclamation designating the week beginning October 15, 1972, as "National Drug Abuse Prevention Week", and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

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

RECOGNIZING THOMAS JEFFERSON UNIVERSITY, PHILADELPHIA, PA., AS FIRST UNIVERSITY TO BEAR FULL NAME OF THIRD PRESIDENT OF UNITED STATES

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 199) to recognize Thomas Jefferson University, Philadelphia, Pa., as the first university in the United States to bear the full name of the third President of the United States.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 199

Whereas the Jefferson Medical College of Philadelphia was founded in 1824 during the lifetime of its namesake, Thomas Jefferson;

Whereas the Jefferson Medical College of Philadelphia was given a university charter in 1838 by the State of Pennsylvania;

Whereas the Jefferson Medical College of Philadelphia has long represented and promoted the principles for which Thomas Jefferson stood;

Whereas the Jefferson Medical College of Philadelphia officially changed its name to the Thomas Jefferson University on July 1, 1969: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Thomas Jefferson University, Philadelphia, Pennsylvania, be and is hereby recognized as the first university in the United States to bear the full name of the third President of the United States.

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

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 10729, FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. POAGE)?

Mr. YATES. Mr. Speaker, reserving the right to object, as I understand the bill, this is one that contains certain indemnification provisions of not only the manufacturers of pesticides but as well for those using pesticides all the way down the chain. The provisions may possibly be more drastic than the provisions for indemnification that were contained in the cyclamate bill that was passed by the House recently.

Mr. Speaker, I have no will to object to consideration of the bill. All that I want to do is alert the House to the fact that the bill does contain such provision, and that those of us who oppose the bill want to be given an opportunity to have a vote on the bill. If that be so, I will withdraw my reservation of objection.

The SPEAKER. Of course, the House has control always over the form of the vote and whether a vote will be taken.

Mr. YATES. There will be a vote taken?

The SPEAKER. There will be a vote.

Mr. YATES. All right. I withdraw my reservation of objection.

Mr. SEIBERLING. Mr. Speaker, reserving the right to object, I would just like to observe that this bill is following a precedent that we, unfortunately, established in connection with the cyclamate bill of indemnifying manufacturers who put out substances which are harmful, if found to be harmful. I simply want to record the fact that this bill has a very undesirable aspect.

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

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

Mr. YATES. The bill goes further than that. It not only presupposes to indemnify the manufacturers; it also presupposes to indemnify those who have bought the pesticides and who have stored them, intending to use them. intending to use them. They, too, may be indemnified under the terms of this bill.

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

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 5, 1972.)

Mr. POAGE (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

Mr. POAGE. Mr. Speaker, this conference report does not involve any new principles that were not in the House bill. In fact, the provisions that are put in here are provisions limiting the scope of the House bill. We did come to a real compromise. The conferees on the part of both Houses were in unanimous agreement, and every conferee signed the report, and every viewpoint was represented.

Among the conferees of the House are W. R. POAGE, W. M. ABBITT, BERNIE SISK, JOHN DOW—who did not agree with some of us when the bill was before the House—PAGE BELCHER, GEORGE GOODLING, and JOHN KYL.

The Senate position involved such a difference of viewpoint as those held by Senator HART, Senator MILLER, Senator DOLE, and Senator ALLEN.

There was a very decided difference of opinion among the conferees. We did seriously work out those differences. Those who have expressed some fear that the conferees were too liberal with indemnities should remember that some of those who signed the report were most active in the effort on the floor of the House to refuse any indemnity. We did accept compromise.

The provision as to indemnity does not give anyone who holds any of these pesticides which may have been prohibited the right to get paid for it if it was produced after registration is withdrawn. It only gives that right to those who hold pesticides which were produced under a valid license from the United States, and who had not been notified by the Environmental Agency that that pesticide might be dangerous.

We do provide that in the event of any feeling on the part of the Environmental Agency that a compound might be dangerous they might notify the manufacturer that they were going to hold a hearing on it, and from that moment on, the manufacturer could not receive any indemnity for what he produced.

We think it is a fair and equitable provision. We believe we are presenting an equitable compromise in this report. We have represented all viewpoints. We hope the House will approve the conference report.

Mr. Speaker, I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I include with my remarks a section-by-section synopsis of the major provisions of the conference pesticide bill prepared by the Environmental Protection Agency:

SECTION-BY-SECTION SYNOPSIS OF THE MAJOR PROVISIONS OF THE CONFERENCE PESTICIDE BILL

Section 1 of the bill states its purpose and title.

Section 2 of the bill sets forth the amendments to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended:

AMENDMENTS TO FIFRA

Section 1. Short Title and Table of Contents.

Section 2. Definitions.

Section 3. Registration of Pesticides.

1. With certain exceptions, any pesticide in U.S. trade must be registered with the Administrator.

2. In order to obtain registration, a pesticide producer must submit an application identifying himself and the pesticide, showing the labeling, and stating claims to be made, directions for use, the pesticide formula, requested classification, and test data and results which support the claims made.

The Administrator may not consider the test data supporting one application in support of another application without the originator's permission or unless the second applicant has first offered to pay reasonable compensation for the test data. If the parties cannot agree on the amount and method of payment, the Administrator makes the determination. If the owner of the test data does not agree with the determination, he may appeal to a Federal district court. The court may not determine that the amount of payment should be less than that determined by the Administrator.

3. All information except trade secrets and privileged information in support of registration must be made available to the public within 30 days of the registration.

4. A pesticide which meets the requirements of the Act shall be registered, and nonessentiality cannot be a criterion for denial of registration.

5. If registration is denied, notice of the denial and reasons for denial must be published in the Federal Register. The applicant then has recourse to administrative and judicial appeals.

6. Registered pesticides will be classified for either general use or restricted use. A pesticide would be restricted because of its potential for harm to either human health or the environment.

The Administrator may require that the packaging and labeling of a pesticide for its restricted uses be clearly distinguishable from its general uses.

A restricted use pesticide which is a hazard to human health is subject to the restriction that it be applied by a certified pesticide applicator, who is certified by the State according to standards set by the Administrator and may be either a commercial or private certified applicator.

A pesticide classified for restricted use because it could harm both health and the environment can be made subject to other restrictions by regulation, which are reviewable in a court of appeals.

The Administrator may change a pesticide classification but the action is subject to administrative and judicial review.

Section 4. Use of Restricted Use Pesticides; Certified Applicators

1. The Administrator sets minimum standards for the certification of applicators, which are to be separate for private and commercial applicators.

2. Certification will be accomplished by State programs whose plans are approved by the Administrator. The Administrator may withdraw approval of a State plan if the program is not maintained in accordance with it.

Section 5. Experimental Use Permits

1. The Administrator may issue permits and set the terms for the experimental use of a pesticide in order to gather data for registration, and may establish a temporary pesticide residue tolerance level for that purpose.

2. The Administrator may authorize a State to issue experimental use permits under an approved plan.

Section 6. Administrative Review; Suspension

1. Registrations are automatically cancelled after 5 years unless a request is made that they be continued.

2. If the Administrator has reason to believe a registered pesticide does not comply with the Act or that it, when "used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment", he may move to cancel the registration or change the classification of the pesticide. The registrant is notified and may correct the deficiency or request a public hearing. The Administrator may also decide to hold a hearing on a registration to determine whether or not cancellation or change in classification should ensue.

3. At any time during a hearing a question of relevant scientific fact may be referred by the Hearing Examiner to a Committee of the National Academy of Sciences for a report. The Hearing Examiner may also compel testimony or production of documents by subpoena. Within 90 days from the close of a hearing the Administrator must issue an order regarding the registration in question.

4. If the Administrator finds such action necessary to prevent an imminent hazard to health or the environment during the pendency of cancellation or change in classification proceedings, he may suspend the registration after 5 days notice to the registrant, who may within that period request an expedited hearing on the imminent hazard finding. The suspension order would not take effect until any requested hearing had been completed.

The Administrator may issue an emergency suspension order, taking effect immediately, when necessary; and any subsequent hearing would be expedited.

5. Final orders of the Administrator under this section are subject to judicial review under section 16. However, orders issued prior to hearing would be reviewed in an appropriate district court.

Section 7. Registration of Establishments

1. Pesticide producing establishments are required to be registered with the Administrator.

2. Producers are required to submit upon initial registration and annually information on the amount of pesticides produced, distributed, and sold.

Section 8. Books and Records

1. The Administrator may require pesticide and device producers to maintain records respecting their operations which are necessary for enforcement of the Act.

2. Records on the location and movement of pesticides or devices are to be accessible to the Administrator's agent upon request for inspection and copying.

3. Financial, sales, pricing, personnel, and research data are excluded from the above requirements.

Section 9. Inspection of Establishments

1. The Administrator's agent may enter any establishment or other place where pesticides or devices are held for distribution or sale, inspect pesticides or devices, and take samples. The agent must state a sufficient reason for his action.

2. A warrant to enter a place and inspect and reproduce records may be obtained when the Administrator's agent shows there is reason to believe the Act has been violated.

3. If a violation of the Act appears to have occurred, the Administrator shall notify the suspected violator, and shall certify the facts to the Attorney General for the institution of criminal or civil proceedings. However, for minor violations the Administrator may issue a warning instead.

Section 10. Protection of Trade Secrets and Other Information

1. In submitting required data, a registration applicant may mark the portion he considers trade secrets, or commercial or financial information, and submit it separately.

2. The Administrator may not make information public if it comprises trade secrets, or commercial or financial information. However, pesticide formulas may be revealed in certain instances in order to carry out the purposes of the Act.

3. Disputes between the Administrator and an applicant or registrant concerning releasable information would be resolved in a district court by declaratory judgment.

Section 11. Standards Applicable to Pesticide Applicators

1. No regulations under the Act may require a private applicator to maintain records or file reports.

2. Private and commercial applicator certification standards set by the Administrator must be separate.

Section 12. Unlawful Acts

A number of unlawful acts are contained in the section which relate to the requirements of the other sections of the bill pertaining to registration of pesticides and producing establishments, record-keeping and reporting, pesticide use, and others. Additional unlawful acts include not giving a pesticide's classification when advertising and failure to fully inform persons involved in pesticide testing.

Secton 13. Stop Sale, Use, Removal, and Seizure

1. When it appears a pesticide is in violation of the Act or its registration has been suspended or cancelled by final order, the Administrator may issue a "stop sale, use, or removal" order to any person.

2. Pesticides in violation of the Act may be seized, as may misbranded devices and pesticides which have an unreasonable adverse effect on the environment even when used in accordance with requirements and as directed on the labeling.

Section 14. Penalties

1. Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor is liable to a $5,000 civil penalty for an Act violation. Private applicators and other persons are liable only to a $1,000 civil penalty on their second and subsequent offenses. Opportunity for hearing is required prior to assessment of a civil penalty.

2. Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor is liable to a penalty of $25,000 or 1 year in prison or both upon conviction for a misdemeanor. Private applicators and other persons are liable to $1,000 or 30 days in prison or both. Persons who reveal formula information are liable to $10,000 or 3 years in prison or both.

Section 15. Indemnities

1. Persons owning a pesticide whose registration is suspended and later cancelled are eligible for payment by the Administrator of an indemnity for the pesticide owned. Manufacturers who had knowledge prior to the issuance of a suspension notice that their products did not meet registration requirements and who continued to produce the pesticide without notifying the Administrator of the deficiency would not be eligible.

2. In lieu of indemnification the Administrator may authorize under certain limited conditions the use or other disposal of a pesticide.

Section 16. Administrative Procedure; Judicial Review

1. Except as otherwise provided, EPA refusals to cancel or suspend registration or change classifications which do not follow a public hearing are reviewable in district courts, as are other final non-discretionary Agency actions.

2. Review of an order of the Administrator will occur in a court of appeals upon the request of any person who will be adversely affected by the order and who took part in the public hearing leading to the order. The court shall review all evidence of record, and commencement of proceedings does not operate as a stay of an order unless specifically ordered by the court.

3. District courts have jurisdiction to specifically enforce and to prevent and restrain violations of the Act.

Section 17. Imports and Exports

1. Producers of exported pesticides or devices are subject to the requirements of Section 8, Books and Records, but are otherwise required only to prepare the product as specified by the foreign purchases in order to comply with the Act.

2. The Administrator is required to notify foreign governments through the State Department whenever the registration, or the cancellation or suspension of the registration of a pesticide becomes effective or ceases to be effective.

3. The Administrator is authorized to examine imported pesticides or devices and have those in violation of the Act refused entry, seized, and destroyed.

Section 18. Exemption of Federal Agencies

The Administrator may exempt any Federal or State agency from the Act if he determines that emergency conditions exist which require such exemption.

Section 19. Disposal and Transportation

The Administrator shall establish procedures and regulations for storage or disposal of pesticides and containers. He is required to accept at convenient locations for disposal a pesticide whose registration is suspended, then cancelled.

Section 20. Research and Monitoring

Authority for pesticide research and monitoring is provided, including research contracts and grants. Cooperation with other governmental agencies is authorized for research and monitoring purposes. A National Monitoring Plan is required to be formulated and carried out by the Administrator.

Section 21. Solicitation of Comments; Notice of Public Hearings

1. The Administrator is required to solicit the views of the Secretary of Agriculture before publishing regulations under the Act.

2. The Administrator is authorized to solicit the views of all interested persons concerning any action under the Act and seek advice from qualified persons.

3. Timely notice of any public hearing to be held shall be published in the Federal Register.

Section 22. Delegation and Cooperation

1. The Administrator may delegate his authority under the Act.

2. The Administrator shall cooperate with appropriate governmental agencies in order to carry out the Act.

Section 23. State Cooperation, Aid, and Training

1. The Administrator may delegate to a State the authority to cooperate in enforcement of the Act, train State personnel in cooperative enforcement, and assist States to implement cooperative enforcement with grants.

2. The Administrator may assist States in developing and administering applicator certification programs under cooperative agreements and under contracts.

3. The Administrator may utilize the Cooperative State Extension Services to inform farmers of measures taken under the Act.

Section 24. Authority of States.

1. A State may impose greater regulation on the sale or use of a pesticide than that of the Federal Government. However, different State packaging or labeling requirements are prohibited.

2. States certified by the Administrator may register pesticides formulated for distribution and use within its bounds, and the registration is permanent if not disapproved by the Administrator within 90 days.

Section 25. Authority of the Administrator.

1. The Administrator may exempt from the Act pesticides which do not require regulation, or are adequately regulated under other Federal law.

2. The Administrator is authorized to declare that which is a pest; determine highly toxic substances in pesticides; specify classes of devices subject to certain misbranding provisions and Section 7; prescribed pesticide discoloration requirements; and determine suitable pesticide names.

Section 26. Severability.

The Act is severable in that the invalidity of one provision would not invalidate the remaining provisions.

Section 27. Authorization for Appropriations.

Such sums as are necessary are authorized to be appropriated through June 30, 1975, and thereafter as provided by new legislation.

REMAINING BILL PROVISIONS

Section 3 of the bill contains technical amendments making other Acts conform to amended FIFRA.

Section 4 of the bill provides the effective dates of provisions of the FIFRA amendments.

1. Two years after enactment the Administrator shall have promulgated registration and classification regulations and thereafter shall register new applications under those regulations.

2. After two years but within 4 years existing registrations shall be registered and reclassified in accordance with the regulations described in 1 above.

3. Any requirement that a pesticide be registered for use only by a certified applicator shall not be effective until 4 years from enactment.

4. A period of 4 years from enactment shall be provided for certification of applicators, with certification standards prescribed within one year and State certification plans submitted to the Administrator within 3 years and approved by the Administrator within one year of submission.

5. One year after enactment regulations governing registration of establishments, experimental use permits, and keeping of books and records shall be made effective.

6. No person shall be subject to any penalty before 60 days after the publication of pertinent regulations in the Federal Register and after the Administrator has taken such other action as may be necessary to permit compliance with the pertinent provision.

7. Except as otherwise provided above, all amendments take effect upon enactment or, if regulations are required, within 90 days, when such regulations are to be effective.

8. Provisions of FIFRA prior to enactment of the bill remain in effect until superseded by the amendments in the bill, but all amendments are to be effective within 4 years of enactment.

Mr. Speaker, there has been some concern expressed over the implementation of section 18 of the conference report.

This section permits the Administrator of EPA to exempt any Federal or State agency from the provisions of the act if he determines that emergency conditions exist which require such exemption.

Under the House language that we took to conference, the President, rather than the Administrator of EPA, would have been vested with the authority to waive the application of the act to State and Federal agencies.

In the conference committee it was pointed out that there may be instances when action must be taken quickly to ameliorate a threat of plant or insect infestation—such as a grain cargo from a foreign nation carrying an insect pest not found in the United States. In such cases, formal Presidential action might take too long.

Thus, the language of section 18 as written by the conferees is intended to authorize the Administrator to exempt Federal and State agencies so that they may immediately apply treatments which may be required to prevent the introduction of pests at ports of entry or against new pest outbreaks that may occur in the United States utilizing pesticides which are not registered for the specific target pest species. Section 18 as currently worded implies that the Administrator must determine in each individual case that emergency conditions exist before exempting Federal and State agencies from the provision of the act. Since immediate and effective action is required against imported pests on an average of 10,000 to 11,000 times annually, the Secretary of Agriculture should be given authority by EPA to cooperate with State agencies to initiate action in sufficient time to prevent the introduction of new pest species. It is understood, of course, that the Secretary of Agriculture is authorized and required to apply such remedial action under the Plant Quarantine and Federal Plant Pest Act and various animal quarantine acts.

Mr. YATES. Mr. Speaker, it is difficult to oppose a bill which seeks to control the indiscriminate manufacture, sale and use of pesticides. The harm they have done and are capable of doing requires prompt action by the Congress. Were it not for the provisions—the very generous provisions providing for indemnification I would support this bill.

However, Mr. Speaker, I must protest against the indemnification provisions. The so-called cyclamates bill was estimated to cost the taxpayers anywhere between $100 million and $500 million. This bill may cost much more. The safeguards against improper compensation are not nearly adequate.

I am concerned that this provision may weigh heavily upon the Administration of EPA. Having the task of protecting people and the environment from deadly and hazardous chemicals, he may hesitate to ban any such chemicals which are in use from further distribution when he knows his decision may cost the Government; that is, the taxpayers, millions of dollars.

This bill, even with its good provisions may still be inadequate to protect the environment. But one thing is certain—it will protect the pesticide manufacturers. Why should the Government be called upon to pay for losses when the Government may not be at fault.

Mr. Speaker, it is most unfortunate that these provisions providing indemnification were placed in the bill. They constitute a most unfortunate procedure.

Mr. GOODLING. Mr. Speaker, it has been said that legislating is the art of compromise. The conference report on the Federal Environmental Pesticide Control Act of 1972 falls into that category.

The House Committee on Agriculture started public hearings on this bill early in the 92d session. Following the public hearings countless conferences were held with interested individuals and organizations. The committee then met in executive session and after a considerable number of meetings reported a clean bill for floor action. No major changes were made on the floor and the bill passed by a sizable margin.

The same procedure was followed in the Senate but here hearings were held by both the Agriculture and the Commerce Committees. Major changes were made and the bill passed the Senate by a sizable vote.

The conference committee spent a considerable number of hours attempting to compromise the differences between the two bills.

The conference report we submit for your consideration today is a report I, as one conferee, believe is a measure every segment of our economy and every Government agency can live with. No individual, no organization, no Government agency was able to have everything written into the bill that may have appeared desirable but the report we ask you to approve is an excellent one. This is attested to by the fact that all conferees signed the report.

Mr. HANNA. Mr. Speaker, the conferees on H.R. 10729, the "Federal Environmental Pesticide Control Act of 1972," are to be commended for resolving their differences and bringing us this most important public production legislation. I am pleased that the House conferees yielded on the Senate provisions defining "plant regulator" so as to exclude nontoxic vitamin-hormone products not intended for pest destruction from the definition. This is consistent with the language in the House Committee report, page 15, on the measure, concerning Ascophyllum Nodosum, the Norwegian variety of seaweed. This product is nontoxic and nonpoisonous and in every respect clearly falls within the exclusion. Dr. T. L. Senn, head of the Department of Horticulture at Clemson University, Clemson, S.C., a distinguished scientist who has done extensive research on Ascophyllum Nodosum has stated in a communication dated September 28, 1972:

As we have published many times and as voluminous literature reveals, seaweed-Ascophyllum Nodosum—is certainly non-toxic. Research in the United States and abroad has definitely established that vitamins and hormones are contained in Ascophyllum Nodosum and various other seaweeds. It is my firm belief that the material does not destroy pests such as insects and therefore is not intended for pest destruction. The beneficial effects of seaweed extracts are obtained through biological activity as exhibited by certain vitamins, hormones and various nutritional elements only required by the plant in a small amount. These above mentioned facts are well established in the literature.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. POAGE, SEIBERLING, YATES, and KYL.

The question was taken; and there were—ayes 198, noes 99, not voting 134, as follows:

[Roll No. 437]

[Recorded Teller Vote]

AYES—198

Abbitt	Dellenback	Ichord
Alexander	Dennis	Jacobs
Andrews, Ala.	Derwinski	Jarman
Andrews, N. Dak.	Dickinson	Johnson, Calif.
Arends	Dorn	Johnson, Pa.
Aspin	Downing	Jones, Ala.
Aspinall	Dulski	Jones, N.C.
Baker	Duncan	Jones, Tenn.
Belcher	Eckhardt	Kastenmeier
Bennett	Edwards, Ala.	Kazen
Bergland	Erlenborn	Keating
Bevill	Fascell	Keith
Biester	Findley	Kemp
Blatnik	Fisher	Kyl
Brademas	Flood	Landgrebe
Bray	Flowers	Latta
Breaux	Flynt	Leggett
Brinkley	Forsythe	Lennon
Brooks	Fountain	Lent
Broomfield	Frenzel	Lujan
Brotzman	Frey	McClory
Brown, Mich.	Gibbons	McCloskey
Brown, Ohio	Goldwater	McCollister
Broyhill, N.C.	Gonzalez	McCormack
Burleson, Tex.	Goodling	McCulloch
Burlison, Mo.	Grover	McEwen
Byron	Gubser	McFall
Camp	Hagan	McKay
Carlson	Hamilton	McKevitt
Carter	Hammer-schmidt	Mahon
Casey, Tex.	Hansen, Idaho	Mailliard
Cederberg	Harsha	Mallary
Clausen, Don H.	Hastings	Mann
Clawson, Del	Hays	Mathias, Calif
Cleveland	Hechler, W. Va.	Mayne
Collier	Heckler, Mass.	Meeds
Collins, Tex.	Henderson	Melcher
Conover	Hillis	Michel
Daniel, Va.	Hogan	Miller, Ohio
Davis, Ga.	Holifield	Mink
Davis, Wis.	Hosmer	Mizell
de la Garza	Hunt	Mollohan
	Hutchinson	Mosher
		Myers

Natcher	Runnels	Teague, Calif.
Nelsen	Ruppe	Terry
Obey	Ruth	Thomson, Wis.
O'Konski	Sandman	Thone
Passman	Satterfield	Veysey
Pettis	Scherle	Waggonner
Pickle	Schneebeli	Wampler
Poage	Schwengel	Ware
Powell	Sebelius	Whalley
Preyer, N.C.	Shipley	White
Quie	Shoup	Whitten
Quillen	Shriver	Wiggins
Railsback	Sikes	Wilson, Bob
Randall	Slack	Winn
Rarick	Smith, Iowa	Wright
Reuss	Spence	Wyatt
Rhodes	Stanton,	Wylie
Roberts	J. William	Wyman
Robinson, Va.	Steele	Young, Fla.
Rogers	Steiger, Wis.	Young, Tex.
Rooney, Pa.	Stephens	Zion
Roush	Stratton	Zwach
Rousselot	Stubblefield	
Roy	Talcott	

NOES—99

Abzug	Grasso	Perkins
Adams	Green, Pa.	Pike
Addabbo	Griffin	Podell
Anderson, Calif.	Griffiths	Price, Ill.
	Gude	Rangel
Ashley	Hall	Rees
Begich	Harrington	Riegle
Boggs	Hathaway	Robison, N.Y.
Boland	Helstoski	Rodino
Bolling	Hicks, Mass.	Roe
Buchanan	Hicks, Wash.	Rostenkowski
Burke, Mass.	Horton	Roybal
Burton	Hull	St Germain
Carney	Karth	Sarbanes
Chamberlain	Kluczynski	Saylor
Collins, Ill.	Koch	Scheuer
Conable	Kyros	Seiberling
Conte	Long, Md.	Stanton,
Conyers	McDade	James V.
Cotter	McKinney	Stokes
Coughlin	Madden	Stuckey
Culver	Mathis, Ga.	Taylor
Daniels, N.J.	Mazzoli	Tiernan
Danielson	Metcalfe	Van Deerlin
Dellums	Mikva	Vanik
Dent	Minish	Vigorito
Dingell	Minshall	Waldie
Drinan	Moorhead	Whalen
Edwards, Calif.	Morgan	Wilson,
Foley	Moss	Charles H.
Ford,	Murphy, Ill.	Wolff
William D.	Nedzi	Yates
Fraser	O'Neill	Zablocki
Fulton	Patten	
Gaydos	Pepper	

NOT VOTING—134

Abernethy	Donohue	Long, La.
Abourezk	Dow	McClure
Anderson, Ill.	Dowdy	McDonald,
Anderson, Tenn.	du Pont	Mich.
	Dwyer	McMillan
Annunzio	Edmondson	Macdonald,
Archer	Eilberg	Mass.
Ashbrook	Esch	Martin
Badillo	Eshleman	Matsunaga
Baring	Evans, Colo.	Miller, Calif.
Barrett	Evins, Tenn.	Mills, Ark.
Bell	Fish	Mills, Md.
Betts	Ford, Gerald R.	Mitchell
Biaggi	Frelinghuysen	Monagan
Bingham	Fuqua	Montgomery
Blackburn	Galifianakis	Murphy, N.Y.
Blanton	Gallagher	Nichols
Bow	Garmatz	Nix
Brasco	Gettys	O'Hara
Broyhill, Va.	Giaimo	Patman
Burke, Fla.	Gray	Pelly
Byrne, Pa.	Green, Oreg.	Peyser
Byrnes, Wis.	Gross	Pirnie
Cabell	Haley	Price, Tex.
Caffery	Halpern	Pryor, Ark.
Carey, N.Y.	Hanley	Pucinski
Celler	Hanna	Purcell
Chappell	Hansen, Wash.	Reid
Chisholm	Harvey	Roncalio
Clancy	Hawkins	Rooney, N.Y.
Clark	Hébert	Rosenthal
Clay	Heinz	Schmitz
Colmer	Howard	Scott
Corman	Hungate	Sisk
Crane	Jonas	Skubitz
Curlin	Kee	Smith, Calif.
Davis, S.C.	King	Smith, N.Y.
Delaney	Kuykendall	Snyder
Denholm	Landrum	Springer
Devine	Link	Staggers
Diggs	Lloyd	Steed
Steiger, Ariz.	Thompson, N.J.	Widnall
Sullivan	Udall	Williams
Symington	Ullman	Wydler
Teague, Tex.	Vander Jagt	Yatron
Thompson, Ga.	Whitehurst	

So the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

CONFERENCE REPORT ON S. 3507, COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. DOWNING. Mr. Speaker, I call up the conference report on the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, and ask unanimous consent that the statement of the Managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 5, 1972.)

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

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

There was no objection.

Mr. DOWNING. Mr. Speaker, the conferees on S. 3507, the Coastal Zone Management Act of 1972, have met and resolved the differences between the House and Senate versions of the bill.

As Members of the House will recall, S. 3507 passed the House, amended, in lieu of H.R. 14146, on August 2, 1972. The House action on that date was the result of several years of study, consideration, consultation, and refinement of language. The decision to enact coastal zone legislation was the fruition of recommendations of the Marine Science Council, Marine Science Commission, the National Estuarine Study, and the Coastal Zone Management Conference. Each of the groups considering the problem pointed to the urgent need for action if this Nation is to preserve its invaluable, but rapidly diminishing coastal wetlands and marshes. We are at the final stage of at least beginning to solve that problem.

I should like to briefly outline the actions of the conferees. There were three major areas of differences between the House and Senate versions. The one causing the most difficulty involved the agency responsibility for administration of the act, and I will discuss that more fully later. The second involved a provision of the Senate version which established a National Coastal Resources Board consisting of departmental secretaries to serve as a mediation board. The conferees deleted that provision as unnecessary and cumbersome. The third difference involved a House provision which provided for the authority for a Federal Government in the contiguous zone outside State waters. The conferees deleted this provision because the provisions were vague and adequate standards and criteria were not provided. One additional provision, contained in the Senate version, was deleted as nongermane, which provided for a study of Atlantic Continental Shelf exploratory activities. Finally, the two versions differed on the amount of appropriation authorizations, and the conferees compromised between the two versions.

And now let me return to the question of jurisdiction. Not only were the Senate conferees adamant on this issue, but there is not sufficient time to attempt the task of persuading them to change their positions. When H.R. 14146 was considered in the House, it, like the Senate-passed S. 3507, provided that the program would be administered by the Secretary of Commerce, the reports of both Houses making it clear that the National Oceanic and Atmospheric Administration was the agency best qualified to manage the program, because in that Administration lies the concentration of expertise related to the coastal waters and their associated wetlands. On the floor of the House, an amendment was proposed and adopted which shifted the responsibility from NOAA to the Secretary of the Interior, on the theory that the Coastal Zone Management Act is nothing more than a land use bill and therefore should be administered by the same department which the Administration had proposed for the administration of the National Land Use Policy Act. I cannot agree with this analysis, because it is too simplistic. Nevertheless, as a conferee, I upheld the House position when the conferees faced this problem. The Senate insisted upon the Secretary of Commerce as the administering agency. The House vote on the amendment referred to was approximately 2 to 1. The Senate vote on the passage of its bill was unanimous. The conferees faced an impasse of no bill at all, unless a compromise could be reached. We reached that compromise. The conference report leaves the administration of the program in the Secretary of Commerce, that is the National Oceanic and Atmospheric Administration and provides that any land-use elements contained in a State program under the act must first receive the concurrence of the Secretary of the Interior or other official that may have land use responsibility, before those elements may be approved by NOAA. Mr. Speaker, I consider that that is a fair, reasonable, and honorable compromise. It does not do violence to the House posi-

tion, but rather protects the basis upon which that position was reached.

I urge you to vote in support of the conference report.

Mr. MOSHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I very strongly urge support for this conference report.

I want to express my personal and complete agreement to the compromise arrangement that the gentleman from Virginia (Mr. DOWNING) just mentioned whereby early in the next session of Congress, on a priority basis, there will be held joint sessions of the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs on this subject.

My colleagues from the Committee on Merchant Marine and Fisheries on the other side of the aisle have stated well the contents and rationale embodied in this final compromise version of the coastal zone management bill.

To put it bluntly, failure to approve this very important environmental legislation today would result in the further degradation of the Nation's coastal waters and its fast decreasing shoreline. Responsible officials of practically every coastal State in the Nation are in strong support of the principles and concepts embodied in this conference report.

The States have asked Congress to provide them with the appropriate guidance, assistance, and direction in attempting to correct the planning mistakes of the past and to insure that future decisions affecting the conversation, development, growth, and utilization of our coastal zone waters and land are rational and represent a proper balance between various competing uses of this natural resource. Our bill will very effectively meet that need.

I fully recognize that some few of our colleagues are very unhappy today because our conference report places the prime responsibility for coastal zone management in NOAA, the National Oceanic and Atmospheric Administration, rather than in the Interior Department as voted here in the amended House bill.

On the basis of that unhappiness, I understand that the gentlemen from Iowa (Mr. KYL) did plan to offer here today a motion to recommit. But I now also understand that the gentleman from Iowa and the leadership of our Merchant Marine Committee have reached an agreement here on the floor today, an agreement that there shall be joint public hearings of the Merchant Marine Committee and the Interior Committee on a priority basis early in the 93d Congress. On the basis of that agreement, Mr. KYL will not make his motion today to recommit, he tells me. Certainly I personally commit myself to that agreement. Such joint hearings will be very welcome and I believe valuable.

The House conferees sought to preserve the previous position of this body, in vesting authority in the Department of the Interior, during the Senate/House conference on this matter. But that position simply could not be maintained, if Congress was to be in a position to enact far-reaching and needed coastal zone management legislation prior to adjournment.

We were successful in insuring that the Department of the Interior would play a major, if not controlling, role in coastal zone management planning, by vesting the Department of the Interior with authority to require changes in a State coastal zone management plan affecting land use, if and when an overall land use program becomes law and that agency is the responsible administrative office.

During this interim period, the Secretary of Commerce is required to consult with all affected Federal agencies, which includes the Departments of the Interior, Housing and Urban Development and others, prior to final approval of any State's coastal zone management plan and subsequent changes thereof.

Mr. Speaker, the compromise between the House and Senate bills is logical, sane, and takes care of the concerns of all interested parties, both public and private, in regard to the bill's final provisions.

The only point on which the House conferees were not able to obtain total acceptance from the other body was on the issue of agency jurisdiction.

I urgently submit that it is far more important right now, today, to enact comprehensive and landmark legislation —the first in the history of the United States—providing for a framework of State land and water use planning in the coastal zone—rather than defeat the bill from the standpoint of agency jurisdiction—particularly in light of the role which the conferees have given to both of the principal agencies concerned.

One more point needs to be brought to your attention. The final version in no way affects the jurisdictional responsibilities of the Environmental Protection Agency, any other Federal agency, or the Department of the Interior in regard to the administration of Federal lands, since the conferees have specifically eliminated those land areas from the definition of coastal zone.

We have a very important decision to make today. To enact landmark legislation supported by the general public in all parts of the country, supported by almost every environmental organization in existence, supported by the Governors of the respective States, supported by local and State planning personnel in the coastal zone States, supported by numerous fishery organizations in the Atlantic, Gulf, Pacific, and Great Lakes, supported by organized labor, and supported by an overwhelming majority of the other body by a vote of 68 to 0 and by this body by a vote of 376 to 6.

Mr. Speaker, I urge an overwhelming vote in favor of this conference report.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, and Members of the House, I am deeply disappointed in this conference report in one respect. On the second of August by a vote of 261 to 112 the House of Representatives expressed its will on the Kyl amendment, saying that this should be handled by the Secretary of the Interior, administered by the Secretary of the Interior and not by the Secretary of Commerce. For some reason unbeknown to me the conferees decided it should go to the Secretary of Commerce.

Mr. Speaker, it seems to me that it will require setting up an entire new agency in the Department of Commerce, and even though the Secretary of Interior has the right of veto, it seems that this is really letting the House down when the House expressed its will so well on the second of August, and I am extremely disappointed on this aspect of the conference report.

Mr. MOSHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I have had two very strong desires in connection with this legislation. First I want our estuaries, our seashores and lakeshores protected. Second, I have desired that the administration of this matter should be in the Department of the Interior and, as has been said, I offered an amendment to this bill on the floor earlier this year. That amendment carried by 165 votes. My view was shared by a majority of the Members of this body.

But, Mr. Speaker, we can be held hostage by time, and; the other body over which we have no control. I do not know who taught whom, but there are a number of individuals on the floor who can play out the time with the skill of a professional football quarterback in the waning moments of the game.

So we have a problem.

Someone has said if we send this bill back to conference it will die. I do not want that to happen. The same individual who is in a position to make such a decision says if we do not get this conference adopted, there will be no ocean dumping control bill, and I do not want that.

The Department of the Interior and the Office of Management and Budget have both held that this should be in the Department of the Interior rather than in the Department of Commerce, and especially in light of the very comprehensive national land use planning which has been provided in legislative form by the Committee on Interior and Insular Affairs, which has been held so that the people of this Nation can know exactly what is in store for them, rather than for the Congress to sneak up on them with a law from which they cannot extricate themselves, a law which they could not stand.

I had planned to offer a motion to recommit to instruct the conferees. To do so would jeopardize the legislative controls that we need in this instance and in the instance of ocean dumping.

So rather than doing that, I think we have arrived at a satisfactory solution which will permit us to give further airing to the problem of administration and accomplish our legislative and environmental policy.

So at this time, I would like to ask the gentleman from Virginia as to his attitude toward having priority hearings early in the next Congress—joint hearings between the Committee on Merchant Marine and Fisheries of the House and

the Interior Committee of the House on this subject of jurisdiction so that we can again air it for the public and for the Members of Congress.

Mr. DOWNING. Mr. Speaker, I wish to assure the gentleman on the record, as I have privately, that I will seek to hold hearings jointly with the appropriate committee of the Interior Committee and with the proper Fish and Wildlife and Oceanographic Committee.

I am next in line for the chairmanship of the Oceanographic Subcommittee and I will do everything I can and I give you my word to expedite in every way I can this legislation in the early part of next year.

Mr. KYL. Mr. Speaker, I yield to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Iowa. With the assurances that have been made by the gentleman from Virginia as well as the gentleman from Ohio, and with the understanding that the Committee on Interior and Insular Affairs will also join in this endeavor, I shall reluctantly support this conference report.

Mr. Speaker, I regret very much that the conferees on S. 3507 have not seen fit to accept the House decision that the coastal zone management program be administered by the Secretary of the Interior. You will recall that this decision was made in the House by a vote of 261 to 112, or better than two to one.

Mr. Speaker, as you know, the Committee on Interior and Insular Affairs has reported legislation calling for a comprehensive land use policy covering the entire Nation, including the coastal zones. This comprehensive land use program would be administered by the Secretary of the Interior, as recommended by the Administration. Because of numerous problems that have developed, including some jurisdictional problems with other committees, action on this comprehensive legislation cannot be completed this year.

As I pointed out when this coastal zone legislation was being considered by the House, it represents only a piecemeal approach to the land use policy and planning problems.

Mr. Speaker, I am convinced that comprehensive land use policy and planning legislation administered by the Secretary of the Interior will be enacted. If Congress is going to approve the piecemeal approach, represented by S. 3507, we should at the very least provide for administration by the department that will administer the comprehensive program, in order to eliminate overlaps in jurisdiction and provide for uniform procedures.

Mr. KYL. Mr. Speaker, the Department of the Interior and the Office of Management and Budget have not reversed their position. I have been an advocate of that position. We legislate and the executive branch can veto, if they so desire. It is our job to do the legislating.

I believe that the solution we have arrived at is the best solution that is available to us at this time and I would, therefore, urge those who have supported that position, which I hold, to cooperate with us at this point.

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

Mr. KYL. I yield to the gentleman.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to compliment the gentleman in the well, the gentleman from Iowa, for his leadership on this particular piece of legislation. I followed his leadership earlier this year and I agree with him wholeheartedly.

Along with the gentleman from Colorado, I am very disappointed but I will reluctantly support the conference report. Again I want to commend the gentleman from Iowa.

Mr. KYL. I thank the gentleman from Virginia (Mr. DOWNING) for his assurance and I thank the gentleman from Massachusetts.

Mr. DELLENBACK. Mr. Speaker, I want to join in complimenting the gentleman in the well for the extremely effective way in which he led the successful fight to amend this bill when it was on the floor of the House. The gentleman from Iowa (Mr. KYL) is an exceptional legislator. He combines outstanding knowledge of his subjects with a rare capacity to marshall and express his arguments in a most persuasive and effective manner. Never backward or shy about fighting to advance Iowa interests, he is at the same time possessed of a national perspective on major issues that is badly needed in the Nation's Congress.

I joined with the gentleman in the original fight, and I reluctantly join with the gentleman at this time in going along with what he has now proposed. In the light of the assurances that have been given by the gentleman from Virginia (Mr. DOWNING), this is probably the best way to handle this matter at this time.

I again join in following the leadership of the gentleman in the well who has led the fight so extremely well on an extremely worthwhile project and who has done so in an exemplary fashion.

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

Mr. Speaker, I want to compliment the gentleman from Iowa (Mr. KYL) for the compromise arrangements that he has engineered here today on the floor and I assure him I will participate completely in agreement for joint sessions of the two committees in the next Congress.

Mr. DU PONT. Mr. Speaker, I rise in support of the coastal zone management bill conference report. The coast of the United States and the adjacent waters represent one of this Nation's most precious resources, yet this resource has been subject to drastic degradation and uncontrolled development. While we all recognize the necessity of implementing a rational policy for the usage of all our lands, the coastal zone perhaps is the most endangered area and needs top priority.

Delaware has been a pioneer in this respect. We have a small coastline with some of the most unspoiled beaches and wetlands on the east coast, and Delaware's Governor Peterson led the fight to impose tough restrictions on the development of this resource. As a consequence Delaware has developed a sound scheme for the orderly and judicious use of this resource. Other coastal States have not had the fortune of such leadership.

At our shorelines 65 million Americans are building, disposing and polluting the coastal zone. Just the concentration of people, let alone the industry which follows, have put unbearable pressure on coastal ecosystems. The shorelines cannot absorb any more poor planning and development.

The need for this legislation should be apparent to all my colleagues, yet after the distinguished chairman of the Oceanography Subcommittee and the other members of the committee have worked on this bill since 1969 it is distressing that some agency jurisdictional problems are jeopardizing its enactment.

I think it would be tragic if this vital legislation were defeated on a simple question of administrative and functional convenience. I need not remind this body that the other house unanimously supported a bill which would keep the administration of the act within the Commerce Department.

I also want to point out that the focal point of this act is the States, not the Federal Government. The purpose is to assist the States in their development of sound coastal zone management problems. Administrative functions in the act seem to be secondary to its real goals.

I also want to emphasize the broad range of support for the conference report expressed by diverse groups such as the Sierra Club, the AFL–CIO, and the League of Women Voters.

I sincerely hope my colleagues will recognize the importance of such legislation and will weigh that against the arguments of those who believe the act must be administered by the Interior Department or by no one at all. Rejecting this conference report solely on an administrative issue would be a pyrric victory indeed and the ultimate loser will be the American shores.

Mr. MOSHER. Mr. Speaker, I have no further requests for time.

Mr. DOWNING. Mr. Speaker, I want to take just a moment to compliment the gentleman from North Carolina (Mr. LENNON) who is one of the leaders on this legislation.

Mr. ANDERSON of California. Mr. Speaker, I reluctantly rise in support of the conference report on S. 3507, the Coastal Zone Management Act.

Reluctantly, because I am deeply disappointed that the Senate conferees would not accept the position of the House of Representatives regarding the extension of State-established marine sanctuaries to areas under Federal jurisdiction.

As a member of the subcommittee which wrote this legislation, we were successful, in committee, in adding a provision which I authored designed to protect State-established sanctuaries, such as exists off Santa Barbara, Calif., from federally authorized development.

This provision would have required the Secretary to apply the coastal zone program to waters immediately adjacent to

the coastal waters of a State, which that State has designated for specific preservation purposes.

It was accepted overwhelmingly by the House of Representatives despite the efforts of the oil and petroleum industry to defeat it.

But what they failed to accomplish in the House, they accomplished in the conference committee, where the cloak of secrecy prevents the public from knowing the responsible parties.

The State of California, in 1955, created five marine sanctuaries to protect the beaches from oil spills. In 1963, two more sanctuaries were created.

These State-established sanctuaries, which extend from the coastline seaward to 3 miles, account for nearly a fourth of the entire California coast.

However, the Federal Government has jurisdiction outside the State area, from 3 to 12 miles at sea. All too often, the Federal Government has allowed development and drilling to the detriment of the State program.

A case in point is Santa Barbara where California established a marine sanctuary banning the drilling of oil in the area under State authority.

Yet, outside the sanctuary—in the federally controlled area—the Federal Government authorized drilling which resulted in the January 1969 blowout. This dramatically illustrated the point that oil spills do not respect legal jurisdictional lines.

Our Federal policy must be in support of State laws, for without conformity, State laws may be useless.

Our coasts are both a State and national treasure, and must be protected from unwise, ill-planned usage.

Mr. Speaker, having made it perfectly clear how disappointed I am, that the provision which would have protected the State sanctuaries was eliminated by the conference committee; I now, want to make it equally clear that from the overall viewpoint, the Coastal Zone Management Act should be supported.

As a coauthor of the original House bill; I believe this measure is a great step forward in establishing certain procedures that will result in the protection of our coasts from over-development.

And for that reason, I support it, and I urge my colleagues to also vote for its adoption.

Mr. FRENZEL. Mr. Speaker, I rise today in support of H.R. 14146, the coastal zone management bill. It pleases me greatly to see that we have finally gone past the point of discussing whether or not this Nation needs a national coastal zone management plan. We obviously do, and to have reached the final passage and implementation stage is of great credit to this committee's work.

However, Mr. Speaker, it puzzles me to find that the administrating agency for this program is not to be found in the Department of Interior but rather in the Department of Commerce. Within this bill there are provisions which will supposedly insure the internal cooperation of these two agencies. I hope the cooperation works, but the organization is an unfortunate allotment of authority in this vital field. It does not negate the value of the entire proposal.

Briefly then, I find the proposals for administration contained in H.R. 14146 to be inadequate. However, the bill overall is meritorious, and, more importantly, it is badly needed right now. Despite its defect, I urge its passage.

Mr. BOLAND. Mr. Speaker, the objective of the coastal zone management bill is to develop a master plan for preserving and developing our coastal resources.

The legislation before us will coordinate Federal, State, and local efforts to strike a balance among the many competing demands on these resources. In order to avoid a continued erosion of our resources, a rational plan for conservation, utilization, and development of the coastal zone will be drawn up by experts. Alternatives will be weighed in light of their environmental, social, and economic impact on the coastal waters.

This legislation is supported by environmental, governmental, and commercial groups, and is in keeping with the National Environmental Policy Act signed into law 2 years ago. I am pleased that the Congress has acted to assist the States in carrying out programs to manage their irreplaceable coastal resources.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTIONS IN ENROLLMENT OF S. 3507

Mr. DOWNING. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 721) and ask unanimous consent for its immediate consideration.

The clerk read the concurrent resolution as follows:

H. CON. RES. 721

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In subsection (h) of section 305, strike out "1975" and insert in lieu thereof "1977".

(2) In the section heading of section 312, strike out "ESTAURINE" and insert in lieu thereof "ESTUARINE".

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

SPECIAL ORDER TO SALUTE HON. EMANUEL CELLER

Mr. ROONEY of New York. Mr. Speaker, at the conclusion of all legislative business and all other special orders heretofore entered, I ask unanimous consent to address the House for 1 hour to salute one of the finest men that this body has ever known: the Honorable EMANUEL CELLER, dean of the House, dean of the New York State delegation, and chairman of the House Committee on the Judiciary.

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

There was no objection.

The SPEAKER. In view of the occasion, the Chair would place this special order at the head of the previously ordered special orders, if there is no objection.

There was no objection.

TRIBUTE TO THE HONORABLE EMANUEL CELLER

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 1 hour.

Mr. ROONEY of New York. Mr. Speaker, at the conclusion of all legislative business and other special orders heretofore entered, I ask unanimous consent to address the House for 1 hour to salute one of the finest men this body has ever known—The Honorable EMANUEL CELLER, dean of the House, dean of the New York State delegation, and chairman of the House Judiciary Committee. MANNY CELLER means so much to this body, so much to each of us individually that it is extremely difficult to put into words just how strongly we feel about him. Those of us who have been privileged to have the opportunity of representing citizens of New York have had the advantage of having a closer working relationship with MANNY. Thus, we feel the loss of his retirement more sharply perhaps than many other Members, many old time friends. But I think it will stand uncorrected to say that every Member of the House of Representatives knows the gentleman from New York. There are currently some 41 gentlemen and gentlewomen from New York but when one says the gentleman from New York he can only refer to one man, our beloved MANNY CELLER.

I not only knew MANNY with whom I served as a Member of this House for going on 29 years, but I had the pleasure of intimately knowing him and his family. I traveled with MANNY on several occasions and recall with fond recollection one trip to the Eagles' Nest in Bavaria with MANNY, his dear wife Stella, his daughter, Judy, and the director of his New York congressional office, Miss Mary Dougherty.

MANNY has been a leader, confidant, and friend to so many of us over the years. So many, many times he has provided the legislative know how to get something done, the shoulder to lean on, the wit to lighten the dark moment, the moral guidance we all need. He has been a leader in the fight for rights for all our people, for civil liberties of every size, shape, and order. But he has been much more. He has been the rock upon which we have leaned so many times, he has given us spirit when we had none, courage when we lacked the will and above all he has given us his very own heart. Mr. Speaker, I feel that if I go on I will become maudlin and I would not want that to mar this tribute to so great a man. Suffice it to say that MANNY CELLER will be sorely missed and that we all wish him Godspeed and happiness in his future.

(Mr. McCULLOCH, at the request of Mr. ROONEY of New York, was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCULLOCH. Mr. Speaker, there walks in this Chamber a giant of a man. He has served as chairman of the House Committee on the Judiciary longer than anyone else in our history. For one-half a century he has served his country as a Member of this body.

But such legislative records do not truly measure his greatness. What does speak to his greatness is that his work improved the quality of American life. He changed things. He championed the politically weak against the politically strong. He championed the voteless and the poor, trying year after year to bring America home to her ideals. For his labor he had nothing to gain—only the thanks of a grateful Nation.

It was not too long ago that some Americans were not permitted to enter the theaters, restaurants, hotels, schools, labor unions, and residential communities. These were reserved only for others. But the man from the sidewalks of Brooklyn with—let me say at the risk of self-praise—some modest assistance from a man from the plowfields of Ohio, led Congress to adopt laws that opened our society to all of our people. Of course, there is much yet to be done. But we would never have been headed in the right direction were it not for MANNY CELLER.

He was born in the 19th century, but his stamp has been left indelibly on the 20th. He authored 350 statutes and four constitutional amendments. It is also important to note that he thwarted many foolish ideas which otherwise would have marred the code or the constitution.

MANNY CELLER will be recorded in our history books as one of the alltime greats. For certainly history must reserve such a place for one who, although he did not father his country, did lead it from adolescence into adulthood.

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

Mr. ROONEY of New York. I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, one finds it difficult to select just the right words to adequately express one's depth of feeling for a man who has stood out as a beacon light in these great Halls of Congress for so many years—a man for whom I hold great respect and admiration and whom I have been privileged to know not only as a colleague but also as a friend.

When I came to these Chambers 24 years ago I looked upon EMANUEL CELLER with awe for he had already established a record of achievement. Since then his monumental accomplishments have made history. I consider myself most fortunate to have had the opportunity to work at his side on the Judiciary Committee for over two decades and I found that my respect and my regard for his wisdom, his learning, his compassion, and sensitivity have grown with each passing year.

The works of the ancient Hebrew sage, Ben Sira, in defining the virtues of great and wise men, perhaps best serve to portray my picture of Mr. CELLER before the eyes of all of us here today:

He will be filled with the spirit of understanding . . . he will pour forth words of wisdom . . . he will direct his counsel and knowledge aright . . . many will praise his understanding and it will never be blotted out; his memory will not disappear, and his name will live through all generations. The nations will declare his wisdom and the congregation will proclaim his praise . . . he will leave a name greater than a thousand.

Mr. CELLER will truly leave a name greater than a thousand for he has held great ideas and ideals and with these a penetrating insight and a keen understanding of human values and he has forged these beliefs and ideals into a treasured legacy for all posterity.

I recall the statement of Cicero—it is not enough to acquire wisdom, it is necessary to employ it. And EMANUEL CELLER in translating his every effort into our legislative process, has fulfilled these words. His is an unparalleled record as a result of his authorship of landmark civil rights legislation and historic constitutional amendments. So many whose basic rights were once denied will remember him for the depth of his humanity. He has labored zealously to insure and to preserve the rights of all men, not only as written document, but he has fought tenaciously to guarantee an actual understanding and a continual reenforcement of these rights.

With his ability to bring people together, his vigorous leadership and his deep commitment to the basic idea of justice for all men, Chairman CELLER met head on the great challenges of our time and dealt successfully and effectively with issues which have torn across the face of this Nation. His presence will be dearly missed when the 93d Congress is called into session. Yet his great indomitable spirit, his deep belief in the principles for which he has fought so strongly, his firm commitment to the rights of freedom and justice for all men will live on in our hearts and in the hearts of all who are privileged to serve here.

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

Mr. ROONEY of New York. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I am happy to join with my friend and colleague, the gentleman from New York (Mr. ROONEY) in paying tribute to the dean of our delegation, Congressman CELLER, who concludes with this Congress a most distinguished career in the House, second only to the great Carl Vinson from the State of Georgia, some 50 years as a Member of this body and for many years the distinguished dean of this House.

Many attributes are true in the case of Congressman CELLER, but I think that in addition to his distinguished legislative record, one is the warm regard that he had for other Members of the House. I remember coming to this body in 1959, a Democrat from upstate New York in an area where the Republicans outnumbered the Democrats by 3 to 1. It might have been difficult to establish rapport with my colleagues in the same party from New York City, where the situation was reversed, but MANNY CELLER was one whose understanding and big heart made it possible to weld together members of the delegation from different areas.

He was a great legislative leader. Others will be able to detail the substantial list of landmark pieces of legislation that Congressman CELLER was responsible for, including four or five constitutional amendments.

I want to express my appreciation to him for his help in getting through a piece of legislation that I was interested in; that I introduced when I first came here, and which for many years people said was a crazy, an insane bill; a bill that would put some of our national holidays on Monday rather than on a specific calendar date so that we might have a 3-day weekend celebrating them.

When MANNY CELLER understood this was a matter of concern to me and it might be helpful to me in my district he did everything in his power to see that it got successfully out of his committee.

I believe that perhaps his greatest achievement, especially as a Congressman from New York State, took place in the past 14 years, during the administration of Governor Rockefeller in New York State, when MANNY CELLER was responsible for pulling together the delegation from New York, which was the largest delegation in the House until recently, and which had never completely worked together as a single unit. As the chairman of the New York delegation steering committee he succeeded in bringing our delegation together so that our numbers could be felt in this Chamber for legislation that would be helpful to New York State. I believe it is perhaps significant that on the day we honor him this House has accepted the conference report on the revenue-sharing bill, something that was vital to New York State; and a bill which, incidentally, included more money for New York State than for any other State in the Union, even though in terms of population we are only No. 2 now alongside of California.

This was a significant achievement for which MANNY CELLER was responsible, and I believe the people of New

York State of both political parties will salute his leadership for years to come.

Mr. ROONEY of New York. Mr. Speaker, it is indeed a pleasure and a distinguished honor to yield to the Speaker of the U.S. House of Representatives, who has certain remarks to make.

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

Mr. Speaker, it has been a rare privilege for all of us to have served with our great and beloved dear MANNY CELLER. Mr. CELLER has had both one of the longest and one of the most brilliant careers in the House of Representatives. He has championed great causes and won tough battles. He has demonstrated an incredible persistence, especially in opposition. The year after Mr. CELLER came to Congress, 1924, a law was passed that created the national origins quota system. For 41 years he fought to have this act abolished. A bill written by Mr. CELLER was finally enacted in 1965.

Reviewing Mr. CELLER's career is like leafing through a history book on the evolution of civil rights in this country. He has guided every important piece of civil rights legislation through the Judiciary Committee and then through the whole House.

His name is on more than 350 laws. He has authored four constitutional amendments. The quality of his service has never been surpassed in the history of the House. He is not only one of the deans of deans, he is one of the greatest of the great.

I am proud that I can say that during every day of my service in this House, he has been friend and adviser. I love him. I shall miss him.

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

Mr. ROONEY of New York. I am pleased to yield to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I should like to join with the distinguished gentleman from New York (Mr. ROONEY) and the other members of the delegation on both sides of the aisle in paying tribute to one of the greatest Americans of all time.

I came here in 1941, and even then MANNY CELLER was a giant in this, the House of Representatives. He had done much to pass and to perfect the legislation which was necessary after the great depression. Then he had moved into the area of antitrust legislation, where he distinguished himself for many, many years.

More recently he has probably contributed more to making the Bill of Rights a reality than any other single American. Today there are Americans who enjoy the right to vote, who enjoy the right to participate fully in our Democracy, who enjoy the right of equal opportunity in employment, because of the dedication and the diligence of this one man.

Through it all he has had a keen sense of humor, a fine love of institution, and a mind that has been unexcelled through the years, and although chronologically tonight he is considerably older than most people in this body, his mind is still as active and his zest for his country and the House of Representatives and for the good of the country remains as steadfast tonight as it was 50 years ago when he first came to this body.

So, Mr. Speaker, I am honored to join in this tribute to a very great American indeed.

Mr. ROONEY of New York. I thank the distinguished majority leader for his remarks.

Mr. SMITH of New York. Will the gentleman yield?

Mr. ROONEY of New York. I shall be glad to yield to the distinguished gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. I thank the gentleman for yielding.

Mr. Speaker, I believe that our beloved Mr. CELLER has—and I have been told that he has—presided over more amendments to the Constitution of the United States than any other person in history except the Founding Fathers who presided over the passage of the first 10 amendments, which are known as the Bill of Rights. This, of course, is a tremendous historical record that probably will not be equalled by any other single person in this country.

Mr. CELLER will go down in our history as a landmark, as a mighty oak.

I would like to say a few things about my personal relationship with this great man. I have had the great honor of serving on the House Committee on the Judiciary under Mr. CELLER for 6½ years, and it has been a privilege. His chairmanship has gone a long way toward making it such a privilege.

He always conducted the committee with wit and good humor. His good humor and his wit many times could turn a tenuous situation into one of understanding and cooperation. He was always a fair chairman, fair to those of us on the minority, and fair to every member on the committee. Never did he take advantage of his power as the chairman of one of the great committees of the House, but, rather, he always deferred in fairness to the wishes of every individual serving on that committee.

I found him to be most cooperative, with the new members on the committee particularly, on both sides of the aisle.

So I say, Mr. Speaker, that it has been a great personal privilege for me to serve under the chairmanship of this wonderful man, and we shall miss him here in the House of Representatives, we will miss him on the Committee on the Judiciary, and we hope that he will take every opportunity to come back here and visit us in the Halls of Congress.

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

Mr. ROONEY of New York. I yield to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the gentleman from New York for yielding to me and giving me the privilege of joining him and my other colleagues in this tribute that we pay to the dear dean of this House and our beloved colleague, "MANNY" CELLER.

This House will not seem the same with "MANNY" CELLER's familiar figure not here. We have listened so many times to the measured cadence of his reasoned eloquence; we have so often been delighted as the shafts of his wit have flashed across this Chamber. Our minds have warmed to his wisdom and our hearts to his compassion so often. We will never forget that his character and his wisdom and his fidelity to his country are imprinted in constitutional amendments and in numerous acts of legislation that have come out of the Congress.

Every one of us who has had the privilege to serve with "MANNY" CELLER is his debtor, because by his example and by the warmth of his friendship and by the fidelity with which he pursued his high ideals, he has buoyed us all.

He leaves a record of statesmanship which will be the envy of every member of any parliamentary or congressional body, and he leaves a place in the affection of his colleagues which can never be filled.

So, Mr. Speaker, I think we can all say that it is stimulating and inspiring to revere the memory of so good and so great a man and especially to hear him, as we have been privileged to do this day, speak so movingly of the future while he reveres the past. Here is a man truly of the immortal spirit which never dies; nor shall his memory ever perish from the hearts of all of us who have known him.

As Shakespeare so well said, Mr. Speaker, "We shall not see his like again."

(Mr. McCLORY, at the request of Mr. ROONEY of New York, was given permission to extend his remarks at this point in the RECORD.)

Mr. McCLORY. Mr. Speaker, it is with a sense of sincere personal pride and emotion that I comment today on the service of our retiring Judiciary Committee chairman, the gentleman from New York, EMANUEL CELLER.

Since my election to the Judiciary Committee in 1965, I have had countless opportunities for private, personal as well as official contacts with "MANNY" CELLER. I have come to love and respect him as a man, as a lawyer, and as a lawmaker.

Mr. Speaker, above and beyond every other characteristic possessed by our distinguished colleague, "MANNY" CELLER embodies unequaled qualities of compassion and understanding. These are reflected in the legislative products of our Judiciary Committee—and of the Congress during his long years of service as well as in the personal attitudes which he has always displayed.

Congressman CELLER's overriding concern for his fellowman has carried him to positions of great leadership in support of the world's beleagured Jews, as well as in his authorship of legislation in behalf of all of our disadvantaged citizens. He has always been in the forefront of the battle for equal civil and human rights for all Americans. He also has championed the rights of citizens accused of offenses against society to as-

sure that they should not be denied a single protection provided by our Constitution and Bill of Rights.

Mr. Speaker, in a more personal vein let me say that Congressman CELLER always has accorded to me, as a minority member of the House Judiciary Committee, the full benefits of committee membership and all of the prerogatives and benefits that such membership includes. I was never denied authorship of any legislation or amendments which originated as a result of my own initiative—such as the so-called Monday holiday legislation, the amendment to the omnibus crime bill establishing the National Institute of Law Enforcement and Criminal Justice, and the recent jury reform measure to assure fair representation to minorities on Federal juries. On all of these measures in which I have indicated a particular interest I was given a free hand to serve as the measures' sponsor and to develop the reports in support of the proposals.

With respect to the calling of witnesses and the production of testimony on various issues coming before the Judiciary Committee, Congressman CELLER as chairman of the committee, was always cooperative to see that all aspects of the issues were fully explored and presented.

Mr. Speaker, while some would discriminate against Members of Congress on the basis of their age, there could never be any doubt of Congressman CELLER'S continuing intellectual strength and complete mental alertness as a septuagenarian and octogenarian. His keen wit and Solomon-like wisdom seemed to sharpen with the passing of the years to the delight of his admirers and the astonishment of his critics.

It is certain Congressman CELLER was inspired and encouraged by his late wife, Stella, and by his loving daughter.

Mr. Speaker, while I can recall only the past 10 years during which I have served in the House of Representatives, the close contacts that I have had during this period are sufficient for me to aver that in Congressman EMANUEL CELLER the Nation has witnessed one of the great lawmakers of all time.

My wife, Doris, joins me in wishing to our longtime friend Congressman EMANUEL CELLER many more active and productive as well as healthy and happy years in the next chapter of his eventful and exemplary life.

Mr. DENNIS. Will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, like other Members of this body, I have the most profound admiration for the honorable gentleman from New York, the chairman of the Committee on the Judiciary, Mr. EMANUEL CELLER.

I am very happy that my own brief service in this body of two terms has been on his committee and under his leadership of that committee.

One can disagree with Mr. CELLER—and I frequently have—but on all occasions I have met, as every member of that committee has always met, with the greatest consideration, courtesy, and fairness in that committee.

Under his chairmanship we discussed things as lawyers and as equals and in the manner, if I may say so, that gentlemen should, because the chairman is a gentleman of the old school.

Mr. Speaker, one thing that certainly can be said about the chairman is that he has made his mark, as has already been noted here this evening. Many of us who serve here in this body may serve long and well, but our service will be little noted nor long remembered; it may be full of sound and fury signifying nothing, as the poet said. But Mr. CELLER has left his name on the statute books and on the life of his Nation.

Mr. Speaker, another thing which is most pleasing to see about the chairman is the fact that at a great age he remains keen-minded and active and is looking forward in his retirement to a continued active existence at the bar and in the teaching of his profession.

He calls to my mind the beautiful lines of Tennyson in his poem entitled "Ulysses," where he says—

> Old age hath yet its honor and its dreams; some works of noble note may yet be done not unbecoming men who stroll with gods.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to me?

Mr. ROONEY of New York. I yield to the gentleman from Ohio at this time.

Mr. SEIBERLING. Mr. Speaker, many of us will remember the story about the famous Roman statesman Cato who at the close of his career was approached by some of his friends who asked permission to erect a monument to him. He declined the honor, and he said that he hoped future generations, when they asked where the monument to Cato was, would be told, "Look around you."

Mr. Speaker, many years before I became a Member of this House and when, indeed, I was simply a law student, I was already aware of the monuments that Mr. CELLER had left around him. After many years of practicing law, in which I dealt with his monumental legislation as a practicing attorney, when I came to this House I felt that there could be no greater service for me as a lawyer than to serve as a member of the Committee on the Judiciary, and through good fortune I became such a member.

It was then that for the first time in my career I became acquainted with Mr. CELLER the man.

To say that he is a person of great warmth and wit, lucidity of thinking, would be to state what is obvious to anyone who knows him, but the quality of personality and subleties of spirit cannot be but felt; they cannot be described with ease.

I often think if there is any one line in our literature which describes the quality of Mr. CELLER'S mind and character it is the words of the 16th century Elizabethan poet, Sir William Wotton, who, in a poem entitled "The Character of a Happy Life," started out this way:

> How happy is he born and taught,
> That serveth not another's will;
> Whose armour is his honest thought,
> And simple truth his utmost skill!

Simple truth, as we know, is not simple to achieve. The most simple truth, the essence in truth is something that only the greatest genius can distill. In the law, as in other professions, it requires a great genius to distill the essence of truth and put it into form that will last, and guide the ways of men. Such is the character of our great dean of this House, the gentleman from New York, Mr. CELLER.

One of the great honors of my career has been and will be that I served with EMANUEL CELLER on the Committee on the Judiciary.

I thank the gentleman from New York for yielding to me.

Mr. ROONEY of New York. I thank the distinguished gentleman from Ohio for his remarks.

Mr. VANIK. Mr. Speaker, with deep admiration, I rise with my other colleagues in this Chamber in saluting the dean of the House, the Honorable EMANUEL CELLER of New York.

"MANNY" CELLER has served in the House for 25 consecutive terms—50 years—half a century. He has served his country and the people of America for over a quarter of the lifetime of our Nation. His has been a truly remarkable dedication to the public interest.

As chairman of the House Judiciary Committee, he has always sought to develop the most painstakingly accurate legislation—compassionate legislation in accord with the Constitution which has guided our country and which has so obviously helped guide the gentleman from New York (Mr. CELLER).

We will all miss you, Mr. Chairman: You are the best trained lawyer, you are the highest skilled legislator, you are the finest gentleman in the House.

We cannot thank you enough for the guidance, advice, and aid that you have given each of us over the years—we can only wish you the very best in the years to come.

Mrs. MINK. Mr. Speaker, there are many Members of this House whose distinguished achievements fully entitle them to a proud place in the history of this great land. Yet it is remarkable that among these ranks of illustrious and talented personages, one figure towers high above all his peers.

That single person, of course, is our extremely capable and respected dean of the House, the Honorable EMANUEL CELLER of New York. "MANNY" CELLER has written a record of public service that will be impossible for his colleagues to duplicate. Indeed, he has fashioned a legacy of dedication and commitment that will stand as an ideal for all time.

When his half century of membership is coupled with the staggering breadth of his accomplishments, surely "MANNY" CELLER deserves our recognition as the foremost Representative in our history.

As chairman of the House Committee on the Judiciary, "MANNY" CELLER has occupied a key and crucial position in these eras of flux. In this capacity he has bestowed the benevolence of his judgment on a thankful citizenry. On occasions far too numerous to attempt to list, he has been called upon to lead, and in each instance he has performed brilliantly. Truly, he has brought unparalleled wisdom and judgment to the

handiwork of Congress, helping mightily to foster a law that is just, and a society that is noble.

"MANNY" CELLER has stood forthrightly for the weak and the underprivileged, never sanctioning the exploitation of the poor or the abuse of the unknowing. He has used his high position as a public trust, serving as a faithful and watchful servant of the common good. His steadfast devotion to principle, and tenacious resistance to special interest and privilege, have served to protect the most cherished rights of the people of this democratic Nation.

But his masterful occupancy of the position of chairman cannot in itself explain the awesome respect with which "MANNY" CELLER is viewed by all his colleagues. Instead, one has but to observe him in action as he expertly employs all the skills of the legislator's art. His sweeping knowledge of scores of subjects, commanding ability in debate, and shrewd parliamentary tacticianship, has justly earned him a reputation as a formidable adversary. Yet, he is a kind and generous friend, enjoying wide admiration among all members of all political persuasion.

We can be thankful for the privilege of serving in the same House with EMANUEL CELLER, for he has brought a unique measure of prestige to this body. He cannot be replaced, but I can only hope that others will strive to carry on the traditions he has set forth. I offer my sincere best wishes to "MANNY" CELLER for many more happy and productive years ahead.

Mr. BOLAND. Mr. Speaker, the distinguished and venerable dean of the House of Representatives, EMANUEL CELLER, is bringing to a close 50 years of brilliant and capable public service to our Nation and the State of New York.

Chairman CELLER has occupied a very special place in the legislative history of the House of Representatives. He has chaired the Judiciary Committee longer than any other man. He has been in the vanguard of legislative battles in the fields of antitrust, civil rights, and immigration. Domestic needs have always been first and foremost, and inequities in the law have been his recurrent target throughout his years of service.

I am privileged to have served with a man of Mr. CELLER's strong and articulate leadership. His integrity, candor and quick wit will be missed in the Halls of Congress.

Mr. MORGAN. Mr. Speaker, I never thought I would be in this House long enough to pay a farewell tribute to the distinguished gentleman from New York, EMANUEL CELLER. When I came to Congress in 1945, "MANNY" CELLER was already a national figure. And in the passing years his stature has increased to the point where he is now almost a national legend.

For a half century he has given of himself to serve not only his constituents but the citizens of this country. It is almost impossible to cite any piece of major legislation or any recent constitutional amendment where he has not been a principal participant. His powers of persuasion defy description; his analysis of intricate details of legislation has provided this House with a constant refresher course in law. Those of us not versed in the law have seen it stripped of legal verbiage and reduced to understandable language.

I have never heard "MANNY" CELLER debate with bitterness or pettiness. His speeches are larded with stories as fresh as the cigars he smokes. I know he smokes fresh cigars because he sometimes borrows them from me.

In recent years many have tried to write about this House not simply as an organization but as a living institution. But all have fallen short of the mark. I have one last request to make of my beloved and respected colleague—please turn your well-earned leisure hours to writing your memoirs of service in this body. Think of what "MANNY" could tell—the personalities who have graced this body, the history of our country through economic ups and downs, through wars and peace, the passing of old programs, and the starts of new programs. I can think of no other individual who can qualify for this assignment.

In leaving this House, "MANNY," you are leaving behind a host of Members who will always cherish their friendship with you. The best of everything to you as you embark upon a new era of your life.

Mr. FLOOD. Mr. Speaker, I am sure I accurately express the sentiments of the Members of the House of Representatives when I say I will greatly miss the wise counsel of Congressman CELLER upon his retirement after 50 years of distinguished service to his district, his State, and his country.

I feel it is also accurate to say that Congressman CELLER will be remembered as one of the most outstanding Members to serve in this body.

His role as chairman for many years of the House Judiciary Committee is notable in that much of the vital and far-reaching legislative enactments of this century were made under his leadership and his legislative skill.

I suggest that those interested in pursuing a law career or political science career would do well to study the brilliant career of "MANNY" CELLER. There is much worthwhile to learn from his service over a half century in the House. Few can match it or will ever match it.

The people of this Nation owe "MANNY" CELLER a debt of gratitude for his many years of service in the public interest. When the 93d Congress convenes in January the House will be the poorer because of the absence of our distinguished friend and colleague from the 10th District of New York, Chairman EMANUEL CELLER.

I shall miss him and I know all of you will too.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the gentleman from New York, EMANUEL CELLER, who is retiring from the Congress after a half century of dedicated public service in the House.

Congressman CELLER, whom we all have become accustomed to affectionately calling the dean of the House, has served longer as a U.S. Representative than any other Congressman except Representative Carl Vinson of Georgia, who served 2 months longer than EMANUEL CELLER will have served when he retires.

Congressman CELLER has made congressional history and set many precedents. For example, he has served longer as chairman of the Committee on the Judiciary—22 years—than anyone else in the history of the House.

Under his chairmanship the Judiciary Committee has sponsored more constitutional amendments adopted—four—than at any other period in history other than in the First Congress which approved the first 10 amendments, the Bill of Rights.

In addition, Chairman CELLER can justifiably claim credit for more than 400 bills that have been enacted into law through his sponsorship or support.

Judge CELLER has served in the Congress through some of the most critical times in our history—and he has served with distinction, dignity, and effectiveness. He is able, articulate, erudite, and effective and a skillful legislator. He has served his district, State, and Nation long and well and with distinction and fidelity.

The House will not be the same without "MANNY" CELLER, his wisdom, knowledge, experience, and wry wit. It is recorded that on one occasion as he urged a witness to complete his testimony, "Like an Egyptian mummy," because he said, "we're pressed for time."

Repeating the words of Britain's eminent Prime Minister Disraeli, which Chairman CELLER is noted for quoting—

He climbed a greasy pole to success.

Yes, we will miss Dean CELLER—but we appreciate his invaluable contributions to the legislative and constitutional history of our Nation—and we wish him the very best of good luck and success as he enters a richly deserved retirement.

Mr. PODELL. Mr. Speaker, when the 93d Congress convenes in January, it will be meeting for the first time in 50 years without the presence of Representative EMANUEL CELLER of New York's 10th Congressional District. The dean of the House of Representatives, my colleague, mentor, and friend will have given up his seat in the House to take up other pursuits with the same vigor and dedication he gave here for the last half century.

When the Dean CELLER announced his decision not to pursue reelection, it was as Edmund Burke said:

An event has happened, upon which it is difficult to speak, but impossible to remain silent.

And so I join with my colleagues today in acknowledging the leadership and friendship of a great public servant and a great man.

The length and the breadth of Mr. CELLER's almost unparalleled accomplishments as a representative of the people are spread on this record today, and one of them would be cherished by most men as the achievement of a life-

time. His constitutional amendments, and much of what he did and said shaped our life and our times.

He discharged the great trust placed on him by high office with ability, dedication and responsibility the task demanded. In times of crisis, he brought the people together. In time of confusion and turmoil he brought patience and wisdom and understanding. During his half century stewardship of the public trust he has become known and loved for what he has built, not what he has destroyed. Generations of our Members have sought his counsel, which he gave freely and honestly.

The Congress, and the Nation too, is a better place for "MANNY" CELLER having passed this way. Still strong for service, with a mind sharpened by years of legislative battles, he takes his talent, and experience, and wisdom to other tasks.

I hope these new interests, Chairman CELLER, will not be so far away as to place your knowledge and experience beyond the reach of young Members of Congress.

We have much to learn, and you can teach us.

Mr. BRASCO. Mr. Speaker, periodically a society which claims to be democratic produces institutions that reflect the freedoms it claims to offer its citizens.

This House is one such institution. It not only embodies the ideals of our country, but reflects the unique makeup of our population.

This House has periodically reflected the success or failure of American life and America's promise by the men it sends here and the way they perform its functions. From time to time, a person appears in this House who reflects the best of the American immigrant tradition, the finest elements of the American democratic tradition, and epitomizes all that is good about this House as a people.

One such man is EMANUEL CELLER, dean of the House, chairman of the House Judiciary Committee, and a great American.

He has come to epitomize the democratic tradition of his body in his long years of service to his constituents, his city and our country. He has prevailed against the winds of reaction, when they have sought to demolish the structure of democracy.

His voice has always been raised on behalf of the voiceless and the dispossessed. He is perhaps, and quite probably, the most outstanding Jew ever to have honored his people by service in this House. Hundreds of thousands of his coreligionists live free lives today because of the life he has led. Israel as well as America joins in paying tribute to this man who has always given of himself in the name of all the causes that are fine and good.

Mr. SIKES. Mr. Speaker, for half a century EMANUEL CELLER of New York has been a fixture in the Congress of the United States. For much of that time he has been a tower of strength. Now in the final days of his service in Congress, it is highly appropriate that those who served with him express our very best wishes for a full and happy retirement. Few men in history have served their country for so long or in positions of such high responsibility. Mr. CELLER has seen our country through depressions, wars, tensions and periods of national crisis as well as periods of growth and prosperity. He saw us emerge from the roaring 20's and now he sees us in the sizzling 1970's. In each of these years the name of "MANNY" CELLER was recognized and respected.

Nine Presidents have known EMANUEL CELLER as a man of deep conviction and personal strength. While some may not have agreed with him, no one ever had to question exactly where Chairman CELLER stood on any issue.

It was on November 7, 1922, that the name of CELLER first appeared on the New York ballot as a candidate for Congress. It has appeared there every 2 years since. The people returned him to office for a record 24 times to carry forward the ideas and programs for which he now has become a legend. Talented and witty, he is a most engaging friend or adversary, and a warm friend.

As chairman of the House Judiciary Committee, no man in this century has had a greater impact on the courts of our land. EMANUEL CELLER always strove for a judicial system which would carry forward the constitutional mandate of the separation of powers.

With his departure from the congressional Halls, this great American will take his place among the select list of men and women who truly have devoted their entire lives to public service. The Congress will not be the same without him.

I wish him peace and happiness in his retirement.

As chairman of the Judiciary Committee, he has come to embody the fair use of power, shying away from the abuse which so many have found to be convenient, once they obtain it. Again and again, the voices of darkness have cried out for hasty action against unpopular causes. Knowing full well that such acquiescence would demean freedom and liberty, Chairman CELLER has resisted courageously these people and their importunings.

In every case, history and events have vindicated his judgment.

The State and city of New York, particularly the Borough of Brooklyn, of which I have the honor to represent a portion, owe him more than words can describe. Over the years he has placed his constituent first, to their benefit and to his honor.

If ever there has been living proof of the concept and belief that opening America's doors to immigrants of other shores would redound to democracy's benefit, it is the life and public service of EMANUEL CELLER.

Therefore, it gives me enormous personal pleasure to join in honoring him today for what he has done in effect for all of us. This House shall be much the poorer because of his retirement from public life. His judgment, intellect, knowledge and wisdom will be sorely missed in the times to come. And also let history note that few men have left this House a greater legacy of warmth, compassion, humor, and life.

Mr. HANLEY. Mr. Speaker, any praise we offer today to the Honorable EMANUEL CELLER, no matter how lavish, will certainly be understatement. One day is not enough to even run down the amazing list of legislative accomplishments this man has to his credit. One day would not be enough to mention all of the times over the years he has championed humanitarian causes and come to the defense of the Constitution. One day would not be enough to speak of his personal warmth, or of the expertise and good humor he brought to the House. One day is not enough, but we are forced to make it so.

I take particular pride in Mr. CELLER's accomplishments because of the fact that he is a native of my home State. I suppose this is a bit unfair, but you must realize that the chairman has been a beloved figure for years in New York. He has looked after the interests of his people well, and he is accorded the admiration and respect of a great leader. Indeed, he has been a shining example that more than one man has tried to follow.

He has served this Nation splendidly for 50 years. Years of the most rapid and far-reaching change man has ever known. He has helped form some of the great things that are America today, and we all owe him a great debt. His impeccable integrity and judgment has saved this Nation from many a foolish law, and has produced dozens and dozens of great ones. I think it would be safe to say that this man has produced more legislation, and presided over more legislation, than any man of this decade. No man in this room can come close to "MANNY" CELLER's record of service.

One of the most amazing things about this gentleman is that he never lost his sense of balance, although one of the most powerful men in Washington. He was always warm and friendly, and willing to help out a new Member. In his seat of power, he never lost sight of the powerless. In fact, he devoted his career to the proposition that all Americans, no matter of their origins, religion or race, were equal before the law, and as chairman of the House Judiciary Committee, he never let his colleagues forget it. He has been privy to generations of top-level decisions and adviser to Presidents, but perhaps more importantly, he has been the best friend the common man has ever had in these Halls.

"MANNY" CELLER's dedication to his Nation and his abiding belief in the individual rights of the citizen will long be remembered. We all owe him a great debt, and I am truly sad to see him retire. I think he can rightly be called one of the greats of our century.

Mr. ZABLOCKI. Mr. Speaker, I am glad to join with my colleagues in expressing admiration for MANNY CELLER and appreciation for his long and distinguished service in the House and one of the greats of our century.

I came to the House of Representatives in 1949 and sometimes think of myself as

an "old timer," but at that time our colleague had a quarter of a century of service in the House and had attained a position of distinction and leadership.

It is particularly impressive that it was many years later that he became recognized nationally and internationally for his courageous and skillful leadership in the enactment of our civil rights legislation. No one can praise too highly his fight for civil rights. The people of the Nation are in his debt.

One cannot, however, overlook the fact that as a member of the Committee on the Judiciary and for many years the chairman of that committee, he has made an outstanding contribution in dealing with matters other than civil rights.

The House has come to depend on his knowledge of the law and his wisdom derived from long experience. We will all miss him.

Certainly, MANNY CELLER deserves an opportunity to lay aside the burdens and responsibilities he has borne so long, and to take advantage of the leisure which has so long been denied him.

I know of no one who can take greater pride in his accomplishments or who is held in greater esteem by his colleagues.

I want to thank him for what he has done and assure him of my best wishes for the leisure years ahead.

Mrs. HICKS of Massachusetts. Mr. Speaker, a distinguished colleague and dear friend of many of us—the Honorable EMANUEL CELLER of New York—will not be back with us next year. He has announced that he will retire from the Congress at the end of this session.

"MANNY" CELLER, as he is well-known to many of us, is 84 years young, and has served longer in the House of Representatives than anyone else except former Representative Carl Vinsen. He has served longer as chairman of the House Judiciary Committee than anyone else, 22 years of dedicated service on that prestigious body.

He has often been called "the champion of the underdog," and when we recall the many and various causes he has taken it upon himself to speak out for it is understandable that he would be so honored. Perhaps his greatest satisfaction has been the leading part he played in getting civil rights bills and constitutional amendments to a vote; indeed, he has had more to do with developing constitutional amendments than any other man in the House.

We know just how serious a matter is the constant pressure of events, the constant clamor of the legislative mill—so it has been good to have had "MANNY" CELLER with us, with his quick wit and ready quip. It has been reported that he has used a favorite saying of Britain's Disraeli to help him through some of the rough and tumble of the congressional life:

Ever be armed with the breastplate of good humor.

MANNY CELLER has been well armed, indeed, and we will miss him as we go about our way on the Hill. His is a familiar face and voice, and after so many years in the Congress we trust that his years in retirement will be both long and pleasant.

Mr. ADDABBO. Mr. Speaker, I do not believe words can do justice to the career of the distinguished dean of the House of Representatives, the Honorable EMANUEL CELLER. This tribute to our respected and beloved colleague from New York is one which comes from the hearts of the Members of this body for we have had the honor of working with him on many historic bills. In the past 50 years, he has shaped literally thousands of important bills and left his mark on the history of our Nation.

The records of history will be filled with accounts of his leadership in civil rights legislation, antitrust legislation, immigration reform legislation, law-enforcement legislation, and so many other vitally important measures. His speeches to this House on behalf of those bills, brilliant and so logical, will be read by students and future Members of the Congress.

It will be more difficult for history to capture the truly interesting and memorable side of this gentleman's character and career. His statesmanship as a legislator, his kindness and compassion as a human being, and his charm, wit, and quick mind are the qualities about "MANNY" which we will miss. He has been a tower of strength to the members of the New York congressional delegation as well as to the entire House. That is why this special tribute to Chairman CELLER is so significant.

As chairman of the House Judiciary Committee, Congressman CELLER compiled a record of achievement beyond the dreams of most legislators.

He has placed his personal touch on so many bills. He has met with and advised Presidents, having served under all since President Warren Harding. He has touched the lives of thousands of high Washington officials, including Supreme Court Justices and Ambassadors, but he has also had an impact on the lives of the average American—the immigrant, the worker, the minority group member, and the businessman.

There have been many occasions during my 12 years in the House of Representatives when I have turned to MANNY CELLER for guidance. His advice has always been sound and wise. I know that my colleagues have done the same and because I am proud to count him as a personal friend, I hope that relationship will continue in the years ahead.

As our good friend and leader returns to his home in Brooklyn, I join with my colleagues in wishing MANNY CELLER good health and happiness in his future endeavors. He certainly deserves the appreciation and the tribute which this House is expressing to him today.

Mr. KEMP. Mr. Speaker, I am honored to take part in this tribute to a great American. For the past 50 years, EMANUEL CELLER has been a distinguished Member of Congress. Only one other Congressman, Representative Carl Vinson of Georgia, has exceeded Congressman CELLER's years of service and that only by a scant 2 months or so.

In the course of his 50 years of service, EMANUEL CELLER has acquired a great deal of stature. As chairman or ranking minority member of the House Judiciary Committee since 1949, Congressman CELLER has had a hand in shaping almost all important legislation to come before Congress in the past two decades.

It is to his everlasting credit, however, that he has never forgotten the dictum of Benjamin Disraeli when that great British statesman said:

That all power is a trust, that we are accountable for its exercise; that, from the people, and for the people, all (power) springs, and all must exist.

EMANUEL CELLER has always used the power he possessed for the good of the people. His record as a civil rights advocate has seldom been equaled. He was largely responsible for the Civil Rights Act of 1957, the first comprehensive act in 82 years. His efforts were instrumental in the passage of the 1960 School and Voting Rights Acts, and the 1964 public accommodation law. Virtually every subsequent civil rights act has carried his active endorsement.

Civil rights bills are, of course, only one area of concern to Congressman CELLER. More than 300 public laws bear his name. This is something of a record even for a long-termed Congressman. His ability to guide a bill through the House to passage is legend. Constitutional amendments have also benefited from his great skill at obtaining a consensus of support. It is a rare opportunity for a Congressman to be able to offer an amendment to the Constitution. EMANUEL CELLER in his 50 years as Congressman has been largely responsible for the passage of more constitutional amendments than any other man with the exception of James Madison who introduced the resolution which became the Bill of Rights.

Congressman CELLER's amendments eliminated poll taxes, gave District of Columbia residents the right to vote for President and set up machinery to run the Government in case of Presidential disability. His backing of 18-year-old voting rights was also instrumental in gaining passage for the 26th amendment.

This impressive legislative record is only one aspect of Congressman CELLER's contribution to the well-being of the American people. As chairman of the Judiciary's Antitrust Subcommittee, Congressman CELLER has exposed antitrust violations which worked to the detriment of the consumer. His unrelenting investigations showed no favorites, hitting such varied industries as steel, newsprint, sports, and television. Undoubtedly, his investigations have helped to encourage compliance with the spirit of antitrust laws.

For the past half century, EMANUEL CELLER has been a force for progress in this country. When he first entered Congress in March 1923, EMANUEL CELLER'S distinctly progressive ideas were something of a novelty. Over the years he has worked diligently to obtain legislative approval of many innovative ideas. It is to his credit that he has succeeded to such an admirable extent.

Future historians, I am sure, will mark the years of his service in the Congress

as a landmark era in American history. EMANUEL CELLER helped to shape the events of those years to a very great extent. The impact of his leadership will be felt for many years to come. His place in the hall of the congressional greats is assured. No greater memorial could be made to a man's lifetime of service. We all will miss our good friend.

Mr. Speaker, I am including at this time for the information of my colleagues a newspaper article from the October 8, 1972, issue of the Buffalo, N.Y., Courier Express:

CELLER PROUD OF RIGHTS LAWS

(By William B. Dickinson, Jr.)

WASHINGTON—Rep. Emanuel Celler, 84-year-old dean of the House and chairman of its Judiciary Committee, thinks the nation has enough civil rights laws on the books for the time being but favors stronger legislation to protect individual privacy. The New York Democrat covered these and other topics in a wide-ranging interview with Congressional Quarterly in the closing days of his long career in Congress.

Celler has served in the House since 1923, longer than any other members in its history except Rep. Carl Vinson, D-Ga., who servd from 1914 to 1965. Celler was defeated in the New York State primary in June by Elizabeth Holtzman, 30, a liberal attorney. Celler's age and his continuing law practice were principal issues in that contest.

Th scrappy Celler said, however, that he would "kick the hell out of any man who tells me I must retire because of my age," adding: "I carry on just as well, I hope and I think, now as I did 20 years ago," Slightly hard of hearing and slow of gait, Celler nevertheless projected the personality of a man of unimpaired mental capacity.

DEFENDS RULES

Celler said he planned to continue his law practice with "greater vigilance than heretofore," and to conduct seminars at a new law school in New York to be called Emauel Celler Law School. The congressman defended House rules which permit members of Congress to carry on outside business activities.

"I think you must give consideration to the individual as well as to the institution," he said. "If you have a man cut himself off from his profession or from his calling, then you are going to have a situation where only the scions of great wealth become members of the House or the Senate. You wouldn't want that."

Looking back over his long career in Congress, Celler said he was very proud to have been the author and to have floor-managed through the House all the civil rights bills from 1957 to 1970. But he said it was necessary to "digest those civil rights and see what the results will be" before considering more legislation in the field.

RAPS WIRE TAPS

His worst disappointment, he said, was the passage of legislation permitting wire tapping under certain circumstances. New legislation is required, he added, to prevent repetition of the Watergate bugging case.

"Such happenings," he declared, "are quite revolting and make for the discomfiture of many, and is undoubtedly against the welfare of the nation."

In other points made during the interview, Celler said:

President Franklin D. Roosevelt was the most effective president in his relations with Congress, with President Lyndon B. Johnson also effective. Least effective of those he has known were Warren G. Harding and Calvin P. Coolidge. President Nixon is "very able, very skillful, but quite political" and has "grown considerably with the responsibility of his office."

LEADERS NOT AS STRONG

The current leadership of the House and Senate is "not weak, but is not as strong as it was when Sam Rayburn and Lyndon Johnson were in control. It is better to have the reins in the hands of those who have the ability and the strength of mind to properly use those reins to steer the Congress in proper directions."

The seniority system remains "the least objectionable of all systems for elevation of men to chairmanships." During the period when Speaker Joe Cannon was naming chairmen, only sycophants got the jobs and "frankly you couldn't spit without the consent of the speaker." During the period when chairmen were elected by members of the committees, log-rolling occurred. "Every method has been tried and discarded. Every method was objectionable."

WILL MISS HILL

Celler discounted charges that public confidence had declined.

"Public confidence in Congress has never been high," he stated. "Congress throughout its whole history cannot be too far ahead of the constituents, and if the constituents are indecisive, disunited and in conflict, this will be reflected in the Congress. . . . Well, Congress is not responsible for all the ills. The individual himself may have contributed a great deal to those very ills."

Celler was philosophical about his own impending departure from Capitol Hill after 50 years, though conceding he will "sorely miss being here." He remains optimistic about the future of representative government in the United States, declaring:

"In this country we select representatives who determine what taxes we shall be burdened with, and how those taxes when gathered shall be spent. I think that bodes well for the future of the nation."

Mr. CORMAN. Mr. Speaker, I am privileged today to pay tribute to the Honorable EMANUEL CELLER of New York's 10th District. Yet in doing so, I am obliged to add a note of deep regret because of the impending retirement of this remarkable man from our midst. He shall indeed be missed.

No one in Congress has served as long as "MANNY CELLER," and no one has worked any harder. His committee has handled more legislation under his chairmanship over the past 24 years than any other committee in Congress. More than 300 public bills bear his name—a record unsurpassed in congressional history. As author of three constitutional amendments—the 23d, 24th, and 25th—he ranks second only to one other Congressman of record—the esteemed Thomas Jefferson. His three amendments eliminated the poll tax, provided the right to vote in Federal elections to residents of the District of Columbia, and established machinery to run the Government in the case of Presidential disability.

As a leader of the liberal forces in the House of Representatives, MANNY CELLER waged mighty battles, in behalf of antitrust legislation, civil rights, and the rights and prerogatives of the U.S. Supreme Court—all of which have been subjected to attack of the more strenuous nature year in and year out, since he came to the Congress in 1923.

One of the rare privileges that has ever been given to me was my 6 years' service on the Judiciary Committee when, under Chairman CELLER's strong leadership and through his enormous courage, commitment, and determination, legislation to give black Americans equal protection of the Bill of Rights began its journey through Congress—all of it finally to be signed into law. In time to come, when men and women write the history of the years that the conscience of America was awakened and we began the long trek toward moving this Nation away from the degrading discrimination and segregation that for almost 200 years have characterized much of American life, EMANUEL CELLER's name will fill those pages, and the battles he fought and won in the House of Representatives in behalf of civil rights will become legend.

The Congress of the United States is a stronger and more effective institution for democracy, and this country is a better place for all Americans, because of his service in this House.

I am proud to know MANNY CELLER, to have served with him in the Congress, and I am proud that as a former member of his committee I shared in a small way in the many contributions he made to this country.

MANNY CELLER has earned our profound respect and gratitude, and I extend to him my deep affection and wish him many rewarding years of his richly deserved retirement.

Mr. ANNUNZIO. Mr. Speaker, no one in our time has had a greater impact on the laws of our land than EMANUEL CELLER, retiring this year after 50 years of service in the House and 22 years as chairman of the House Judiciary Committee.

He has served under 9 Presidents and presided over the passage of 400 laws, including such landmark legislation as abolition of the national-origins formula in the immigration law, the Celler-Kefauver Antimonopoly Act, and four amendments to the Constitution—Presidential disability, Presidential vote for the District of Columbia, the antipoll tax, and the 18-year-old vote.

First elected to Congress in 1922 and representing his home district of Brooklyn ever since, EMANUEL CELLER has brought his tremendous vigor, wit, and wisdom to bear on all the monumental issues and events of the last half century—the depression and New Deal of the 1930's, the rise of fascism and World War II, the cold war, and the Korean war, Vietnam, immigration law reform, and the breakup of harmful monopolies.

Through it all, he has retained that precious quality of youth, the ability to see and the courage to act upon needed change. As he once put it himself,

> To be a successful Congressman, one must have the friendliness of a child, the enthusiasm of a teenager, the assurance of a college boy, the diplomacy of a wayward husband, the curiosity of a cat, and the good humor of an idiot.

No one has been more successful than EMANUEL CELLER, so perhaps that statement deserves to be taken more seriously even than he intended.

The Congress will not be the same without EMANUEL CELLER, and all of us,

his many, many friends, colleagues, and admirers, will miss him.

It has been a great honor and privilege for me to be able to know him and work with him, and I am proud to be able to join the House in paying tribute to one of the greatest men of our century. Congratulations, Mr. CELLER, and best wishes for the future.

Mr. VAN DEERLIN. Mr. Speaker, it is never pleasant, saying farewell to a friend, especially to one as eminent as our colleague, "MANNY" CELLER.

Mr. CELLER has been in Congress 50 years—since before many of us were born. He graduated from law school 60 years ago, was first named a delegate to the New York State Democratic Convention 50 years ago and began service as a platform committeeman for the Democratic National Committee 30 years ago.

How the world has changed during this long and outstanding career. And Mr. CELLER had a direct hand in so much of that change, particularly in advancing and refining our notions of human rights and civil liberties.

I doubt the historic civil rights laws of the 1960's could have been enacted without the leadership of Congressman CELLER. And more recently our distinguished colleague labored valiantly on the floor in opposition to antibusing legislation which many of us considered both unwise and unconstitutional. His spirited performance in such debates belied the 84 years attributed to him in the official biographies.

Few of us will be able to wear our years as lightly and as well as Mr. CELLER.

And even fewer can match his monumental contributions to mankind.

Mr. BINGHAM. Mr. Speaker, in order to do justice to the career of EMANUEL CELLER in the House of Representatives, one should really write a book, and not make a short statement on the floor of the House. I hope that during the coming years at least part of Chairman CELLER's energies will be devoted to seeing to it that such a book is written, whether he or someone else is the author.

I doubt if anyone could quarrel with the statement that EMANUEL CELLER, of Brooklyn, has been responsible for more major legislation during the past half century than any other Member of the House or Senate. Indeed, it seems probable that such a statement would be true even if the field is extended to cover all of those who ever served in the House or the Senate. Such names as Daniel Webster and Henry Clay are well known to every schoolchild, but how many of us can cite major legislative advances that were attributable to their leadership?

One has only to think of the great Voting Rights Act of 1965, which bore Mr. CELLER's name, to realize the scale of his achievements. I personally am proud that I was a Member of the House when that bill was enacted, and that an idea of mine found its way into the law, thanks to the receptiveness and follow-through of Mr. CELLER. This was a proposal to extend the coverage of the bill to the election of party officers, such as delegates to national conventions; when I mentioned the idea during the committee consideration of the bill, Mr. CELLER promptly accepted it and saw to it that that bill as originally introduced was amended accordingly.

Unique as Chairman CELLER's achievements as a legislator may be, many of us in the House, and especially those of us on the New York delegation, will think of "MANNIE" CELLER first of all as a wonderful human being for whom we feel the deepest affection. In his dealings with other Members, again especially those of his own party from New York State, he was always kind and considerate and willing to take time from his extraordinarily heavy burden of congressional obligations to give wise counsel or otherwise be helpful.

Those of us who have served with "MANNIE" on the New York delegation will always look upon him as our dean, and we hope that for many years to come he will still take part in our deliberations.

The House of Representatives will not be the same without Chairman CELLER. We will miss his words of wisdom and his leadership, we will miss his endless fund of appropriate anecdotes and we will miss his good companionship.

Our one consolation is that our friend and good counselor plans to spend a good part of his time in Washington, and we will look forward to seeing him frequently and for many years to come on Capitol Hill. So, as he completes 50 years of service in the House of Representatives, we salute him as a great American and wish him many productive and happy years as our friend.

Mr. RAILSBACK. Mr. Speaker, it is indeed a pleasure to join in this well-deserved tribute to EMANUEL CELLER. He has served longer in the House of Representatives than any other man except former Representative Carl Vinson, and is one of our most distinguished Members.

Our colleague was born in Brooklyn, N.Y., graduated from Columbia College and Columbia University Law School, practiced law for 10 years, and was elected to the 68th Congress in November of 1922. He soon established a reputation as a crusader, a fighter for social legislation, and as a man who could say, as he did in that first year when he was elected, "It's time for change."

When I entered the House of Representatives as a freshman in the 90th session, I quickly became aware of the fact that EMANUEL CELLER was a man held in high regard by all Members. I have had the privilege to serve on the House Judiciary Committee under his able and judicious chairmanship, and the opportunity to observe his efforts first-hand have easily enabled me to understand that regard. I have come to greatly admire and respect his integrity and dedication. Mr. CELLER has always sought to make this a better, more equitable America for people of all races and backgrounds. He has been chairman of the powerful Judiciary Committee since 1949—and it is noteworthy that the Civil Rights Acts of 1957, 1960, and 1964 bear his name, and that the Civil Rights Act of 1957 was the first of its kind in some 82 years.

Congressman CELLER was once reported to have made the observation that:

To be a successful Congressman, one must have the friendliness of a child, the enthusiasm of a teen-ager, the assurance of a college boy, the diplomacy of a wayward husband, the curiosity of a cat, and the good humor of an idiot.

EMANUEL CELLER has combined rare good humor with equally rare wisdom—and togther this combination has enabled his committee to move this great Nation ahead on the long, and sometimes difficult, road towards a more representative and just democracy. He co-authored four constitutional amendments—the 23d, the 24th, the 25th, and the 26th. These four amendments eliminated poll taxes, gave the District of Columbia residents the right to vote for President, set up machinery to run the Government in case of presidential disability, and gave the right to vote to 18-year-old citizens. As he once said of these amendments,

Only Thomas Jefferson authored more Constitutional amendments.

There are at least 400 laws that EMANUEL CELLER can properly claim as having his personal imprint upon them, including 6 major civil rights bills, the Celler-Kefauver Antimonopoly Act, the abolition of the national origins formula in the immigration laws, and the 4 amendments now part of the Constitution.

With such a record it is no wonder that those of us who have sat on the House Judiciary Committee have come to have a deep and abiding respect for this man who is a symbol of integrity, perseverance, and plain hard work. We will all miss EMANUEL CELLER when the Congress convenes in January of 1973, but his accumulated acts, wisdom, and day-to-day conduct will long be remembered.

I consider it a proud and enabling experience to have known and served beside him. I wish him well in the years ahead.

Mr. MANN. Mr. Speaker, in joining in this tribute to our retiring dean of the House, the Honorable EMANUEL CELLER of New York, who is closing 50 years of congressional service, I should like to add a few personal words of thanks.

Since my election in 1968, it has been my privilege to serve on the House Judiciary Committee under the leadership of Chairman CELLER. I have very much enjoyed and benefited from this association and I am especially appreciative of the opportunity, encouragement, and cooperation which the chairman so freely offered.

It has been an honor to work closely with this outstanding jurist, whose legacy to the American people includes landmark legislation in the fields of civil rights, antitrust, and immigration. The chairman can also be proud of his role in the passage of four amendments to the Constitution which abolished the poll tax, provided for the election of a Delegate to the House from the District of Columbia, established a procedure for presidential disability and succession

and opened the voting booth to young citizens.

It would be futile to try to inventory each of Chairman CELLER's legislative contributions. Suffice to say they are impressive in volume and more impressive in importance to our country. Chairman CELLER served during tumultuous times and rose to every challenge. His achievements are many.

He will be missed by all those who have known and associated with him, but he leaves with our best wishes for his continued success and happiness and with my gratitude. I know that his service to his fellow man is not ended.

Mr. DORN. Mr. Speaker, it will always be to me a very fond reminiscence when I first met 25 years ago the distinguished gentleman from New York (Mr. CELLER). I was impressed with his cordiality, graciousness and charm. As a freshman Member 30 years of age, fresh from the battlefield of Europe, it was encouraging and refreshing to be so warmly greeted by one of the greatest and most erudite and distinguished Members of all time. We greatly benefited from his counsel, judgment and example.

Mr. Speaker, I have appeared many times before his great Committee on the Judiciary, so ably presided over by the beloved chairman. He always treated me with the utmost courtesy and respect. In the early days, differing sharply with the chairman on much legislation, I sometimes feared that my viewpoint might not be accorded a fair hearing. But the contrary was always true. Equally fair was the chairman on the floor as he led some of the great House debates and discussions of our time. Then, as years passed, I found myself more often in agreement with the long-time Dean of the New York delegation, and the Dean of the House. Our paths crossed and then ran parallel on such great issues as amending the Constitution at the whim and fancy of every passing emotion of the day.

Chairman EMANUEL CELLER in his 50 years in the Congress without question rose to the heights and became one of the great leaders of all time. He earned a reputation of absolute integrity and unquestioned character, of uncompromising truth and incorruptible honesty. He dedicated his life to certain principles and adhered to those principles with great forthrightness, eloquence and devotion.

He literally rose from the sidewalks of New York to one of the most powerful positions in our representative Government. He won forever the respect and admiration of a grateful people the Nation over and indeed throughout the free world.

He was a champion of the underprivileged and the downtrodden, not only in this country but throughout the world. His devotion to Israel, that bulwark of freedom, is an example for all of us during these critical days through which we are passing.

Having served with EMANUEL CELLER and being aware of his loyalty, patriotism and love of country, I can testify tonight that this is a greater Congress and the American people are a better people because of his magnificent record of leadership. Our rights are more secure, and our Constitution better protected. Through the corridors of time future generations will rank this illustrious leader with the truly great leaders of all time in the history of the American Congress.

Mr. Speaker, we will miss "MANNY" here in the Congress but we will always cherish his love and affection for this body. Mrs. Dorn and my family join me and my constituents in wishing for Chairman CELLER continued success, every happiness, and best wishes always.

Mr. DONOHUE. Mr. Speaker, it is indeed a very high personal privilege for me to join with all the other Members of the House herein this heartfelt and eminently merited tribute to one of this Nation's all-time greatest legislative leaders and most distinguished public servants, the chairman of the House Judiciary Committee, Congressman EMANUEL CELLER of New York.

The exceptional legislative leadership and accomplishments of "MANNY" CELLER are unparalleled in the modern history of this House. No one has ever made a more effective legislative contribution than the man we honor this afternoon. During the course of "MANNY" CELLER's 50 years of distinguished legislative service to his country, years marked by an unwaivering example of the highest character and personal integrity, his progressive accomplishments have been indelibly inscribed in the annals of our national legislative history and they will forever stand as a proud and inspiring reflection of a great man serving and working in accord with the highest traditions of American patriotism, courage and idealism.

Since 1922, the acknowledged wisdom and dedication of EMANUEL CELLER have been inextricably associated with the origin and adoption of innumerable legislative measures designed to advance and improve the quality of ilfe for all the people of this Nation.

For 22 years, as the chairman of the House Judiciary Committee, EMANUEL CELLER has established an unexcelled record of legislative leadership and as a fellow committee member and chairman of the Subcommittee on Claims of the House Judiciary Committee, it has been my great privilege to share his friendship and to benefit from his experienced wisdom and guidance. During his committee chairmanship, he has presided over the processing and approval of four constitutional amendments—Presidential disability, Presidential vote for the District of Columbia, the antipoll tax and the 18-year-old vote—and these accomplishments shall surely be enshrined in the most glorious pages of this great Nation's legislative history. But that is not all that he has done.

EMANUEL CELLER is principally responsible for the enactment of some 400 public laws and some authorities feel that his most constructive efforts have been in the challenging legislative area of civil rights. Over the past 15 years, his remarkable record includes key leadership and guidance in the passage of six landmark bills in the field of civil rights, for the abolition of the national origins formula in the immigration law, and for the enactment of the famous Celler-Kefauver Antimonopoly Act.

Throughout his unique career, in both public and private life, Chairman CELLER has demonstrated the unswerving patriotic devotion and the unsurpassed competence in leadership which each of us, as elected representatives of the people, strive to achieve. The distinguished chairman, who has had the high privilege and distinction of sharing the confidence and earning the respect of nine Presidents of the United States, can truly be characterized as a great and profound American.

But he has endeared himself even more to those of us who are his colleagues because, through the years, he has proven himself to be a warm, generous, principled and compassionate human being with a genuine concern for each of us and for all his fellow men. Beyond the confines of this Chamber there are thousands of people in this District of Columbia, in his home State, throughout the Nation and around the world who hold "MANNY" CELLER in the highest esteem and affection because he has consistently provided them with a moving example of a good and decent and honorable man.

EMANUEL CELLER's congressional record speaks for itself and his legislative achievements here will forever reflect his strengthening contribution to the preservation and progress our our original political philosophy and traditions. He will always remain as an enlightening and guiding legend to all who will be ever privileged to come to this Chamber to legislatively serve the people of this country.

As he leaves this U.S. House of Representatives, at the end of this session, we salute him with our highest measure of gratitude, on behalf of all his fellow Americans, and I know we all join in wishing him continuing good health and happiness in all his future endeavors.

Mr. MONAGAN. Mr. Speaker, I am pleased to join all Members in paying tribute to the dean of the House of Representatives, the gentleman from New York, EMANUEL CELLER.

We would all agree that EMANUEL CELLER's accomplishments are unparalled in the history of the Congress. First seated in the 68th Congress on March 4, 1923, he has continuously represented what is now New York's 10th Congressional District for 50 years, and has served in the House for a longer period of time than any Representative in history save one. Except for two Republican years in 1953–54, he has been chairman of the House Judiciary Committee since 1949, for more years than any person in history.

EMANUEL CELLER's legislative record over this period of time has been unequalled in this body. He has sponsored four constitutional amendments, the 23d, the 24th, the 25th, and the 26th. He has authored over 350 pieces of legislation which are now public law. This list includes the Celler-Kefauver Antimerger Act of 1950, all civil rights bills since

1957, the Immigration and Nationality Act of 1965 which abolished the national origins system, and numerous measures for court and criminal law reform.

These accomplishments have now been documented and are a matter of history. What can never be properly documented is the enormous contribution which EMANUEL CELLER made to the House in terms of leadership. He was always looked to to show the way on questions of justice and civil rights. His guidance was instrumental in carrying on the traditions of liberty and freedom which are part of our heritage.

We who worked with EMANUEL CELLER know better than any the influence he exerted and the respect which he commanded. He will be sorely missed, not only by this body, but by a nation whose sense of justice has been preserved and enlarged through his efforts.

I join all Members in wishing EMANUEL CELLER the best, and thanking him for his inestimable contributions as a legislative leader, and for his good counsel and his assistance to me in his position of leadership.

Mr. BENNETT. Mr. Speaker, Chairman EMANUEL CELLER is indeed one of this Nation's greatest legislators of all time. It has been a great inspiration to me to watch his able and careful presentation of legislation to the House through the years I have served with him. He has left this Nation a legacy of truly important legislation. From a personal standpoint, even when we disagreed there was never any disagreeableness. He is always the perfect gentleman; and, more important, he is always a man of warm and far reaching friendship. For all of these things I feel very grateful and I wish him every happiness in his retirement.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order tonight on the Honorable EMANUEL CELLER.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

ANALYSIS OF ACTIONS OF THE UNITED NATIONS SEABEDS COMMITTEE

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

Mr. DOWNING. Mr. Speaker, the House Merchant Marine and Fisheries Committee, of which I am a member, represents a domestic constituency vitally concerned with the uses of the ocean and the evolution of domestic and international law to promote, protect, and regulate those uses. Merchant mariners, naval officers, fishermen—both coastal and distant-water—Coast Guardsmen, ocean miners, marine environmentalists, oceanographers, and many others look to this committee for promotion and protection of their interest in ocean affairs. It is with some concern, therefore, that the committee has undertaken the task of observing and analyzing the actions of the United Nations Seabeds Committee since that international body was created in 1967.

As a member of the Merchant Marine and Fisheries Committee's Subcommittee on Oceanography, I have watched the Seabeds Committee, in its 5-year life, continually expand its mandate, addressing itself to an ever-widening spectrum of ocean issues, while producing a paucity of results. It has successfully sponsored in the General Assembly a widely accepted* set of legal principles of a general nature to govern activities on the international seabed. On the other hand, it has also abused its mandate to promote the peaceful uses of that seabed by sponsoring a moratorium on those uses, an initiative which received minority support* from the membership of the General Assembly and no support from developed maritime States. This is the total work-product of the Seabeds Committee to date.

In the meantime, coastal fishermen in the United States are under increasing economic pressure caused by the activities of foreign factory fishing fleets operating in the once highly productive fisheries areas off our coasts. Our distant-water fleets are being subjected to regulation, fines, and military coercion up to 200 miles off the coasts of some of our neighbors to the south. Our military and merchant marine operators feel increasing concern regarding unimpeded transit through international straits which may, through the extension of territorial sea width, become subject to the arbitrary exercise of power by adjacent coastal States. Our ocean miners recognize the need for, and encourage the international formulation of, law to provide for the orderly development of seabed mineral resources. Our oceanographers note with concern the apparently irrational trend among coastal States to place regulatory restrictions on the acquisition of fundamental knowledge about the oceans and related subjects.

I have always been pleased with the general view of these domestic interests that solutions to these problems should be sought in the international community. I am not, however, surprised that the last 2 years have produced among these interests a sense of increasing skepticism that the United Nations Seabeds Committee is capable of producing these solutions in a timely manner or in a way that protects the interest of all States.

In 1970, Mr. Speaker, the 25th U.N. General Assembly decided to convene, in 1973, a Conference on the Law of the Sea to deal with these and other problems of ocean use. It bid the U.N. Seabeds Committee, which had been debating ocean issues since 1968, to form itself into a Conference Preparatory Committee and to organize and accomplish the necessary work to achieve that end. The General Assembly, at that time, reserved the right, at its 27th session, 1972, to postpone the Conference if the preparatory work was insufficient.

At this time, Mr. Speaker, I would like to analyze the preparatory work assumed by the Seabeds Committee, and its 2-year work-product. Realizing that there are two preparatory meetings to be held, I would then like to speculate on the possibilities of achieving a Conference in 1973, and on the possible outcomes if such a Conference is not achieved or turns out to be a mere organizational conference, camouflaging a continuation of preparatory work:

I. U.N. GENERAL ASSEMBLY MANDATE TO THE SEABEDS COMMITTEE

(G/A Res. 2750 C XXV, December 1970)

A. Prepare for 1973 Conference on Law of the Sea to consider the following subjects:

1. International seabed regime (including machinery).

2. Delimitation of the international seabed area.

3. Regimes of the high seas, continental shelf, territorial sea (including width and the question of international straits), contiguous zone, fisheries, marine environment. and scientific research.

B. Prepare a comprehensive list of subjects and issues (in accordance with A above) to be dealt with at the 1973 Conference, and draft treaty articles thereon.

II. SEABEDS COMMITTEE AGREEMENT ON ORGANIZATION OF WORK [G/A OFFICIAL RECORDS XXVI SUPPL. 21(A/8421)] 12 MARCH 1971

A. Plenary

Make recommendations to the General Assembly concerning:

Task status Sept. 30, 1972

Task No. 1: Precise delimitation of international seabed jurisdiction (delimitation of coastal state jurisdiction). Avoided.

Task No. 2: Peaceful uses of the international area. Avoided.

Task No. 3: Priority of subjects. Avoided.

B. Subcommittee I

Task No. 4: Draft treaty articles on the principles in Declaration of Principles (G/A Res. 2749 XXV, Dec., 1969). Begun.

Task No. 5: Draft treaty articles on the international regime of seabed and resources. Avoided.

Task No. 6: Draft treaty articles on the international machinery. Avoided.

C. Subcommittee II

Task No. 7: Prepare comprehensive list of subjects and issues.* Completed.

Task No. 8: Draft treaty articles on the regime of the high seas. Not begun.

Task No. 9: Draft treaty articles on the regime of the continental shelf. Not begun.

Task No. 10: Draft treaty articles on the regime of the territorial sea (including width and straits questions). Not begun.

Task No. 11: Draft treaty articles on the regime of the contiguous zones. Not begun.

Task No. 12: Draft treaty articles on fisheries and conservation of living resources. Not begun.

Task No. 13: Recommend precise definition of area to Plenary (by agreement dated 27 Aug. 1971 at 66th meeting of Seabeds Committee). Avoided.

*The votes:

Principles: For 108; against 0; abstain 14; absent 4; total 126.

Moratorium: For 62; against 28; abstain 28; absent 8; total 126.

*NOTE. The drafting of treaty articles could have preceded completion of the list. In point of fact it did not, in spite of the dilatory manner in which production of the list was handled.

D. Subcommittee III.

Task No. 14: Draft treaty articles on preservation of the marine environment. Neglected.

Task No. 15: Draft treaty articles on scientific research. Not begun.

Thus, a review of the current status of these tasks reveals the following tally of accomplishment, after 2 years of preparatory work following 3 years of general debate:

One task completed (the list).

One task partially completed—drafting of "bracketed" treaty tests on some of the 1970 general principles.

Thirteen tasks which have not yet entered the drafting stage although the subject matter has been exhaustively debated.

It is revealing that, in an organizational structure wherein all three subcommittees are subcommittees of the whole, the two tasks which are the committee's sole claim to progress were produced by working groups formed of reduced numbers of states. In my views, the use which is made of working groups in future work of the Seabeds Committee will be a good indicator of the commitment of its member states to further progress toward a Law of the Sea Convention.

Mr. Speaker, this record is dismayingly grim. In the view of some of the U.N. participants at the July–August 1972 Geneva meetings just concluded, it is fatal. Peru, on the 14th of August in Geneva, recommended that the 1972 General Assembly should take action to reconvene the preparatory work and leave it to the 1973 General Assembly to convene a Conference in 1974—or later. France doubted that sufficient work had been done to convince the 1972 General Assembly that a Conference was ripe. Turkey, on August 11, predicted delay. Dr. Pardo of Malta, the original proponent of the Seabeds Committee, called on August 10 for its abolishment and replacement with an ad hoc working committee, characterizing the Seabeds Committee as the "U.N. Committee for the Partition of Ocean Space for the Benefit of the Coastal States." China, on August 17, amid ponderous language concerning "superpower hegemony," pronounced doubt about the timeliness of a Conference in 1973.

There is little foundation for surprise that the confidence of ocean users is waning in the ability of the U.N. Seabeds Committee to achieve timely solutions to the broad range of problems it has undertaken to negotiate. Perhaps it is time that states with ocean use capability begin to look for other bilateral and multilateral means to solve specific ocean issues of major importance to them.

Of immediate concern to the House Merchant Marine and Fisheries Committee is the progress of a bill before that committee: H.R. 13904, the Deep Seabed Hard Mineral Resources Act. This bill, cosponsored by 17 members of the committee, seeks to promote the orderly development of hard mineral resources of the deep seabed in the interim period prior to U.S. ratification of a new Law of the Sea Convention concerning these resources. This interim legislation would permit domestic miners, ship designers, engineers, and chemists to continue to apply their energy, capability, and capital to potentially beneficial marine projects such as the mining of manganese nodules from the deep seabed.

Hearings were held on this legislation before the committee's Subcommittee on Oceanography on May 12 and 16, 1972, and were concluded before that subcommittee recently on September 26, 1972. A wide range of witnesses were heard from industry and academia. The administration, at first, did not participate, citing, by letter dated May 19, 1972, its wish to preserve its negotiating options until fall 1972, without stating a position on H.R. 13904. It promised the subcommittee that, in the meantime, it would consult with other nations, industry, and other concerned parties on the matter, and would report to this subcommittee in the fall. In doing so, Mr. Stevenson, the Chief Delegate to the U.N. Seabeds Committee, noted the lack of progress of that Committee but stated that if the conference were to be held on schedule, there would appear to be reasonable prospects for achieving timely multilateral agreement.

Mr. Stevenson returned to the subcommittee on September 26, 1972, to brief us on the progress of the U.N. Committee meeting in Geneva at which time he responded to H.R. 13904. His testimony indicated that an administrative position on H.R. 13904—and its Senate counterpart, S. 2801—will be forthcoming as soon as the General Assembly completes its consideration of the Seabeds item this fall or by early January 1973. He also indicated that the administration's position may be cast in the light of General Assembly decisions concerning timing of the future conference.

It is my view that the question of timing should be approached with full recognition of the large amount of preparatory work still to be completed by the Seabeds Committee. If one assumes, as the administration apparently does, that an early conference is in the best interests of all parties, including the United States of America, then one must measure decisions on timing in relationship to decisions on scheduling and encouraging the preparatory work necessary to achieve such timing. In addition, one must evaluate the likelihood of energetic and productive negotiation once the prepatory stage is completed.

I feel it is essential that a 1973 date be set, without an escape clause, for the beginning of the LOS Conference and that a specific date be scheduled for its termination. In order for this to be accomplished, the General Assembly will be required, it seems to me, to note with favor the past contribution to the committee's work-product of working groups of reduced representation. Only in this manner can the large number of tasks so far unaddressed by the committee be completed in time to have any relevance in this era of expanding uses of the oceans. Once this preparatory work is completed, however, the success of this international project is still not assured. Unless the participant states are then prepared to make the hard political and economic decisions necessary to achieve a broadly supported agreement, the negotiations will disintegrate because of internal pressure or because of their increasing irrelevance in the face of practical arrangements created between ocean users.

While I remain hopeful that work will progress and that international negotiations will be both timely and fruitful, I would be less than candid if I advised this House that the recently concluded hearings before the House Merchant Marine and Fisheries Committee's Subcommittee on Oceanography supported that view. As a sponsor of H.R. 13904, I can only express very strongly that Congress, which must ultimately approve and implement any international seabeds treaty signed by the United States of America, will not much longer allow domestic ocean science, technology, and commerce to be held captive to unreasonable demands and delays imposed by a small number of states hostile or indifferent to U.S. interests.

Accordingly I intend to reintroduce the Deep Seabed Hard Mineral Resources Act in the next session of this House. While I do not expect any signnificant developments by the U.N. on this problem, I am hopeful of progress. In any case, I intend to use the considerable committee work already accomplished on the subject to press for its enactment into law in 1973.

Thank you.

HYPOCRISY

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

Mr. JAMES V. STANTON. Mr. Speaker, we are witnessing, in the highest levels of the executive branch of our Federal Government, a degree of hypocrisy for which there is no historical precedent. Its focus is the Watergate scandal and the recent additional disclosures about alleged acts of political espionage and sabotage which, if true, have impaired—and might yet destroy—the ability of the people to make a fair choice for President, based on truth and a complete disclosure of all pertinent facts, such as the amount, the source and the use of huge amounts of campaign funds that are publicly unaccounted for. Officials of this administration have been asked, by the press, by Congress and others, to answer these charges, but they have refused. They say they must remain silent to protect the right of certain persons to a fair trial. Now, this is one of the most hypocritical utterances I have even heard in my experience as a politician and a representative of the people. For these same persons were saying 4 years ago, in the last Presidential campaign, that it is about time the Government showed as much solicitude for the rights of the law-abiding majority as it accords to the criminal minority. I agree wholeheartedly that the rights of the majority must be protected. The majority in this case is no less than the entire electorate of the United States. Its supreme right is the right to know. I submit to you, Mr. Speaker, that this right is more precious

than the fate of the defendants in the Watergate criminal case. Putting it another way, the public, in my opinion, would be better served by being furnished with complete information than it would be by having possibly guilty persons put in prison.

If a full airing of this case in public—prior to the election—prejudices the possibility of these defendants receiving a fair trial, then so be it. I would rather see them go free than have the voters denied the facts on which to base the most important decision they must make—that of a choice between our Presidential candidates. If the administration were as concerned with the rights of the majority as it has always claimed to be, then it will agree with this proposition. Let's get the facts out to the people, Mr. Speaker, and take our chances later on whether we can achieve a successful prosecution. What happens to these defendants, to put it bluntly, is simply not as important as who will be leading this country for the next 4 years.

As the New York Times said in an editorial this morning:

> Much of the public has reportedly taken the attitude up to now that there is nothing particularly unusual in the Watergate affair. It cannot be reiterated too strongly that, on the contrary, such practices are unprecedented in American politics. No national party and no incumbent Administration have ever set out in this systematic fashion to invade the privacy, disrupt the activities, and discredit the leadership of the political opposition. These are ambitions and police-state tactics which have no place in a democracy.

TRIBUTE TO THOMAS GORDON WALTERS, PRESIDENT OF NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

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

Mr. LANDRUM. Mr. Speaker, after 35 years of serving in many capacities on behalf of active and retired Federal employees, my long-time friend, Thomas Gordon Walters will on November 1, 1972, retire from full-time activities as president of the National Association of Retired Federal Employees.

It has been my good fortune to know Mr. Walters all of my life. Our parents lived on adjoining farms when I was born and where I lived until I was about 15 years of age, so the Landrum and Walters families have been neighbors and close friends for perhaps 100 years or more. In fact, my father, the late Dave Landrum, was Mr. Walters' first schoolteacher.

From this time in Franklin and Stephens Counties, Ga., to today in Washington, D.C., I have known Gordon Walters. After World War I and his discharge from the Army, Mr. Walters was elected county school superintendent of his home county of Stephens. He served in that capacity until he was appointed a rural carrier from the Toccoa, Ga., post office, in October of 1923. Working his way up in the rural carriers organization, Mr. Walters was elected national president of the Rural Letter Carrier Association in 1943 when he moved to Washington, D.C., where he has remained to make his home.

When the Government Employees Council was seeking an able Operations Director in 1948, Mr. Walters was selected and in this capacity served 24 unions representing more than one-half million Postal and Federal Employees of the Council. In 1958 as a result of his outstanding work in this position, he was elected by the U.S. Civil Service Commission as a Staff Assistant in its Bureau of Retirement and Insurance. He retired after 6 years in this liaison position between the Commission and employee organizations.

In January 1966, Mr. Walters was appointed director of the Legislative Department of the American Federation of Government Employees, a position he held with distinction until his election as national president of the National Association of Retired Federal Employees. Upon assuming the presidency of NARFE in 1968, he became the first individual to have been elected a national president of two major Government employee organizations.

At the national convention in Buffalo, N.Y., in June 1970, Gordon Walters was reelected NARFE president. While serving in this capacity, he also held positions of responsibility and leadership in other activities, having been in 1969 elected a vice commander of the District of Columbia Department of the American Legion. And then in 1971, Mr. Walters was elected junior vice commander of the District of Columbia, Department of World War I Veterans.

Not only has Mr. Walters been an able and effective organizer and administrator but also he has proved himself a successful arbitretor and liaison representative—one respected and held in esteem by those with whom he works and comes in contact.

This was clearly evidenced recently when he in his capacity as national president of the National Association of Retired Federal Employees appeared before the Subcommittee on Retirement, Insurance and Health Benefits of the House Post Office and Civil Service Committee to testify on behalf of legislation which would increase Federal annuities. As soon as it was announced that this was probably his last official appearance at a congressional hearing as he was retiring the first of November, every member of the committee on both sides of the aisle as well as the audience spontaneously stood and applauded Gordon Walters in genuine tribute for what he has done for retired Federal workers and their survivors over the years.

Later in describing the instance while addressing the NARFE National Convention in Texas, subcommittee chairman Jerome R. Waldie said—

> That doesn't happen in Congress—it has never happened since I have been there and it probably will never happen again. But it was a mark of the respect and affection that we held for Tom.

Under his able leadership, the National Association of Retired Federal Employees has emerged as an outstandingly effective organization. His innovations and contributions will remain in tribute to his service as president. At NARFE and by its professional associates, Gordon Walters will be missed—his leadership and his personality. The inspiration of his dedication will always be there.

Gordon tells me that he and Mrs. Walters plan after he retires in November to take a leisure trip through the United States. He deserves this rest and time for himself and his family. I salute him for a lifetime of jobs well done, and Mrs. Landrum joins me in wishing for him and Mrs. Walters good health and happiness for many, many years to come.

PACOIMA SKILL CENTER FUNDING

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

Mr. CORMAN. Mr. Speaker, exactly one decade ago, the Federal Government committed itself to equipping our unemployed and underemployed citizens with the skills needed to become productive members of our society.

Under the Manpower Development Training Act of 1962, Federal funds were authorized to promote and encourage the development of broad and diversified training programs so the so-called hard-core unemployed of our Nation could remove themselves from welfare rolls and put themselves on payrolls.

This approach to job training certainly has proven to be a sound one. Nevertheless, there has been a steady erosion of Federal funding for MDTA programs, and there is a real danger that direct Federal support for all MDTA projects is about to be cut off completely.

In my own congressional district in the San Fernando Valley area of Los Angeles, the curtailment of the federally funded MDTA program could mean the end of one of the most sorely needed and successful job training programs I have seen funded under MDTA. I refer to the Pacoima Skill Center, which is located in the heart of one of the most impoverished areas of the country—and Los Angeles County does have its share of poverty and unemployment.

The Pacoima Skill Center opened its doors in 1966 under the auspices of the Los Angeles Unified School District to serve the unemployed and under-employed in the San Fernando Valley. I was privileged to take part in dedication ceremonies at the center 6 years ago, and, since that time, I have been privileged to watch hundreds of men and women complete job training programs and go to work as a result of the center's program. These are men and women of all races, heads of households, adults who are often described as "the hard to reach and the hard to teach."

All trainees are selected and referred to the Pacoima Skill Center by the State of California's Department of Human Resources Development. Training priority is given to unemployed Vietnam veterans. Trainees receive counseling and instruction in basic education while

learning marketable vocational skills in the field of their choice. These fields include multiclerical, machine shop operation, licensed vocational nursing, gas and arc welding, and auto brake and front-end mechanics. While attending the skill center, trainees receive a basic training allowance and an additional amount for dependents and transportation.

As soon as a trainee completes his program—which may be anywhere from 26 to 46 weeks, depending on the field—or as soon as he is job ready, the State employment service seeks to place him on a job. This past year, 82 percent of all those trainees who completed their training program at the Pacoima Skill Center were placed in jobs. In the licensed vocational nursing and production machine operator programs, the placement rate exceeded 90 percent.

Despite its record of success in placing its "graduates," the Pacoima Skill Center has been forced to cut back training opportunities because of a reduction in Federal funds. In 1968–69, when Federal funding for the center was at its peak, there were training opportunities for 380 men and women. Today, there is only enough money promised to train 184 people, and there is no firm assurance that even this reduced amount will actually be appropriated.

In looking at these statistics and facts—which, in themselves, certainly demonstrate the need for continued operation of the skill center—one must not ignore the human factor. After all, people and the development of human resources are what job training is all about. This human factor has been summed up quite well by a young woman who is currently enrolled in the licensed vocational nursing program at the center. In an open letter, this young woman writes:

> It's not a very secure feeling to go to school with the thought in your mind that you may not be able to finish. You lose your hope, people drop out, and people comment, "I don't care anymore." There are women in this program that are on county assistance. . . . These women are fighting not only for a decent life for themselves but for their children. The children otherwise you'd be supporting if they chose to depend on county. What I don't understand is that we're not looking for a hand out. Because the money we make as LVN's and the tax they will take out will pay back the money it took to send us through training. So actually the people who have graduated are actually paying for us. Our class is almost through—we're asking for the future.

The community, which has indicated its strong support for the skill center operation, and I, as the elected representative of that community, are also concerned about the future. If the Federal Government—which has given a lot of lip service to welfare reform—chooses to turn its back on one of the few programs that is able to get citizens off the welfare rolls, the future of our Nation's economy looks anything but bright.

It is clearly in the best interest of the community that the doors of the Pacoima Skill Center are kept open and that opportunities for job training remain available for those who need and want them. It would be folly, indeed, for any level of government to turn its back on a program that has not only proven itself in the past but that holds such great hope for the future.

APPOINTMENT OF LEGISLATIVE BRANCH EMPLOYEES

(Mr. BROOKS asked unanimous consent to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, the basic structure of our Government depends upon the separation of Federal power between the executive, the judiciary, and the legislative branches, and the maintenance of a proper balance in power between them. Yet, in the light of the constitutional separation of powers doctrine, it is ironic that a number of key officials in the legislative branch are appointed to office by the President rather than the Congress itself.

At this time, the Public Printer, the Librarian of Congress, the Comptroller General and Deputy Comptroller General of the United States, as well as the Architect of the Capitol, are appointed by the President although they serve within the framework of the legislative branch of the Government.

Legislation I am introducing today would provide for the appointment of the officials I have listed above by the Congress rather than the President. Under my proposal, the Speaker of the House of Representatives and the President pro tempore of the Senate would make each of these appointments alternately with the first such appointment being made by the Speaker of the House.

The legislation that I offer does not necessarily reflect any dissatisfaction with any of the incumbents in these offices, but with the system itself. I firmly believe that the Congress of the United States, acting through the Speaker of the House and the President pro tempore of the Senate, to say the least, has equal capacity for the appointment of competent individuals to these posts. Furthermore, I believe the argument can be sustained on reasonable grounds that the close working relationship and more acute awareness of problems falling within the aegis of the Congress might well lead to more effective appointments to these positions by the Speaker and the President pro tempore. Fundamentally, however, I base my case on the fact that these officials fill subordinate positions within the framwork of the Congress, logically, therefore, should be appointed by the Congress.

LEGISLATION TO PROHIBIT FORCED BUSING

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

Mr. MIZELL. Mr. Speaker, I rise at this time to express my grave concern about the prospect of Congress adjourning without taking final action on legislation to prohibit forced busing.

The House has passed strong and effective antibusing legislation, forbidding busing beyond the nearest or next nearest appropriate school and permitting the reopening of past desegregation cases to bring them in line with the new, more realistic guidelines.

The Senate is now involved in a filibuster against this bill, and every word spoken by those seeking to delay or prohibit a vote on this measure is an insult and a disservice to the American people, who have expressed their opposition to forced busing in no uncertain terms and in overwhelming majorities.

The more responsible and responsive Members of the Senate have tried on three occasions to invoke cloture on the debate and bring the bill to a vote. Each of those attempts has failed, and there is a danger that the Senate may try to adjourn without taking final action on the bill.

I cannot believe the Congress would adjourn without settling this matter once and for all. I will oppose any motion to adjourn until the Senate has acted on this busing legislation, and I urge my colleagues to join in that opposition.

SILVER ANNIVERSARY OF CHUCK YEAGER'S HISTORIC FLIGHT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, 25 years ago on October 14, 1947, Air Force Pilot Charles E. "Chuck" Yeager joined the ranks of such great aviation pioneers as the Wright Brothers and Charles A. Lindbergh by becoming the first human to fly faster than the speed of sound.

Chuck Yeager is from my district, I am proud to say. One newspaper biography stated: "Charley Yeager was born February 13, 1923, in a big farmhouse 'up a holler midway between Hamlin and Myra, W. Va., near Upper Mud River.' "

It is a pleasure and an honor to salute Chuck Yeager, one of the Nation's finest test pilots and true heroes, as we approach the silver anniversary of his famous and historic flight.

Like Orville Wright, history's first test pilot, he is laconic about his work. Chuck Yeager, after cracking the sound barrier, said "It gave me a pretty good feeling."

Orville Wright asked if he was thrilled by man's first powered flight in 1903, replied:

> Not as much as lying in bed thinking how much fun it would be to fly.

Chuck Yeager came back to his home in Lincoln County last month for a brief visit with his mother, Mrs. Susie Yeager, and his friends. He is a brigadier general in the Air Force now, but you would never know it in Lincoln County. Everybody calls him Chuck. First thing he did was to change into blue dungaree shirt and khaki pants and go out in the woods and then stroll up and down the streets in Hamlin saying hello to old friends. Next to flying, Chuck Yeager would rather go hunting and fishing and camping than do anything else.

After walking up and down the streets,

Chuck went down to his old friend's place, Shorty Hager's garage, and repacked the bearings on his trailer before heading off to California to fill a long-standing speaking engagement Saturday, October 14, at the Aerospace Hall of Fame, San Diego.

MODEST HERO

In the tradition of American heroes, Chuck Yeager is shy and drawls when he talks. He has a firm handshake, the corners of his blue eyes are crinkled from too much sun glare in the course of logging more than 10,000 hours of flight time in more than 140 different types of aircraft ranging from the Bell–X–1, which now occupies an honored place in the Smithsonian's Air and Space Museum, to the Russian-built MIG.

Chuck Yeager is a true descendant of the frontiersman and the pony express rider. He is a man who wonders always what lies over the other side of the mountain.

Chuck Yeager has a fierce loyalty to the Air Force blue uniform, turning down numerous lucerative civilian offers to stay in the service he loves. Chuck enlisted in the Air Force in September 1941 to fight the Germans and flew combat missions in World War II, and Vietnam and was commander of a fighter squadron in Germany during the "Iron Curtain Days" in 1955–56.

DAREDEVIL PILOT

Chuck Yeager stems from a reckless breed of barnstormers and wing-walkers who took aviation to the rural sections of the country after World War I, brought it down from the clouds into every county fair and suitable pasture, risking their necks daily and twice on Sunday in their Jennies and Wacos.

Chuck is built like a fighter pilot and folks in Lincoln County could always tell when he was coming home during the prop-driven airplane days.

Nobody noticed Chuck Yeager much until 1943 when he first buzzed the town in a P–47 and sent old Mrs. Lon Richardson to the hospital with a case of nerves.

Recalled Lyle E. Ashworth, a Hamlin High School classmate of Chuck's.

Chuck used to swoop down over Hamlin everytime he came home to let his parents know to go to Charleston and pick him up at the airport.

Said Dorothy Clark, who works at the Weekly News Sentinel in Hamlin.

Hamlin people say fame has never gone to Chuck's head.

Why you'd never know he's ever been away from Hamlin.

Said Louis Hoff, one-time music instructor for Lincoln County schools. Hoff had Chuck Yeager in the band from the seventh grade on and also was his Sunday school teacher.

Chuck played trombone in the band, played football and basketball and was an Eagle Scout. His late father was a drilling contractor.

Chuck said:

After high school, I could have worked for my Dad but I was rather small for that. Anyway, the war was getting ready to start.

After winning his wings in 1943, he went overseas as a flight officer. On his ninth mission his P–51 was shot down over occupied France, but escaped capture when elements of the French Maquis helped him reach the Spanish border. He was imprisoned by Spanish police, sawed his way out, lived off the countryside until a British organization returned him to England.

According to regulations, he was supposed to be shipped home, for fear if he were captured by Nazis, he would be tortured for information on the French underground escape routes. But Chuck Yeager and other pilots in the same boat stuck around and talked General Eisenhower into letting them stay. Chuck flew 64 combat missions, shot down 13 enemy aircraft, 5 on 1 mission, including one of Germany's first jet fighters.

He came with a chest full of medals, married Glennis Faye Dickhouse, a California girl, at his folks home. Chuck and Glennis have four children—Susan, Sharon Christine, Don, and Mike.

He was assigned to Wright-Patterson AFB, Dayton, Ohio as a test pilot. This led to Edwards and eventually to the Bell X–1 which he named "Glamorous Glennis." After his history making flight on October 14, 1947, Chuck Yeager became the first man to fly faster than twice the speed of sound in the Bell X–1A on December 12, 1953, thus, with apologies to Bob Hays of the Dallas Cowboys, regained his title as "The World's Fastest Human."

Chuck has been described as "half scientist and half adventurer, a daredevil who must operate with mathematical precision" and who flies "like part of the plane."

NUMEROUS HONORS

Mr. Speaker, Chuck's honors and medals are too numerous to list in detail. I would like to insert in the RECORD, the official Air Force biography by General Yeager, now U.S. Defense Minister to Pakistan. The biography lists the numerous awards for distinguished service to his country. We owe a great deal to Chuck Yeager. Without his brave, courageous deed of cracking the sound barrier, we would never have been able to accomplish the many conquests of space, including America's exploration of the moon.

Through all of this, General Yeager has remained a down-to-earth guy. It is a pleasure to salute my fellow West Virginian and wish him continued success on the silver anniversary of his famous flight.

The biography follows:

BRIG. GEN. CHARLES E. YEAGER

Brigadier General Charles E. "Chuck" Yeager is U.S. Defense Representative to Pakistan, Rawalpindi, Pakistan, effective 25 January 1971.

General Yeager was born on Feb. 13, 1923, in Myra, W. Va., and is a graduate of Hamlin High School in Hamlin, W. Va. He enlisted in the Army Air Corps in September 1941, was accepted for pilot training in July 1942, and received his pilot wings and commission in the Army Air Corps in March 1943 at Luke Field, Ariz.

During World War II, General Yeager distinguished himself in aerial combat over France and Germany during the years 1943–1945 by shooting down 13 enemy aircraft, five on one mission, including one of Germany's first jet fighters. On March 5, 1944, he was shot down over German occupied France but escaped capture when elements of the French Maquis helped him to reach the safety of the Spanish border.

He returned to the United States in February 1945 to attend the instructor pilot course after which he served as an instructor pilot. In July 1945 he went to Wright Field, Ohio, where he received his first taste of experimental flight test work. His assignment there led to his selection as pilot of the nation's first research rocket aircraft, the Bell X–1 at Edwards Air Force Base, Calif., where he served from 1949 to 1954.

General Yeager made history on October 14, 1947, when he became the first man to fly faster than the speed of sound. During his nine-year assignment as the nation's leading test pilot, he became the first man to fly faster than twice the speed of sound, flying the Bell X–1A on December 12, 1953. During 1952 he attended the Air Command and Staff School.

He returned to Europe in October 1954 and became Commander of the 417th Fighter Squadron at Hahn Air Base, Germany, in May 1955. He remained in that position when his squadron was reassigned to Toul-Rosieres Air Base, France, in April 1956.

Upon his return to the United States in September 1957, he was assigned to the 413th Fighter Day Wing at George Air Force Base, Calif., and in April 1958 became Commander of the 1st Fighter Day Squadron. In April 1958 he went overseas with the 1st Tactical Fighter Squadron to Moron Air Base, Spain, where he remained until November 1958. He returned to George Air Force Base with the squadron which was later redesignated the 306th Tactical Fighter Squadron.

General Yeager graduated from the Air War College, Maxwell Air Force Base, Ala., in June 1961, and became Commandant of the Aerospace Research Pilot School, where all military astronauts are trained, in July 1962.

In July 1966 he assumed command of the 405th Fighter Wing at Clark Air Base, in the Republic of the Philippines. While Commander of the 405th Wing he flew 127 missions in South Vietnam.

General Yeager assumed command of the 4th Tactical Fighter Wing at Seymour Johnson Air Force Base, N.C., in February 1968, and went with the wing to Korea during the Pueblo crisis. In July 1969, he became Vice Commander, Seventeenth Air Force, with headquarters at Ramstein Air Base, Germany.

His military decorations include the Distinguished Service Medal, Silver Star with one oak leaf cluster, Legion of Merit, Distinguished Flying Cross with two oak leaf clusters, Bronze Star Medal with V Device, Air Medal with ten oak leaf clusters, Air Force Commendation Medal and Purple Heart. He is a command pilot and has flown 10,000 hours in 140 different types of military aircraft. He was awarded the MacKay Trophy in 1948, the Collier Trophy in 1948 and the Harmon International Trophy in 1954.

General Yeager is married to the former doctor of science degree from West Virginia University, in 1948, and an honorary doctor of science degree from Marshall University of Huntington, W.Va., in 1969.

General Yeager is maried to the former Glennis Faye Dickhouse of Grass Valley, Calif. They have two sons and two daughters.

DECORATIONS AND SERVICE AWARDS

Distinguished Service Medal.
Silver Star w/1 oak leaf cluster.
Legion of Merit.
Distinguished Flying Cross w/2 oak leaf clusters.
Bronze Star Medal (with V Device).
Air Medal w/10 oak leaf clusters.
Air Force Commendation Medal.

Purple Heart.
Distinguished Unit Citation Emblem w/1 oak leaf cluster.
Air Force Outstanding Unit Award Ribbon.
American Defense Service Medal.
American Campaign Medal.
European-African-Middle Eastern Campaign Medal.
World War II Victory Medal.
Army of Occupation Medal (Germany).
National Defense Service Medal w/1 service star.
Armed Forces Expeditionary Medal.
Vietnam Service Medal w/2 service stars.
Air Force Longevity Service Award Ribbon w/5 oak leaf clusters.
Small Arms Expert Marksmanship Ribbon.
Republic of Vietnam Campaign Medal.

Mr. HENDERSON. Mr. Speaker, I take special pride in participating in this tribute to Gen. Chuck Yeager. In the first place, he has served at Seymour Johnson Air Force Base located at Goldsboro, N.C., in my congressional district.

In the second place, the public airport located near Mount Olive, N.C., was officially named Yeager Field in honor of Chuck Yeager on the occasion of the celebration of the centennial of the founding of the town of Mount Olive.

The field was named at appropriate ceremonies held in Mount Olive on April 11, 1970, and I was privileged to be present and to participate in the very meaningful tribute to him at that time.

My district lays claim to having played a part in the career of this outstanding citizen, and I am happy to have this opportunity to help commemorate the date of his precedent-setting flight.

Mr. VAN DEERLIN. Mr. Speaker, my pleasure at learning that Air Force Pilot Chuck Yeager will be the featured speaker on Saturday, October 14, at the Aerospace Hall of Fame Dinner in my home city of San Diego, is expected only by my deep regret that I will be unable to be there myself. Those fortunate individuals who attend the dinner will have the privilege of meeting at first hand and hearing from a man who has a record of wartime flying achievements which few can match, but who has a record of peacetime flying achievements which no one can match.

Mr. Yeager, affectionately called "Chuck" by those who respect and admire him, won fame as a combat fighter in World War II when he flew 64 missions and destroyed 12 enemy aircraft. Shot down over France on his eighth mission, it took him 4 months to make his way back to American lines and rejoin the action.

Thrilling as his wartime feats were, however, I am sure that in his talk on Saturday night Chuck Yeager will mention them fleetingly, if at all. Instead, I am sure that we will prefer to talk about peacetime aviation as it is now and as it will be in the future. He is a man who is indeed well qualified to do so. On August 14, 1947, as a project pilot on the XS–1, he became the world's first supersonic pilot when he broke the sound barrier. In subsequent flights, he flew the X–1 on more than 40 flights, exceeding 1,000 miles per hour and 70,000 feet. He was the first American to take a rocket-powered aircraft off from the ground, and in 1953 he flew the Bell X–1A at 1,650 miles per hour, 2½ times the speed of sound.

Chuck Yeager knows as few men do the potential for aviation both in peacetime and in war. He is an outstanding example of the type of men who have made this country great, and the people of San Diego are fortunate to be able to hear at first hand his remarks on the subject of which he is such an expert.

Mr. SMITH of New York. Mr. Speaker, I am happy that the gentleman from West Virginia has memorialized the 25th anniversary of the first flight to break the sound barrier by Maj. Charles Yeager, because Major Yeager was flying the Bell X–1 rocket ship which was built in my district by the Bell Aircraft Corp., now the Bell Aerospace Division of Textron. Major Yeager's skill and courage on that day 25 years ago were a fitting complement to the sleek quality, airworthiness, and power of this first airship to fly faster than the speed of sound.

Mr. Speaker, we are proud of Major Yeager and we are proud of the men and women of Bell Aircraft who built his swift air machine to such high standards of quality, who built the first jet airplane to fly in the United States 30 years ago, and who are still building airplanes and aerospace products of outstanding quality today.

Mr. WHALLEY. Mr. Speaker, 25 years ago this month, Air Force Pilot Charles "Chuck" Yeager became the world's first supersonic pilot. As project pilot on the XS–1, he exceeded the sound barrier for the first time in the history of man, thus opening the door for advanced aviation, space exploration, aircraft development, and countless other feats.

It is evident, on the 25th anniversary of this milestone in aviation, that the name of Charles "Chuck" Yeager ranks with those of Robert Fulton, George Stevens, Henry Ford, and Wilbur and Orville Wright, as one of the great pioneers in the field of transportation.

Now an Air Force general, Chuck Yeager proved that the man precedes the event, and not the reverse. Yeager achieved a record as a combat fighter in World War II that few can match, having flown 64 missions and single-handedly destroying 12 enemy aircraft. General Yeager also distinguished himself in combat activity over Korea and Vietnam, and has been an outstanding representative of the U.S. Air Force and the United States of America whenever he has been called upon to do so.

Chuck Yeager has exhibited the courage, daring, imagination, and technical know-how to stand out in the development of sophisticated modern aircraft. His devotion to his branch of service and to our great Nation have been inspirational to many who strive to follow in his footsteps.

Mr. Speaker, I rise to honor this great American today. It is people like Gen. Charles "Chuck" Yeager who make our Nation great. It is people like him, who are not limited to wartime achievements, but excel in peacetime and peace-seeking activities as well, who instill even greater confidence that the future of America is, indeed, bright.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to associate myself with the remarks of the gentleman from West Virginia (Mr. HECHLER) concerning my very good friend—and fellow pilot—Chuck Yeager.

The first man to break the sound barrier is a remarkable man and his was a remarkable achievement. I was somewhat surprised to learn that 25 years had passed since that first supersonic flight and that today marks its silver anniversary.

In my official capacity as president of the Congressional Flying Club I would like to take this opportunity on behalf of the club to express our appreciation to Chuck for his continuing work to help advance the cause of aviation and our best wishes in the future.

In my unofficial capacity as one who loves aviation and who recognizes its wide-ranging benefits for all mankind, I can only say that Chuck Yeager ranks among the best of those men and women who have pushed back the frontiers of knowledge and expanded the human capacity. The growth in aviation development is a tribute to Chuck and other pace setters like him who have made known the unknown.

On May 7, 1965, I spoke to the House on a "Chuck Yeager on Capitol Hill Day" while Chuck and our mutual friend Jackie Cochran watched from the House gallery.

I would like to reinsert those brief remarks as a part of my comments today because I believe they are equally appropriate for this occasion:

Mr. CLAUSEN. Mr. Speaker, it is with a great deal of pride and a personal privilege that I am able to join my colleague, the gentleman from New York (Mr. BARRY), here today in paying tribute to one of the greater men in history.

Mr. Speaker, Chuck Yeager and I met a few years ago at the Edwards Air Force Base in California when I initiated my aviation education program in Crescent City, Calif. It was my pleasure to visit him there. As I recall, at that time Colonel Yeager was driving a model A Ford and someone said "There goes the fastest man in history."

Mr. Speaker, I am an aviator myself, and have pushed an F–4–U Corsair up to 550 knots in a dive. I have felt that buffeting and some of the other pressures which Chuck has gone through. All of us were concerned about that point of compressibility just prior to the speed of sound and I think we share with Chuck some of these memorable experiences.

Mr. Speaker, I shall be looking forward to joining with Colonel Yeager and Jacqueline Cochran during the luncheon hour and to discuss some of my ideas with them, in particular how we can make the aircraft a more effective tool in peace than it was ever used as a tool of war. In my opinion, Mr. Speaker, the horizons are unlimited.

Chuck Yeager, to me, will always represent the epitome of our greatest of Americans. A man of extraordinary courage and ability, a truly dedicated American, a revered and respected professional by his aviation peers, a humble and unassuming man who literally makes one choke up with pride as you are introduced to him.

The many contributions Chuck Yeager has made to aviation and our country could fill a library as history has re-

mittee reporter that the next was off the corded his many feats that have contributed so much to his fellow man.

Chuck is always available to any worthwhile cause. I have called upon him on numerous occasions and he has always responded—often at great personal sacrifice of his very precious time.

West Virginia has produced many outstanding men. It is somewhat ironic that the first American, in years, to fly an American President—our President Nixon—to Mainland China, Colonel Albertazzi, and the first man to break the sound barrier, Chuck Yeager, are both from West Virginia.

Congratulations, Chuck, on this 25th anniversary of this history-making accomplishment.

From one pilot to another, Chuck Yeager, may I conclude by saying: We've flown great speeds and distances in our respective experiences but I think you'll agree with me that the greatest distance we have yet to cover still lies within us.

Mr. GONZALEZ. Mr. Speaker, I wish to commend the gentleman from West Virginia for leading this salute today in behalf of the great American, Brig. Gen. Charles "Chuck" Yeager.

Twenty-five years ago this month Chuck Yeager became the world's first supersonic pilot by flying faster than sound. Brigadier General Yeager, who is now the U.S. defense representative to Pakistan, performed this most outstanding feat over the California desert in his Bell X–1 on October 14, 1947.

As we celebrate the silver anniversary of this historic flight I wish to commend General Yeager for his great contribution to aviation in the United States. His patriotism, leadership, and courage are recognized by all of us who are interested in our country's future, and we owe him a debt of gratitude for his heroism.

General Yeager exhibits the finest traits, and is true to the highest traditions of the U.S. Air Force.

We salute you General Yeager, and thank you for your continuing efforts to keep America first in the world.

GENERAL LEAVE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the 25th anniversary of the breaking of the sound barrier by Air Force pilot Charles E. "Chuck" Yeager.

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

There was no objection.

TRIBUTE TO WAT ABBITT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. DOWNING) is recognized for 60 minutes.

Mr. DOWNING. Mr. Speaker, my 14 years in this body have provided me with some of the most noble associations and cherished memories that could come to any man at any time in history. It has been a high privilege indeed to serve with so many distinguished gentlemen and gentlewomen.

My career, as has been all of yours I am sure, has been tinged with certain moments of sadness here and there due to the departure of a colleague on whom I have looked not only as a dear and respected friend but almost as a member of my family. When these Members have left our circle I felt it as a personal, as well as a national, loss.

The departure of many of these friends is often accompanied with a feeling of joy in knowing that a dedicated and able servant of the people, having run the race and won it time after time, is going to the voluntary retirement which he so richly deserves the opportunity to enjoy. Such is the case with our special friend and colleague, the beloved dean of our delegation from the Commonwealth of Virginia, the Honorable WATKINS M. ABBITT of Appomattox, earlier this year, WAT announced that he would not seek reelection to the seat which he has held since 1948 when he came here to fill the vacancy caused by the death of the late Patrick Henry Drewry.

WAT ABBITT will be missed. Not only by the half million or so constituents in South Side, Va., to whom he is father confessor, confidant, story teller, and friend, but especially by those of us through the years who have enjoyed his fellowship, relied on his counsel, and engaged him in debate.

I do wish that so many of WAT's former associates could be here today, the Honorable William Mumford Tuck, in particular. I will never forget how Bill used to envy WAT. They represented adjoining districts in Virginia for 16 years. Both of them were as anxious as anyone in the Congress to return home as soon as we adjourned on Thursday. Bill was envious of WAT because ABBITT was so far ahead of Tuck on the rollcall. Whenever we would take the final vote of the day WAT would always arrange to have his car parked just outside the door with the engine running and fully warmed up. When the name ABBITT was called it has always been WAT's custom to answer the call as he headed for the door. Bill Tuck protested bitterly that by the time the Clerk reached his name WAT had already passed the Pentagon and was picking up speed.

Mr. Speaker, I regret that we did not have the opportunity to get Bill Tuck up here today, not only because he would have enjoyed this moment so highly but because he can tell that story far better than I can.

Of all the stories I have heard on WAT however, one that rates very close to the top of the list concerns an incident at which I was present. Just a couple of years ago WAT, BILL WHITEHURST, and I presented testimony to a hearing, chaired by our colleague from Illinois, JOHN KLUCZYNSKI. It was a Small Business Subcommittee hearing. When the gentleman from Chicago welcomed the gentleman from Appomattox, it was accompanied with such charm and graciousness as befitted a true son of the Old South.

Then with a quick aside to the comrecord—JOHN told WAT that he had been deeply in his debt for years. With the mock seriousness which so greatly befits the true humorist that the gentleman from Illinois is, JOHN said that occasionally he has been called upon to vote on a matter, the merits of which he did not know as well as he would have liked. Knowing Mr. ABBITT's staunch, conservative philosophy he said that all he had to do was listen for the name ABBITT to be called by the Clerk. However WAT voted, JOHN said he knew he could vote the other way and be safe. Nobody laughed any harder than WAT did.

And then, with the folksy charm which won him reelection year after year, fairly oozing from every pore and with his face aglow in that puckish grin which belies the crafty, cunning of a red fox, WAT began to tell the chairman how deeply indebted he felt to him in that "down home" voice which Virginians claim is a cross between Robert E. Lee, Stonewall Jackson, and J. E. B. Stuart. WAT said that every time he went on the hustings, he carried a copy of JOHN's voting record with him. He told how he would mount the stump in county after county and wave the record over his head proclaiming "this is how Congressman KLUCZYNSKI from Chicago votes. I always vote the other way." And with the same mock seriousness that the chairman had used. WAT bowed low, "Mr. Chairman, that is how I always get reelected." And then in a soft aside, he added, as an afterthought to the reporter—"Little Lady, that was all off the record, too."

Mr. Speaker, I will end my tribute to my friend on this note because of all his attributes—and they are many indeed—unquestionably WAT ABBITT's sense of humor is his greatest. It is what has endeared him to friend and foe alike. It has bridged the gap caused by many philosophical differences and resolved those which might have been momentary enmity into eternal friendships.

We will all miss the gentleman from Appomattox—no one more than I.

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the accomplishments, character, and service of the gentleman from Virginia (Mr. ABBITT).

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

Mr. DOWNING. I yield to the gentleman.

Mr. SATTERFIELD. Mr. Speaker, I am pleased to join with my colleagues this afternoon in paying tribute to my good friend and the dean of the Virginia delegation, WAT ABBITT.

I have known WAT ABBITT as a commonwealth's attorney in his beloved Appomattox County, as an active leader in the affairs of his party in Virginia, and as a respected colleague in the House of Representatives. In each capacity he has rendered outstanding service to the people of Virginia. His continued service in Congress since 1948 attests the high esteem in which he is held by the people in his State and especially of his district.

WAT ABBITT has been a source of strength through his able counsel to many Members of the House of Repre-

sentatives during his tenure of office. We have observed the skillful though quiet manner in which he has practiced the art of legislating which has brought to him the rewards of accomplishment without the glare of publicity. We are witness also to his honesty and integrity and to his steadfast determination to stand firmly for that which he believes to be in the best interests of his Nation, his State, and his district. He has demonstrated an unyielding courage to act in consonance with his convictions and without regard to political pressure or personal consequence.

When I learned that WAT ABBITT would not seek reelection to his 14th term, I felt a genuine sense of personal loss. He will be sorely missed by his friends in Congress who in the years ahead will become more and more aware of the void he will leave. He will be missed by his constituents throughout the Fourth District of Virginia, for they know, as I know, that WAT devoted his life, unselfishly to serve them and they know, as we all know, that he has served them with distinction.

As he prepares to leave this body after 25 years of service he can look back over these years with a sense of satisfaction, secure in the knowledge that he leaves with the best wishes of his colleagues for health, happiness and prosperity in his future endeavors.

Mr. DOWNING. I thank the gentleman.

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

Mr. DOWNING. I yield to the gentleman.

Mr. WAMPLER. Mr. Speaker, it is a pleasure to join with my colleagues to express our genuine admiration and respect for the "Dean of the Virginia Delegation," the Honorable WATKINS M. ABBITT. After serving the people of Virginia's Fourth District for almost 25 years, nearly a quarter of a century, he has elected to retire at the close of the current session.

We have served together in close proximity as members of the Committee on Agriculture for 8 years. His dedicated attention to the interests of our State, and his wisdom in dealing with intricate problems, are worthy of high commendation. His contribution to the committee's efforts on behalf of agriculture are varied and many. Even though we represent opposite political parties, we have more often than not, agreed on matters of substance.

I sincerely hope his retirement will bring with it many enjoyable years and success in his future endeavors wherever they might lead.

Mr. DOWNING. I thank the gentleman.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman.

Mr. DANIEL of Virginia. Mr. Speaker, whenever the Members of this body unite on an occasion like today, to recognize the service of a fellow Member, I cannot help but think that at least this time our kind words are not saved until after the visit of the Grim Reaper, but may instead by heard by those whose virtues we rise and praise.

And I do indeed have some kind words for our colleague from the Fourth District of Virginia, the Honorable WATKINS M. ABBITT, who departs our ranks voluntarily at the close of this Congress.

It is difficult to separate the many WATT ABBITTS who have influenced my life these past 20 years—helmsman to a novice sailor first embarked on political waters, respected legislator whose devotion to constitutional princples is unchallenged, and trusted friend. WATT ABBITT has been all these things to me, and to others who are with us today.

For 40 years he has served the people, first as Commonwealth's attorney for Appomattox County, and for the past 24 years as a respected Representative in the Congress.

Throughout his near-quarter-century service in the House, he has remained constant in his concern with this Nation's farmers and the orderly retention of a way of life which is regretfully fast passing from the American scene.

If I may be forgiven a belaboring of the obvious, the world is indeed a different place from that which existed when WATT first took the oath of office in this room. Ironically, though, one area of problem—though they are varied—are still with us. I refer to the plight of the American farmer.

WATT ABBITT has expended more of his time and abilities than most people realize in working toward solutions to these many problems, and it is altogether fitting that in his time among us the Congress has finally begun to perceive the need for development of rural America and to provide the means to utilize its untapped human resources. No small measure of credit for this may be laid at the feet of WATKINS M. ABBITT.

WATT will be leaving all of you when we finish up our business soon. But he will not be leaving me, for he will then become one of my valued constituents. Somehow the idea of WATT ABBITT "retiring" is laughable. No man of his vigor ever retires. Rather, we may anticipate a changing of direction and look forward to his continued advice and counsel. He will in short, Mr. Speaker, retire from Congress but not from life.

Mr. DOWNING. I thank the gentleman.

Mr. ROBINSON of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Virginia.

Mr. ROBINSON of Virginia. Mr. Speaker, it is with great regret that I offer these few remarks on the impending retirement from the House of our truly distinguished colleague, Mr. ABBITT.

I can insist that my regret is genuine, because geography has spared me the necessity of having to compete with WAT ABBITT in an election.

Our colleague has been known in Virginia for many years as one of the most competent and resourceful of its political strategists and tacticians. To say that many have found him a worthy adversary is an extreme understatement.

I want to acknowledge my high respect and regard for my Virginia colleague. During my relatively brief service here, I have found him helpful and fair. In one of my first committee assignments, I had the privilege of working with him—and with another Virginia colleague, BILL WAMPLER—on the Committee on Agriculture. They have served, as you know, as chairman and ranking minority member of the Subcommittee on Tobacco, and this major Virginia agricultural commodity certainly has been in good hands.

WAT ABBITT also has had a benevolent attitude toward peanuts, and, not having tobacco and peanuts in my district as it has been constituted, I must acknowledge having deferred to his expertise in considering legislation of particular concern to producers of these items.

As a junior Member of the House, I recognized quickly the esteem in which WAT ABBITT was held by the Members who worked closely with him, particularly in agricultural matters.

For 25 years it has been evident that the interests of all citizens of the Fourth Congressional District of Virginia and all the citizens of our Commonwealth House had his continuing, conscientious attention. Their satisfaction with his service was manifest by his 12-time reelection.

It is too early for this House to lose to retirement a colleague of such youthful alertness and spirit, but I defer to his decision and wish him well as he plans to return to his Appamattox home, unvanquished and full of fight, and wish him well for many future years.

Mr. DOWNING. I thank the gentleman.

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

Mr. DOWNING. Now I yield to a very dear friend of "WATT" ABBITT, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, "WAT" ABBITT and I come from different sections of this country. His roots go way back deep into the early days of this Nation. My roots are rather shallow ground in the soil of America, having come from immigrant parents from a foreign land. Yet I have learned to respect, admire, and cherish the friendship that I have, and I know he has for me, as individuals, ofttimes on opposite sides of the question, and yet representing each in our own way. In the tradition of the House of Representatives to represent our districts, it is this that has made the strength of this Nation. Each of us comes here to represent that which we are supposed to represent as elected Members of the Congress of the United States.

As each Member votes, the tally is taken, and the tally represents the majority of the people of the United States through their voice. No greater, no more sincere voice has ever uttered a voice on this floor than that of "WAT" ABBITT, a gentleman, scholar, and a true friend.

I do not like to see a man of the qualifications and the character of "WAT" ABBITT quit in the prime of his life at a time when he has reached that point

of influence in this House that we all try to achieve. Many of us are called, but few chosen to be respected and admired by his colleagues, such as "WAT" ABBITT.

I have a deep personal feeling for "WAT." I sit next to him. "WAT" does not say too much, and ofttimes I say too much, but each of us in our own way expresses that respect for this body, the peoples of this Nation, and our colleagues in the things we stand for.

To WAT, I can only wish one thing and I wish it with all the sincerity that I have. I say to him: WAT, whatever seas you sail riding into the horizon of the hereafter may you always have with you a fair wind and a following sea.

Mr. Speaker, it has indeed been a privilege and a profound personal pleasure to have served with the honorable gentleman from Virginia, WATKINS M. ABBITT.

After having served this body faithfully for a quarter of a century, the good gentleman will be keenly missed as both a friend and legislator. Although I am sure that the citizens of the Fourth District of Virginia will be delighted to again have him and his wife as permanent residents, I am equally sure that they will be hard pressed to find a Representative as capable as he. In his capacity as chairman of the House Election Subcommittee of the House Administration Committee, as chairman of the Tobacco Subcommittee of the House Agricultural Committee and as a member of the House Standards of Official Conduct Committee, the leadership of this good gentleman has manifested itself time and time again.

I do not know what WAT's future pursuits may be, but our loss in this Congress will be his personal gain. Our schedule here is taxing and we must often sacrifice time which we would prefer to spend with our families and loved ones. He and his lovely wife have my every wish for many long years of mutual enjoyment apart from the brash intrusion of politics. Although he has most assuredly earned the right to rest and enjoy his family—and be about the business of hunting—I doubt that WAT will cease to be an active and interested member of the community.

The Honorable Dean of the Virginia delegation and I have shared many engaging and memorable hours these last 15 years and I am confident that his absence will be deeply felt and will encourage me and my colleagues to continue in our endeavors to serve this Nation well, as he has done. He is a great patriot and has served in this body with distinction.

I wish to extend my personal best wishes for his good health and happiness.

Mr. DOWNING. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. Speaker, we shall all miss the wise counsel and warm friendship of WAT ABBITT. I hope for him that the happiest days of his past will be the saddest days of his future.

Mr. DORN. Mr. Speaker, WAT ABBITT was born and reared in the great Commonwealth of Virginia, known as the mother of Presidents. Likewise Virginia has provided for the Nation some of the outstanding legislators in all the history of the Republic.

WAT ABBITT was nurtured in the heritage and traditions inherent in the Founding Fathers of our country. In that atmosphere, he grew into manhood and himself became a great leader of our time.

WAT ABBITT was chairman of his State's Democratic Party, and he has been in Congress for 12 years; and led the great people of Virginia through the most critical times in their history. Indeed Mr. Speaker, WAT played a major role in guiding our Republic through periods of great trial and turmoil.

WAT ABBITT stood steadfast throughout his career for constitutional government with his great energy, thought, and time devoted to preserving, and upholding, that great document.

In defending the Constitution, and its bill of rights, WAT ABBITT has become a modern day Madison and Mason, protecting the rights of the people, and clothing those rights in the canopy of our sacred Constitution.

WAT's congressional career is marked by passionate defense of property rights as guaranteed in the Constitution. He has made it crystal clear that property rights are the basis and foundation of private enterprise, the arsenal of democracy, and the heart and core of the free world.

WAT ABBITT was a worthy associate of Howard Smith, Bill Tuck, and the late Harry Byrd, in the fight for those principles, and ideals, as exemplified by the founding fathers of our Republic.

WAT ABBITT's congressional career was largely devoted to agriculture, rural development, soil conservation, tree planting, grass, water, and improved environment. He was ahead of his time in ecology and beautification. The Commonwealth of Virginia, and this Nation, are covered with farm ponds, watershed projects, and soil and tree projects which are monuments to his leadership, foresight, and ability.

Mr. Speaker, WAT ABBITT's leadership here has been outstanding, marked by a superior intelligence and bolstered by integrity, honesty, and character.

In his service here, WAT has been one of my dear friends whom I have admired, trusted, and frequently sought counsel from.

WAT ABBITT could have been reelected, again and again, but he frankly did not want to overstay his time. Whatever WAT chooses to do, he will have my every wish for continued success and the best always.

Mrs. Dorn, and my family, join me in extending to WAT ABBITT, our many thanks for a job well done and we wish for him many, many years of happiness with the people he loves.

Mr. MOORHEAD. Mr. Speaker, when this session ends, many of our colleagues, having announced their retirement, will no longer be with this body to fight the people's battles.

One of these is WATKINS ABBITT, a man for whom I have the highest regard not only as a lawmaker but as an individual.

We often hear the term "gentleman" used in this Chamber, far too loosely at times, I am afraid. But if there is one among us who deserves that accord it is WATKINS ABBITT.

Needless to say, we have not always agreed on the issues, but this Chamber, the Nation, and most certainly his constituents are losing a fine, dedicated public servant when he records his final vote.

I hope he finds much happiness and contentment when he leaves the Congress. He can leave this body with his head held high for his actions were always those of a public servant cognizant of the wishes of those whom he represented and conscious of the needs of the Nation.

Mr. BINGHAM. Mr. Speaker, I am glad to join with his friends in paying tribute to the gentleman from Virginia (Mr. ABBITT).

In this particular case, the expression we take so for granted—"the gentleman from Virginia"—really means what it says. Here is a man whose unfailing courtesy and friendliness stems straight from great traditions of our Southern States and has been a source of encouragement and pleasure to literally hundreds of colleagues in the House of Representatives.

WAT ABBITT has many legislative achievements to his credit. In the present Congress he can take satisfaction from having been one of the leaders in the fight for legislation which would place some reasonable limits on the incredible growth of campaign spending and would assure that the public would have sufficient information on the sources of support for candidates for high office so as to be able to make an informed judgment.

I am glad to join in wishing our good friend WAT ABBITT many years of happy and productive retirement.

Mr. RARICK. Mr. Speaker, the distinguished dean of the Virginia delegation, the Honorable WATKINS ABBITT has served the people of his State and Nation honorably and faithfully over many years.

His presence here has been an inspiration for us all. His career in public life will long serve as a model for incoming Members.

I have had the privilege of serving with him on the House Agriculture Committee since I came to Congress 6 years ago. I have always been impressed with his courtesy and with his ability as a legislator. I hold great admiration for WATKINS ABBITT and tremendous respect for his judgment.

Virginia has given freely of her sons to the service of this country. WATKINS ABBITT is certainly representative of the tremendous leaders from his State. They can be justly proud of him, as all of us who know him are.

Mrs. Rarick and I join with the people wishing him the best of health and happiness in his retirement years among the people he loves.

Mr. ALBERT. Mr. Speaker, it is with deep regret that I must join my colleagues in witnessing the departure of one of my finest friends, the gentleman from Virginia, WAT ABBITT. For years and years WAT and I sat side by side on the Committee on Agriculture. Our districts were miles apart but our people,

and particularly our rural people, had numerous common problems. We were both interested in all farm crops. We were among only a relatively few Members of the House in whose districts peanuts were an important cash crop.

WAT was a wonderful friend and cherished seatmate. I shall miss him. I wish him all the happiness that life affords in his retirement.

Mr. BROYHILL of Virginia. Mr. Speaker: I join my colleagues today in recognition of the outstanding service to Virginia and the Nation by my friend and fellow Virginian, WATKIN M. ABBITT.

As dean of the Virginia delegation, WAT ABBITT has been a steady voice for fiscal responsibility, for development of our Commonwealth and its institutions. As a member of the Committee on Agriculture in the House, he has been a staunch supporter of improvement of rural living. And he has been a great influence on Congress through his work on the House Administration Committee and as a member of the Standards of Official Conduct Committee which has worked to promote higher standards and respect for the House of Representatives.

WAT ABBITT has served the Nation and the Old Dominion through tumultuous times, through times of change and confusion. His has been a sound and solid performance throughout the past two and a half decades. I know that he has plans for the future including enjoyment of the living style of the great Virginia countryside. I wish him a long and happy retirement, which he has so justly earned. While I know he will remain willing to advise the one to whom he hands over the reins of the Fourth District congressional office, his constituents and his colleagues in the House will miss him when the 93d Congress convenes next year.

Mr. ANNUNZIO. Mr. Speaker, the Honorable WATKINS M. ABBITT of Virginia's Fourth District is retiring from Congress after almost 26 years of distinguished service.

Because I am a member of the House Administration Committee, on which WATKINS ABBITT currently serves as the third ranking majority member, I have had ample opportunity to see for myself his outstanding service and his extraordinary legislative abilities. I know firsthand of his dedication and hard-work approach to the problems of his constituents. Congressman ABBITT has also given the same distinguished service as a member of the Agriculture Committee and the Standards of Official Conduct Committee.

His lifetime of public service encompasses many positions of trust—Commonwealth Attorney, Democratic elector for the Fourth District of Virginia, member of the 1945 Virginia Constitutional Convention, member of the Virginia and Fifth Judicial Circuit Court Bar Associations, director of the Farmer's National Bank, and U.S. Representative for the Fourth District of Virginia from the 80th Congress through the 92d Congress.

WATKINS ABBITT possesses an earnest awareness of problems confronting the Congress and our country, and he has played a major role in the consideration and passage of landmark legislation helpful to the people of his district and to the best interests of America.

I would like to extend congratulations to WATKINS ABBITT for a job well done and my best wishes for good health and a happy and enjoyable retirement.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join my colleagues in honoring WAT ABBITT on his outstanding career as a Member of Congress. He has been a most effective Member, both in committee and in general legislative work.

WAT has carried on the great tradition of leadership that Virginians have long been noted for in the Halls of Congress. His calm, scholarly wisdom was appreciated by those Members who were privileged to know him well, and he will long be remembered by us for his loyalty to principles, and his dedication to the interests of his constituents and the Nation.

Mr. HARVEY. Mr. Speaker, it is with a great deal of pride that I participate in this special order to honor my good friend and colleague, WAT ABBITT. During the past 4 years, while serving on the House Administration Committee, I have come to know WAT rather well. He has served as chairman of the Elections Subcommittee, a subcommittee of which I am the ranking minority member. He is truly one of the gentlemen of this Congress. His departure is a blow, not only to our committee, but to the Congress and to the Nation.

As a Representative from a district rich in the history and the traditions of our Nation, WAT has done his best to preserve the ideals of America. All of us can take pride in our entire electoral process. One of the hallmarks of this system has been an election tradition entirely free from scandal, and as chairman of the Elections Subcommittee, WAT ABBITT has had considerable responsibility in achieving this lofty goal.

The aim of any Congressman is to serve his constituents and his country with distinction. In his 24 years in Congress, WAT ABBITT can take pride in knowing that he has done both superbly.

Mr. WILLIAMS. Mr. Speaker, as these last days of the 92d Congress draw to a close, many of our colleagues are completing their business in Washington prior to their retirements. I am particularly saddened to learn that so many of our valued friends will not be back with us in January.

One of the gentlemen I will miss most represents the Fourth District of Virginia. That Commonwealth has been called the "Mother of Presidents," but, in fact, she is the "Mother of Statesmen." The Representative from the Fourth District, WATT ABBITT, has been a good friend, a trusted advisor, and an honored colleague to me during the past 6 years. I have been privileged to serve on the House Committee on Standards of Official Conduct with WATT, and his calm voice and careful reasoning have been of great value to each of us in performing the important work of that committee.

WATT has always worked hard to represent his constituents and has, undoubtedly, been one of the most effective and respected Members of this House. His district composes much of the heartland of the Old Dominion, and he has been one of the leaders whose efforts have changed Virginia in the past 25 years from a rural and agricultural state to a center of urbanization and industry for the "new South."

Mr. Speaker, as you undoubtedly know, WATT was first elected to the 80th Congress in a special election on February 17, 1948. However, his service to his Nation and to his State started long before that. WATT was the Commonwealth Attorney of Appomattox County for 16 years, starting in 1932. In a State long noted for the excellence of her attorneys and statesmen it was, no doubt, a great honor for WATT to be selected as a member of the distinguished Virginia Constitutional Convention of 1945.

For more than 24 years, WATKINS M. ABBITT has been an important part of the House of Representatives. As he commences his retirement, he takes with him the best wishes of all of his colleagues. We all hope that his retirement years will be both long and happy, and that he will come back to see us from time to time.

Good luck, WATT.

Mr. SLACK. Mr. Speaker, it is a privilege to join in the deserved salute to the distinguished dean of the Virginia delegation, WATKINS M. ABBITT.

When next we face a major controversy requiring calm and judicious consideration, his absence will be felt severely by all of us. His unfailing courtesy and due regard for the views of others impressed the many Members who had an opportunity to consult with him during his years in the House.

While he will be sorely missed, his long record of flawless public service compels all of us to wish him good health and contentment in the years that lie ahead.

Mr. SIKES. Mr. Speaker, it is with deep regret that we note the departure from the House at the close of this session of our distinguished colleague WAT ABBITT. For 24 years, he has ably represented the Fourth District of Virginia. Before his congressional service, he was Commonwealth's Attorney for Appomattox County for 12 years during which he developed into a political organizer of first rank among the younger leaders of the Democratic organization headed by Senator Harry F. Byrd.

It was widespread recognition of his ability and his service that enabled ABBITT to win election as successor to the late Representative Patrick Henry Drewry. As a long-time member of the Agriculture Committee, chairman of the Tobacco Subcommittee, and a member of the Peanut, Livestock and Grains Subcommittee, he has been in position to contribute sound and needed influence in Federal legislation protecting and marketing of farm crops throughout the Nation.

Attesting to his devotion to high principles, is his important contribution as a member of the Administration Committee and the Committee on Standards of Official Conduct, among the most important committees in the House. While his most outstanding record in the Con-

gress has been in the field of agriculture, WAT ABBITT has also advocated development of highways, education, transportation and Virginia's port facilities.

It has been my privilege to serve in the House with this very fine gentleman and to enjoy a close and warm friendship with him and, I take this opportunity to wish Congressman ABBITT and his family the best of health and happiness in the years ahead. He has indeed rendered distinguished service to Virginia and to America.

Mr. PRICE of Illinois. Mr. Speaker, for longer than most Members can recall, WATT ABBITT has stood not only No. 1 in the call of the House, but more importantly in the same position in service to his party, his consituents and the work of the House of Representatives.

Retirement, obviously, will mean his departure from these halls, but it will not mean any lessening of his devotion to the same institutions for which he has labored effectively for more than a quarter of a century.

In 1967, when the House created its first permanent Committee on Standards of Official Conduct, it chose WATT ABBITT to be among those who would give the committee form and guidance. His charter membership remains. Over these years, his contributions have been solid, sober and scholarly. His effort and diligence on thankless matters are never any less than they are on those for which he will be acclaimed.

The House of Representatives, like any other human institution, is but the sum of numerous contributions by those who have served it. WATT ABBITT's additions to our total legislative fabric are for all to see. When, in his deserved retirement, he looks back upon some of these, he, like all of us who have served with him, should be very proud.

Mr. FLYNT. Mr. Speaker, first let me express my appreciation to my distinguished friend from Virginia, Mr. DOWNING, for taking this time to express his own tribute to the retiring dean of the Virginia delegation, the Honorable WATKINS M. ABBITT.

It is my pleasure and privilege to join with the gentlemen from Virginia and others in paying tribute to WATT ABBITT and at the same time to express the high regards and admiration in which I hold him.

As we take part today in this special order, honoring the gentleman from Virginia (Mr. ABBITT), I do not consider that we are saying goodbye to him. In the first place, his presence will be felt here as long as a single one of his friends, now serving with him, remains a Member of this body. Also because his home to which he will return at the end of this session is near enough for us to see him occasionally here or on such occasion as we may have the good fortune to pass through or near Appomattox County and stop by and see him. As for myself, I intend to frequently leave the interstate highway which leads from Washington to Georgia and make frequent sidetrips to Appomattox County in order to continue my association with this fine man.

The gentlemen from Virginia who have preceded me have spoken of his service in this body and of his service to his community, county, and Commonwealth prior to his election to Congress. We are certain that WATT ABBITT will continue to serve the Commonwealth of Virginia and his fellow man in private life as he has in public life for the last 40 years.

At the time of his election to Congress, Mr. ABBITT served as Commonwealth attorney for Appomattox County in which capacity he served for 16 years. As a former solicitor general of my own State, I suppose from the very beginning of my service I gravitated to WATT ABBITT, not only because of his wonderful personality, and because our philosophy on Government coincide, but also because both he and I shared a prior similar experience, his in representing the Commonwealth of Virgina and mine in representing the State of Georgia. There also seems to be an affinity between those of us who came to Congress in the middle of a term to fill an unexpired term of our predecessors.

As has been previously stated, WATKINS ABBITT was first elected to the 80th Congress and has been consecutively elected the 12 succeeding Congresses. During the quarter of a century of service to the House of Representatives, he has earned and maintained the respect and admiration of his colleagues with whom he has served. He is a man of great ability, sterling character, and total integrity. I do not know any higher tribute we could pay to a colleague.

As a Member of this body he seldom spoke in debate, but on those occasions when he did speak, he spoke with a thorough and commanding knowledge of the subject and gained and held the attention of those to whom he spoke.

Mr. Speaker, it is my pleasure to join in his part of today's proceedings in which we honor my friend and colleague, the Honorable WATKINS M. ABBITT. I am priviledged to have been included in his circle of friends. I wish him good luck, God-speed, and an affectionate au revoir.

Mr. TAYLOR. Mr. Speaker, true to the traditions of most of his legislative predecessors from the Virginia Commonwealth, WATT ABBITT has sought to imbue the House with strong conservative principles of Government. His wise counsel has commanded our attention; his judgment, our deepest respect; his affability, our lasting friendship.

Had he been born a couple of centuries earlier, WATT probably would have been among signers of the Declaration of Independence and a coauthor of the Constitution. Instead, Virginians wisely sent him to Washington to help defend them. And he has done this with statesmanship.

It has been a great personal pleasure for me to serve with WATT and I will certainly be among those who will miss him. The people of his congressional district and the Nation are losing the services of an extremely able legislator.

Mr. JONES of North Carolina. Mr. Speaker, it is with pleasure that I join with others in paying tribute to the outstanding record of public service of Congressman WATKINS ABBITT which he has rendered not only the State of Virginia for the past 26 years, but the entire Nation as well.

His contribution in the field of agriculture has made him a legend to the farmers of this Nation, especially to the tobacco growers on our eastern coast. His able leadership as chairman of the House Agriculture Subcommittee on Tobacco has won him the respect and admiration of all facets of the tobacco industry, as well as the esteem of his colleagues. Due to his warm personality and outstanding abilities in the understanding and knowledge of vital legislation, he is held in the highest regard by Members on both sides of the aisle; he will certainly be missed in the 93d Congress.

To him and his family, I join with his many friends in wishing them many years of health and happiness in the years ahead.

Mr. MONTGOMERY. Mr. Speaker, I am very pleased to be able to join with my colleague, TOM DOWNING, in paying tribute to retiring Member WATKINS ABBITT and his outstanding record of service.

During my first 4 years in the House, I had the pleasure of serving with WATKINS ABBITT on the House Agriculture Committee. I always found him to be a man of great ability and knowledge, and I especially appreciate the many times he was helpful to me.

During the 25 years WATKINS has served in this body, he has amassed an enviable record of public service to the people of Virginia. We all hate to see him retire at the end of this session of Congress, but we are thankful that he has passed our way and given us the benefit of his leadership.

Mr. BROYHILL of North Carolina. Mr. Speaker, WAT ABBITT has had a long and distinguished career in the House of Representatives. He has made a countless number of contributions to the legislative process. He has many friends on both sides of the aisle who will miss his valued advice and counsel. We wish him well as he seeks a quieter life and many years of continued happiness and success.

Mr. WHITEHURST. Mr. Speaker, on the occasion of the retirement from this body of my esteemed colleague WATKINS ABBITT, I am reminded of the long and faithful service which he has given to his State and the Nation.

This Chamber has seen many changes since WATT ABBITT came here nearly 25 years ago, but the Fourth District of Virginia has enjoyed a continuity of faithful and effective representation.

I have particularly enjoyed my association with WATT ABBITT in my 4 years here. There has never been a moment of partisan behavior on his part, and I have enjoyed the most splendid cooperation with his office. On those problems that our districts have had in common, I have been fortunate to have him work with me toward a solution.

As dean of the Virginia delegation, he has acted as a perfect catalyst to bring harmony among us. His charm and wit are distinctive, making him a man among men. Those of us who hope to continue our careers here will be the poorer for

his going. I, therefore, join with my colleagues in wishing for him many more years of happiness and good health as he retires to his home in Appomattox.

Mr. REUSS. Mr. Speaker, I appreciate this chance to join in honoring our colleague, WATKINS ABBITT, as he approaches the end of almost a quarter of a century of service in the House.

Retirements are taking an unusually heavy tool of the membership of the House this year; it will take good men and women to fill the shoes of departing Members like WATKINS ABBITT.

He has served with distinction on the House Agriculture Committee, the House Administration Committee, and the House Ethics Committee. Thanks to recognition by the voters of his exemplary service, he became the dean of the Virginia delegation in Congress.

Throughout his service here in Washington, WATKINS ABBITT has retained his active role in his own home community of Appomattox, participating in church and civic activities. We can be sure that his departure from Congress will not end his efforts on behalf of his community and his Nation.

I wish WATT well as he returns to private life.

Mrs. MINK. Mr. Speaker, of the many pleasures and rewards that come with service in the Congress, one of the finest is the opportunity to be associated with so many distinguished Members.

All of us know too well the personal sacrifice and effort required to achieve membership in the House.

In this connection, I am delighted to join with the many friends and admirers of the Honorable WATKINS M. ABBITT of Virginia, who are today expressing esteem for his long and dedicated service.

As Congressman ABBITT retires, we will be losing a valued and distinguished colleague in the daily business of this body. Yet, I recognize that he is looking forward to his retirement, and I wish him many happy years ahead. We hope that he will return often to visit with us.

WATKINS M. ABBITT is the dean of his State's delegation to Congress, a fact that in itself is a great tribute to any person. It has been a privilege to serve with him.

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to join with the numerous other Members to comment on our colleague and great friend, the gentleman from Virginia, WATT ABBITT.

As we all are well aware, WATT first came to the House of Representatives in 1948 during the 80th Congress and since that time he has been a person who has always served his district, his State, and his country with distinction.

I became acquainted with WATT when I first came to Congress and was given my position on the House Agriculture Committee. During the years that followed, I have had the opportunity to observe this great statesman in action. He has always worked to insure that our Nation's farmers have received their due consideration on all agriculture legislation. Of course, his greatest contributions have been legislative efforts through the Tobacco Subcommittee over which WATT presides as chairman. His efforts in this area are unsurpassed and because of his great leadership the Virginia farmers have always had the best tobacco programs that could be conceived in the House of Representatives and the Congress of the United States.

I know his constituents, the citizens from the State of Virginia, and all of our Nation's farmers will miss his great voice and efforts in the House, as we all will. But, our loss will be the gain of the great State of Virginia where WATT plans to return at the close of this session. Even though he will be missed here in Washington by us all, I know that all his friends join me, as I join others, in wishing WATT the greatest of happiness for the years to come.

Mr. FISHER. Mr. Speaker, when our colleague WATT ABBITT decided not to seek reelection this year, his district, the Old Dominion, and the entire Nation suffered a severe loss of major proportions in the Congress. The great State of Virginia has produced some of the country's greatest statesmen. There was a time when it was called "the mother of Presidents." And the Nation fared better when that was a fact.

WATT ABBITT has by his record and his conduct made of himself a worthy successor of Virginians who have left their marks on history.

Today I am pleased to join with my colleagues in this expression of recognition and gratitude of WATT's great contribution to the cause of good government. He has served here with courage, wisdom, prudence, and good judgment. I am sorry indeed that my friend will not answer the rollcalls in the House next year. But I do extend my best wishes for good health and good fortune in whatever he may undertake during his retirement from the Congress.

Mr. WINN. Mr. Speaker, may I join my many colleagues in paying tribute to the Honorable WATKINS ABBITT, on the occasion of his retirement from the House of Representatives. Mr. ABBITT has had an illustrious career of public service from the time he was Commonwealth attorney for Appomattox County, Va. He has served his party, his State, and his Nation with honor. Through his work on the Committee on Agriculture he has served both his rural and urban constituents. We will all miss a man of Mr. ABBITT's caliber and wish him the best of health and happiness as he returns to his home in Virginia.

Mr. FUQUA. Mr. Speaker, I want to thank my good friend, TOM DOWNING, for taking this time so that we may pay tribute to our colleague, WATT ABBITT, on his retirement from the U.S. Congress.

I recall first coming to Congress some 10 years ago at which time my constituents had a problem relating to tobacco. One of the first men whom I came to know in Congress was WATT ABBITT who was chairman of the Tobacco Subcommittee of the House Agriculture Committee.

His kind and understanding way with this young freshman Member made a lasting impression on me of him as a man. Since that time I have come to know WATT more closely, having relatives who live in his home town of Appomattox, Va., and through the years he has proven to be the truly outstanding statesman that the Commonwealth of Virginia throughout history has sent to Washington. I know that had he chosen to seek reelection, he would have been easily reelected by his constituents whom he has served so well in his long service here in Congress.

But I want now to wish for WATT and Mrs. Abbitt a very long and lasting period of much-deserved retirement and I think that the Congress and our country have been made better by his outstanding service.

Mr. HUTCHINSON. Mr. Speaker, I join the many friends of WAT ABBITT in the House to wish him many years of happiness and contentment as a former Member of Congress. When I first came here in 1963 I was assigned to the Committee on Agriculture and had the pleasure of serving with the gentleman from Virginia (Mr. ABBITT) on that committee, and on a subcommittee chaired by him. More recently I have served with him on the Committee on Standards of Official Conduct. For nearly a quarter of a century WAT ABBITT has served the people who live in a very historic section of Virginia with dignity and honor, and in a most outstanding way. We shall miss him in these Halls.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining with my colleague, the gentleman from Virginia (Mr. DOWNING) in paying a brief but sincere tribute to WATKINS M. ABBITT, who is retiring from the Congress at the close of the current session to his beloved State of Virginia.

WATKINS ABBITT and I came to Congress together in the 80th Congress—we are classmates and friends.

I have the highest regard and greatest respect for his ability, integrity, and statesmanship.

WATKINS ABBITT is an able legislator and has served as a member of the Committee on Agriculture and as chairman of a number of its subcommittees, including the chairman of the Subcommittee on Tobacco. WAT has often said that next to Virginia and his family—with him tobacco and cabbage are king.

By virtue of his extended service and outstanding abilities, he is recognized as the dean of the Virginia delegation.

WATKINS ABBITT is a great Democrat, a genial Southern gentleman, and will be greatly missed.

Certainly I want to wish for him the very best of good luck and success as he enters a richly deserved retirement after a distinguished career of outstanding public service.

Mr. ICHORD. Mr. Speaker, for many years now the first name to be called during roll call vote of the House has been that of the distinguished gentleman from Virginia, WATKINS M. ABBITT. And WATT ABBITT is among the top 10 percent in seniority in the House.

But those are merely distinctions of adphabet and length of service. WATT ABBITT holds an equally high position in the esteem and respect of his colleagues in this House and it is with great regret

that we learn of his impending retirement, even as much hard work, long hours and dedicated service have earned him a deserved rest.

Seniority has placed WATT ABBITT in the chair of two important subcommittees of the House: Tobacco Subcommittee of the Agriculture Committee and Elections Subcommittee of the House Administration Committee. Had not the seniority system so designated him, ability, intelligence, and expertise would have.

WATT ABBITT is the dean of the Virginia delegation to the House and for many years the other members of the Old Dominion State have looked to him for vigorous leadership and valued advice. They were never disappointed.

Although WATT ABBITT comes from that age group whose services in uniform were not required by major conflict, he has long worked in behalf of those who served in the Armed Forces. In 1945, for example, he was a member of Virginia's Constitutional Convention that extended absentee voting rights to servicemen.

I happen to know that WATT ABBITT is an expert and avid outdoorsman, as knowledgeable about hunting and fishing as he is about legislative affairs. WATT ABBITT comes from a particularly beautiful part of his State as well as the Nation. Now he will have sufficient time to enjoy the rolling hills, timber, lakes, and streams of home. He will be missed by the Members of this House.

GENERAL LEAVE

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Virigina?

There was no objection.

THE 1973 U.S. MILITARY EFFORT IS BELOW PRE-VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, lots of people clamor for cuts in the military budget. They are under the illusion that the Army, Navy, Air Force, and Marines are running rampant through the U.S. Treasury with fixed bayonets. It is time we get into perspective on this subject before irreparable damage is done to the national security.

The truth is that our defense effort will be smaller for fiscal year 1973, the current year, than it was prior to the Vietnam buildup. The following table presents figures for fiscal year 1964, just prior to the Vietnamese buildup, for fiscal year 1968, the Vietnamese peak, and fiscal year 1973. The table first shows the unadjusted dollar figures for defense spending, exclusive of retired pay, and then the same spending in terms of 1973 constant dollars; that is, dollars adjusted for the drop in purchasing power of the dollar due to inflation over the years:

[In billions of dollars]

	Unadjusted gross dollars	1973 constant dollars
Fiscal year—		
1964	$50	$78
1968	76	104
1973	73	73

A glance at the table not only shows a smaller actual defense effort today than 9 years ago, but it also is mute testimony to more than a $30 billion cut from Vietnamese peak year spending. In short, the so-called peace dividend some people talk about already has been declared, paid, and spent to finance domestic programs and tax cuts.

The drop in military effort from fiscal year 1968 to fiscal year 1973 shown above is equivalent to a decline in defense spending from 9.7 to 6.5 percent of the gross national product, from 44 to 31 percent of the Federal budget, and from 30 to 20 percent of public spending.

The foregoing are facts which no one who is concerned for the defense of the United States in a still lawless world can ignore.

A STATEMENT OF CONCERN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOWDY) is recognized for 60 minutes.

Mr. DOWDY. Mr. Speaker, I have refrained from comment regarding the case fabricated against me, but because of contemptible harrassment and continued misrepresentations, I take this time today to defend not only my own honor and integrity, but the honor and integrity of this body, which is under attack, even by some of its own thoughtless Members. The usurpation of the powers of Congress is daily obvious, and should not be promoted by its own Members.

The intimidation of witnesses and the flagrant use of Federal grand juries and courts to discredit Members of Congress for political reasons are threats to the independence of the legislative branch as well as to the personal and political life of every Member of Congress. What has been done to me can be done to you. Whether or not you realize it, it is your battle as well as mine.

Very few people actually know what the charges were against me. The newspaper reports were that I was charged with seeking to influence, obstruct and impede justice, and to intervene in an investigation by the U.S. Attorney's office, to influence, obstruct and impede justice, and for accepting a bribe for so doing.

In fact, there were no such counts in the indictment. The charges were for conspiracy and were admittedly predicated on a duly authorized congressional committee investigation in 1965.

I most emphatically declare I did not enter into any conspiracy. Neither did I make even the slightest effort to influence, obstruct or impede the administration of justice. My activity, and that of my subcommittee, was solely to investigate the validity of a complaint received by the District of Columbia Committee, and assigned for investigation by the chairman of the committee to the subcommittee chaired by me.

This investigation came about by virtue of a complaint received from Hon. John Alvin Croghan, the attorney for Nathan Cohen, who was the owner of Monarch Construction Co., alleging duress and mistreatment of his client, involving the D.C. Department of licenses and inspections, and requesting an investigation of the complaint.

Chairman of the committee, Hon. JOHN MCMILLAN, referred the matter to my subcommittee with direction that the committee's chief counsel, Mr. Hayden Garber, make a preliminary investigation, to be assisted by me, to determine the validity of the complaint.

This investigation was made, as a result of which Mr. Garber reached the conclusion, with which I concurred, that the complaint was not valid and that the committee should take no action on it.

The case against me is admitted by the prosecution to be predicated on this congressional committee investigation. The prosecution's witness, Nathan Cohen, swore during the trial that he did not tell me or any Member of Congress that he had been guilty of criminal conduct, which completely negates the theory that I conspired with him to interfere or to intervene to influence, impede or obstruct justice. In fact, Mr. Garber and I did not learn until our investigation was nearly completed that Cohen and his company were being investigated by the U.S. Attorney.

Overt acts set forth in the indictment consist of allegations of the receipt by the committee of the letter of complaint from Mr. Croghan, and the committee's action in investigating the complaint which was regularly before it. The trial judge had a copy of the indictment made for, and given to each juror, and instructed the jury that a finding of only one of the overt acts was sufficient for conviction. There was no dispute that the committee investigation was made; that the committee did receive the letter of complaint written by Mr. Croghan; the committee did receive and review files relevant to the complaint, and received information relative to the complaint from an assistant U.S. Attorney Hantman and from Federal Housing Administration employees, Mr. Finney and Mr. Hobbs.

Thus, the jury's verdict was based on the action of the committee in conducting a duly authorized investigation in the performance of its legislative responsibilities.

Furthermore, the undisputed evidence from prosecution and defense witnesses alike, conclusively revealed that no attempt was made by the committee, by committee counsel, or by me, to influence the Justice Department, the U.S. Attorney, or any other agency or to impede or obstruct justice. In fact, the committee's findings and its action were all adverse to the complaint filed on behalf of Cohen and his Monarch Construction Co. by Mr. Croghan, as will be shown below.

Yet all of these acts by the committee were submitted to the jury as overt acts, any one of which to be considered by the jury as a basis for a guilty verdict.

In all of the testimony presented, there was not one iota of evidence that I, Mr. Garber, the committee, or any of its members made any effort to thwart, influence, impede or obstruct justice. In truth, the testimony affirmatively established that such was not done.

As to the claimed $25,000 payment, it is a fabrication of the whole cloth, a baldfaced lie.

Prosecution witness, Harry Finney, of Federal Housing Authority, testified under oath that prosecution witness, Nathan Cohen, was a "bald-faced liar." I agree.

Cohen swore that he made a list of the serial numbers of the bills he claimed to have given me, and that he gave this list to U.S. Attorney Sachs. He produced one list and discovered it did not have enough numbers, so he prepared and produced an additional list. With all the resources of the Federal investigative agencies, it is unbelievable, if the charges against me were true, that the FBI was not able to track down and show that at least one of those 667 serial-numbered bills had ever been in my possession.

The jury realized this, and during its deliberations, before verdict, inquired of the trial judge whether they need find I received the money. The judge instructed them it was not necessary. The jury did not find, and never believed that the alleged payment was made. It was not made.

During the trial, Cohen testified that he cheated Monarch customers by overcharging; by misrepresentation; by fraudulently having them sign blank mortgages and notes, which he later filled in, raising the prices he had quoted; by placing second and third mortgages on their homes at exorbitant illegal rates of interest; as well as other criminal acts. He testified in that connection that he did not tell me, or Mr. Garber, or any of the Senators or Congressmen of his illegal activities, and that he did not advise his attorney, Mr. Croghan, about them when he had him write the September 16, 1965 letter to our committee. He swore that he did not reveal the fraud and deceit he practiced because, it is not something you go around shouting about.

The question presents itself, "How could a person enter a conspiracy to defeat a prosecution, when he is not even aware there had been a criminal act committed?". Thus, Cohen's own testimony shows there could be no conspiracy on my part to thwart, impede or obstruct justice, he having wholly failed to reveal that he was guilty of any violation.

Further, according to Cohen, the claimed payment was made for the purpose of having me arrange for him to appear before a Congressional Committee concerning his Monarch business, and thereby obtain immunity from prosecution.

The purported objective was, and is, legally impossible to attain. Testimony before a congressional committee will not afford immunity from prosecution. Hence, it was an action that could neither be taken nor influenced, and so would not support a bribery charge. This would be true even if Cohen had told us of his criminal activities.

Bear in mind, the events under consideration took place in 1965. It is only in recent months that the utterly depraved and despicable character of Cohen has come to light. In our 1965 committee investigation, we learned of some twelve cases of Cohen's questionable dealings.

The vast extent of his gross fraud perpetrated on Monarch's District of Columbia poor homeowner customers did not become known until long after our investigation was concluded. It was really not until November 1971, during the trial of this case, that Cohen admitted he had criminally defrauded 700 or 800 homeowners, and the Federal Housing Administration of more than $2 million. He made this revelation only after U.S. Attorney Sachs had granted him and his mother immunity from prosecution for these, as well as countless other crimes subsequently perpetrated by him. Cohen was overly well rewarded for the tale he fabricated.

The other crimes were fraudulent stock sales, involving a member of private corporations he formed after moving to Baltimore. They included: Real Estate Training Institute; Education, Inc.; Baltimore Business Schools; International Consultants; Computer Counselling; Private Placements; Creative Financing; Digitator, Inc.; Convert-A-Code; Computer Analysis; H. B. Hirsch & Sons; Mini-Delli, Inc., and others. He admitted that he entered into these criminal enterprises. Cohen criminally defrauded several hundred people in these stock sales and appropriated the money to his own use, for all of which he was rewarded with immunity from prosecution.

The character of the five principal witnesses arrayed by the prosecution is of interest, and all of them were rewarded with immunity from prosecution in return for their concocted testimony. In addition to Nathan Cohen, they were Myrvin C. Clark, Daniel Pope, Thelma Cohen, and Julius—alias Jack—Levitt. Each was granted immunity for everything they had ever done. Three of them admitted that they had perjured themselves in sworn statements and in their grand jury testimony in this case, and that they had changed their testimony several times on prompting from the U.S. attorney.

Taking these witnesses individually:

First. Cohen admitted criminally defrauding the Monarch customers. He further stated that he did not reveal this information to me or to Mr. Garber. His grant of immunity extended to these 700 or 800 cases; but that is not all. It ran as well to the several hundred cases involving the fraudulent sale of stock in the companies above named, in which he defrauded those people of hundreds of thousands of dollars. He also admitted to prejury against me, and that he persuaded Levitt to commit perjury to corroborate Cohen's own perjured statements. His grant of immunity covered all.

Second. Jack Levitt was Cohen's close lieutenant in Monarch and his partner in the fraudulent stock transactions hatched in Baltimore. He admitted to committing perjury at Cohen's request. He was granted immunity in consideration for giving desired testimony.

Third. Daniel Pope was involved in Monarch's fraudulent operations and was likewise granted immunity.

Fourth. Thelma Cohen, Nathan Cohen's mother, was the boss at Monarch, and also involved in some of Cohen's Baltimore operations. She was likewise granted complete immunity.

Fifth. Clark proudly proclaimed himself to be a hustler, and was involved in the activities of Monarch Construction Co. He had been convicted of criminal fraud in 1958 and was under indictment in Federal Court in Baltimore in another fraud case involving the Home Enterprise Co. In the same court he was under indictment in a case involving H. B. Hirsch & Sons in which he betrayed former Speaker of the House of Representatives, John McCormack. In that case Clark took advantage of his friendship and office by preparing a forged letter purporting to be from Speaker McCormack to the late L. Mendel Rivers. This letter was used to get $10,000 from the Hirsch Co. Cohen was also connected with this fraudulent transaction. The grant of immunity to Clark included the dismissal of the Home Enterprise and Hirsch cases.

It is evident from the testimony of Cohen and Clark, if either can be believed, that Clark hustled Cohen on a number of occasions by claims of friendship with Speaker McCormack, myself, and other Members of the House and Senate. Clark, knowing of Cohen's criminal activities, used Cohen as his bankroll by the use of his claimed influence to obtain money from Cohen on a number of occasions, and apparently from other people as well.

Cohen testified that he gave Clark $25,000 in 1965 to give me. I state categorically and without equivocation that I have never taken a bribe from Cohen or anyone else.

If Cohen can be believed, Clark got $2,500 on each of two or three other occasions through his claimed influence and got $25,000 from him in 1969 in connection with Cohen's fraudulent stock operation in Baltimore, in which Clark asserted his claimed influential connection with Speaker McCormack. This is in addition to the $10,000 Hirsch matter in which Clark wrote the bogus letter from Mr. McCormack to support the extortion. All of these instances were based on Clark's false representation of his friendship and influence with various Members of the House and Senate. For all of this Clark was granted immunity by U.S. Attorney Sachs. Clark stated that this grant of immunity was the 100 percent sole reason he testified the way he did—that is, to get out of his troubles.

Clark admits to being a mental case, an alcoholic, a user of narcotics, and of not knowing right from wrong, and that he was drunk on the day in early 1970 when the FBI had him sign a typewritten statement in Baltimore and that he did not

know its contents. This is in an April 27, 1970 letter Clark wrote to the same Mr. Croghan of the Stassen law firm, in which Clark was seeking assistance to be committed to a government institution. This letter shows Clark's predilection to claimed friendships with Senators and Congressmen, in that he tells Mr. Croghan that Senator HERMAN TALMADGE, Congressman Maston O'Neil and I would help him. His mental condition is certainly revealed by his statement to Mr. Croghan to seek my help, the letter being written only a few weeks after he had aided and abetted in the fabrication of the plot to secure indictment against me.

The letter further shows Clark's trend of thinking, in that he was willing to betray Mr. Croghan's claim to a piece of property owned by Clark, by giving a power of attorney to his attorney, Francis N. Iglehart. Clark said in the letter, "It could not be helped" because "Sachs and Iglehart are reported to be longtime friends". Iglehart was Clark's attorney, and Sachs was the prosecutor in the cases against Clark.

It is difficult to obtain documentary proof of threats made to a witness to obtain desired testimony, but I have obtained a copy of a letter to Clark from his attorney, Mr. Iglehart, dated January 26, 1970, in which there is the implied threat from Sachs, conveyed by Iglehart, that if Clark would not testify as Sachs desired, Clark would be indicted for perjury, and that Sachs would lay out very specifically the testimony he wanted prior to Clark's next appearance before the grand jury. Clark succumbed, for the letter convinced him that his previous testimony before the grand jury was not satisfactory to Sachs and that he must tailor it to suit Sach's desires in his next appearance before the Baltimore grand jury, and as his reward, Sachs would grant him freedom.

But to get back to Cohen. Late in 1969, when Cohen learned he was about to be indicted for his multitude of criminal stock manipulations, he was ready to deal with Sachs and he did so. But Cohen likes to brag, so his deals were not quite so confidential. At the time his criminal activities caught up with him, Cohen was in business with Mr. Grayson Foster of Baltimore. He gave Mr. Foster a day-to-day account of his discussions and dealings with Sachs.

Cohen told Foster that the Internal Revenue Service was after him, and that U.S. attorney Sachs was after him. He told Foster that Sachs told him that he—Sachs—was like a kid in a candy store—he had so much on Cohen he did not know what to get him for. Later, Cohen told Foster:

I think I just got off the hook. I gave Sachs a Congressman, and told him I gave him $25,000.

Foster asked how he could prove it, and Cohen replied, "I'll just have to find a way." Cohen at no time told Foster that he gave the money—just that he told Sachs that he did so.

On another occasion after that, Cohen told Foster that he gave Sachs some documents that a friend at the Federal Housing Administration had obtained for him, but that he had told Sachs that he got them from JOHN DOWDY.

Resulting from this, Cohen told Foster that Sachs had called off the Internal Revenue Service and the Securities and Exchange Commission cases, and got them off his back and had promised to protect him from a jail sentence in Washington, D.C.

Cohen told Foster that he had tried to get a hearing before the District of Columbia Committee, in order to stay out of court on the Monarch cases; that his lawyer—Croghan—had written letters to the committee requesting a hearing, but that it was denied and that it was DOWDY who turned it down.

During one of the conversations, Foster asked Cohen what he got for framing me. Cohen replied, "I'm going to get out of trouble." When Foster asked what Sachs would get out of it, Cohen replied, "He will get the publicity."

After the deal was completed with Sachs, Cohen, on several occasions, bragged to Foster about how he got Sachs to get everybody to call the dogs off him, and Cohen would laugh about how Sachs had been taken in by him.

Foster told Cohen that after the case was over, he would no longer have an umbrella of protection over him, to which Cohen replied:

That's all right. I'm their fair-haired boy.

Foster then told Cohen:

You are limited in what you can do and where you can go, and will have to report.

Cohen replied:

I can get it fixed to go anywhere I want.

That Cohen was able to do that very thing is evidenced by the fact that he went to Norfolk, Va. and formed new corporations similar to Monarch, and is now obtaining Federal financing on a large scale from Farmers Home Administration, as I will detail in a few minutes. The only difference: Monarch was financed by the Federal Housing Administration, while his new source of money is the Farmers Home Administration.

When innocence can be distorted and defeated by the coerced, perjurious testimony of scavengers admittedly guilty of fraud and deceit, and serve as the sole foundation of the case against me, then, Mr. Speaker, my colleagues of this House may well consider their own fates, because no one is immune from the acts of perjury and subordination of perjury that can be exchanged for the freedom of self-confessed crooks. Conspiracies don't always involve physical assassination. Some conspiracies, as in this case, are simply motivated by confessed criminals who desire to escape prosecutions which are generated by freedom-giving prosecutors. Character assassination is perhaps more deplorable than physical assassination.

Actually, the only bribery in this case was that which passed from U.S. Attorney Sachs to his witnesses. They were bribed with something far more valuable than money—freedom.

Cohen was bribed with a grant of freedom from all the crimes he had ever committed. Clark was not only bribed by the same grant of freedom, but was also coerced and intimidated by threats if he refused to change his testimony and cooperate by giving the desired testimony.

The U.S. Attorney tendered bribes. Cohen and Clark—as well as Levitt, Pope and Thelma Cohen—accepted the bribes. They are the guilty parties.

One point I should mention here. As you know, it has been repeatedly denied that congressional offices are bugged, but my office was. Yet it was done with inferior equipment, and by a man who was bribed by a wholesale grant of immunity, and who was instructed that, if he did certain things, the recording would be distorted and unintelligible. Cohen was the boy for this.

Through his instructions, Cohen knew exactly how to make the tape unintelligible at the desired places. The result was a recording so garbled that neither the jurors nor I were permitted to hear it. An admittedly doctored copy of the tape was produced, but even it was unintelligible.

This doctored tape was given to an FBI agent who said he listened to it more than 100 times and then typed out what he thought it said. His transcript was given to the jury on the theory, as stated by U.S. Attorney Sachs, that the jury could listen to the tape, but would not know what they were hearing. Just how much faith would you have in a recording if you had to listen to it 100 times before guessing what it said?

There can be no doubt this manner of bugging was deliberately done. I say this, firmly believing that the Federal Government, with all its resources, could have produced an honest recording.

The same with the purported transcript of the recording. The agent who prepared the transcript transcribed only two voices. Yet, on the doctored tape, garbled and distorted as it was, it was evident there were at least four voices. The prosecution could not afford to acknowledge that fact, because its star witness, Cohen, said he was alone with me. I would have welcomed a clear recording, revealing what actually transpired, including the conversation of myself and others, which Cohen drowned out with loud laughter and by scratching the microphone.

I have a recorder, bought in a pawn shop for $20, and a microphone which cost $1.98. With this I can record a conversation without distortion; or, by using Cohen's tactics, I can distort and make unintelligible any part of the conversation which would suit my purpose, merely by following the instructions given to Cohen.

Following my trial, Sachs gloated to the press his personal indictment of the integrity of the membership of Congress in these carbolic terms:

Even though Dowdy is the first Congressman in 15 years to be convicted, he is not the first in 15 years to take a bribe.

Mr. Speaker, Sachs bribed Cohen and Clark by his guarantee of their freedom as reward for their Baltimore perjury before the Grand Jury and in the trial. But that is not all the reward they received. Each of them was set up for additional financing of new schemes through grants and loans from the Fed-

eral Government, at the expense of the taxpayers, as I will show below.

Does this not mean, Mr. Speaker, that all Members of Congress are potential victims of ambitious prosecutors who arm themselves with coerced perjury of criminals, in order to get the scalp of the innocent Congressman?

Yet, to this day, the Congress has not seen fit even to enact a venue statute to guarantee a Member the right to be tried in his own Congressional District, before a jury of his peers, in the event of another battle as mine. It is a fate which may knock upon the door of any Member for a similar spurious charge 1500 miles or more from his home.

The case alleged against me is an arrogant invasion of the function of a congressional committee by the executive and judicial arms of government. It is in total derogation of the constitutional separation of powers and of the speech and debate clause of the Constitution which protects a legislator in the discharge of his legislative actions. If the acts I performed in the discharge of my official duties and responsibilities as a Member of Congress amounted to a criminal offense, then every Member stands in jeopardy as he performs his duties.

We need to recognize that it was not I, alone, who went to trial on trumped up charges of conspiracy to influence, impede and obstruct justice. It was the entire Congress and the congressional committee system that was under attack.

The legislative branch has fallen into dire straits when a subcommittee chairman cannot conduct an inquiry duly authorized by the House of Representatives, and assigned to him by the committee chairman, without fear of prosecution and harassment by the executive branch.

When a complaint comes to a committee, the only way it can be investigated is by inquiry. After the investigation is made, if the inquires may be used as basis for prosecution of a Member, then congressional investigation is at an end, and the people are the worse for it. The fact that, in this case, the committee's decision was adverse to the complainant, Cohen and his company, places an even more glaring light on it, when Cohen's vengeful spirit, as evidenced by Cohen's statement to Mr. Grayson Foster that it was I who turned down his complaint, is coupled with the wholesale grants of immunity given him by Sachs.

Stated as briefly as possible, the case was based on these facts:

On September 16, 1965, John Croghan, of the Harold Stassen law firm, attorney for Cohen, owner of Monarch, wrote a letter to each Member of the House District of Columbia Committee, complaining that his client was being harassed and mistreated, and asking for a committee investigation. The letter was accompanied by a packet of documents supporting the complaint. Included was a letter from Hon. Joseph Donohue, a highly respected attorney, and former Commissioner of the District of Columbia. His letter was written as an attorney for Monarch Construction Co.

This complaint came under the investigatory jurisdiction of the District of Columbia Committee, as granted to it by House Resolution 44, 89th Congress, 1st Session, as well as its constitutional jurisdiction over the District of Columbia.

Many of the Members referred their letters to committee counsel, Hayden Garber, as they were received, which is the customary procedure in such matters.

Committee chairman, Hon. JOHN MCMILLAN, and ranking Republican member, Hon. ANCHER NELSEN, each acknowledged to Mr. Croghan the receipt of his letter, and advised him the complaint would be looked into by the committee. Other acknowledgments to Mr. Croghan included letters from Committee Members, Hon. HOWARD SMITH, Hon. DONALD FRASER, and Hon. THOMAS ABERNATHY.

When I delivered to Mr. Garber the letter I had received, he told me he had already received 10 or 12 identical letters, and that Chairman MCMILLAN had written Mr. Croghan that the matter would be looked into.

Mr. MCMILLAN had named me as chairman of the investigating subcommittee, and delegated subpena power to me. In conference with Mr. Garber and me, he referred the Croghan letter of complaint to my subcommittee, directing that Mr. Garber, assisted by me, make an exploratory investigation, to determine its merits.

Mr. Garber examined the Croghan letter to learn the nature of the complaint, and found it involved the D.C. Department of Licenses and Inspections. In a few days, he arranged a conference between himself, Cohen and me, as subcommittee chairman, in order that Cohen might relate his complaint in person. In this conference, Cohen related his complaints, the substance being as in the Croghan letter.

Cohen stated that his Monarch Construction Co. was supported by a large number of Members of the House and Senate. He had a copy of a montage ad he had placed in Washington newspapers, showing letters he said he had received from numerous Members of the House and Senate. He said these Members supported the work being done by his Monarch Construction Co. He had letters expressing various degrees of interest in his company, among them being letters from the following list of U.S. Senators:

1. Daniel B. Brewster (D-Md).
2. Frank Church (D-Idaho).
3. Thomas J. Dodd (D-Conn).
4. Peter H. Dominick (R-Colorado).
5. Allen J. Ellender (D-La).
6. J. W. Fulbright (D-Ark).
7. Jacob J. Javits (R-N.Y.).
8. Edward M. Kennedy (D-Mass).
9. Frank J. Lauche (D-Ohio).
10. Edward J. Long (D-Mo).
11. Edmund S. Muskie (D-Maine).
12. Winston L. Prouty (R-Vt).
13. Leverett Saltonstall (R-Mass).
14. William Proxmire (D-Wisc).
15. Milward L. Simpson (R-Wyo).
16. John J. Sparkman (D-Ala).
17. Herman B. Talmadge (D-Ga).
18. John Tower (R-Tex).
19. Joseph D. Tydings (D-Md).
20. Harrison Williams (D-N.J.).

And from the following listed Members of the House, Congressmen:

1. Brock Adams (D-Wash).
2. Charles B. Bennett (D-Fla).
3. William C. Cramer (R-Fla).
4. Thomas Curtis (R-Mo).
5. John G. Dowd (D-N.Y.).
6. John J. Duncan (D-Tenn).
7. Robert B. Duncan (D-Ore).
8. Samuel N. Friedel (D-Md).
9. Tom S. Gettys (D-S.C.).
10. George W. Grider (D-Tenn).
11. Lee H. Hamilton (D-Ind).
12. George V. Hansen (R-Idaho).
13. Charles R. Jonas (R-N.C.).
14. Odin Langden (R-Minn).
15. Clark MacGregor (R-Minn).
16. Charles Mathias, Jr. (R-Md) (now Senator).
17. Chester L. Mize (R-Kan).
18. Ancher Nelsen (R-Minn).
19. James G. O'Hara (D-Mich).
20. W. R. Poage (D-Tex).
21. James H. Quillen (R-Tenn).
22. John J. Rooney (D-N.Y.).
23. Carlton Sickles (D-Md).
24. Albert W. Watson (D-S.C.).
25. Charles Weltner (D-Ga).
26. Clement J. Zablocki (D-Wisc).

These letters, evidencing considerable congressional interest in the matter, were advanced by Cohen in support of his request for investigation and hearing of his complaint. The letter from Senator Joseph Tydings was featured in the above-mentioned montage ad.

It is thus evident that many Members, including myself, were misled by Cohen, but it must be remembered that the events under consideration took place in 1965, and it was not until 1970 that the utterly depraved and despicable character of Cohen began to surface. In this conference with Mr. Garber and me, Cohen told us his activities were legal and honest, and that Mr. Finney, of FHA, had told him there was nothing wrong with his manner of doing business.

Following the conference with Cohen, Mr. Garber decided to subpena the D.C. Licenses and Inspections file, as requested in the Croghan letter, because Cohen's major point of complaint related to that Department. Mr. Garber prepared the subpena and brought it to me on October 13, 1965, and told me of his decision and advice. I signed it, and Mr. Garber served it and obtained the Monarch file, which he then compared with the material submitted by Mr. Croghan on behalf of Cohen and Monarch.

This file revealed that Mrs. Margaret A. Haywood was another attorney for Cohen and Monarch. She represented the company in complaints revealed by the file. Mrs. Haywood has been a District of Columbia city councilman, and a member of the board of Washington Metropolitan Area Transit Authority, and is now a Judge of the Superior Court of the District of Columbia, appointed by President Nixon.

Mr. Garber's examination of the file revealed that License and Inspection investigator had discussed the Monarch matter with Assistant U.S. Attorney Lapham, who had advised there was not sufficient evidence of criminal liability. There was also mention of Federal Housing Administration. These notations indicated to Mr. Garber that he should touch base with the Justice Department and FHA during the investigation.

Mr. Garber was referred by the Justice Department to Alfred Hantman, an

assistant in the D.C. U.S. Attorney's office. Mr. Garber advised Mr. Hantman of the complaint received by the Committee questioning the propriety of some action by the D.C. Government, and inquired would he find it possible to visit, in order that he might see the complaint, and give his comments about it. This appointment was made.

Mr. Garber also called Mr. Harry Finney, at FHA, who was named in the Croghan letter, and made a like appointment with him, that he might see the complaint and offer comments.

Mr. Garber advised me, as subcommittee chairman, of the appointments.

The conference with Mr. Hantman was on or about October 20, 1965. It was brief. Mr. Garber showed him the complaining letter. Mr. Hantman had very little to say about it, other than that Monarch was under investigation by the U.S. Attorney's office. He had a copy of the above-mentioned montage advertisement. That ad, and the letters in it, may have been the reason he had so little to say.

The conference with Mr. Finney was on October 22, 1965. He brought with him Mr. James Hobbs and some FHA reports. Mr. Garber showed him the complaint the Committee had received. Mr. Finney denied the allegations in the letter, and told us of some of Monarch's operations. His reports concerned about 12 of Monarch's customers, and he and Mr. Hobbs felt those customers had been grossly overcharged and probably defrauded. Mr. Garber and I felt that Finney and Hobbs were right. They pointed out, however, that during the FHA investigation, Mr. Hantman had stated there was insufficient evidence for an FBI investigation. They stated they had put Monarch on the precautionary list. Mr. Finney desired to leave his reports with the committee so they could be reviewed with the other material the committee had. In one of these reports was reflected Mr. Hantman's opinion that there was insufficient evidence. After Mr. Garber reviewed the reports, he returned them to Mr. Finney, although their return had not been requested.

This concluded our investigation. Mr. Garber was of the opinion, concurred in by me, that the complaint in the Croghan letter was without foundation; that to the contrary, Cohen had misused his customers. Chairman McMILLAN was so notified.

When Cohen learned we would not hold a hearing on his complaint, he came to me, as subcommittee chairman. I told him why we would not have hearings. Though he had denied criminal conduct to Mr. Garber and me, he urged me to hold a hearing at which he could testify, asserting that such testimony would give him immunity from prosecution. I told him we definitely would not have hearings, and furthermore that testifying before a congressional committee would not afford him immunity if he had been guilty of criminal conduct; that if he wanted immunity for something he had done, he would have to talk to the U.S. Attorney about it. I also told him he ought to make restitution to the people that Mr. Finney had told us about.

This is hindsight, but it appears that Cohen had a double-barreled idea. If he had testified at a hearing, he could claim a promise of immunity; if not permitted to testify, he could claim he had been promised an opportunity to testify in return for a payment; so he had it coming and going.

Early in 1970, Sachs, through a grand jury in Maryland, undertook an inquiry into the District Committee's 1965 investigation of the Croghan letter complaint, resulting in the indictment for conspiracy to influence the Justice Department and impede and obstruct justice, and to cause transportation of money in interstate commerce for purpose of bribery. In truth and in fact, I was merely carrying out my assigned duty and responsibility as subcommittee chairman. The other charges are hollow and meaningless, based solely on the fact I would not plead guilty to the malicious allegations.

The prosecution's case made it clear that it was predicated on a duly authorized congressional committee investigation, and, further, that I never, at anytime, made any attempt to influence the Justice Department, or to obstruct or impede the due and proper administration of law. This is fully corroborated by the testimony of prosecution witness, Alfred Hantman, who testified that he was in charge of the Monarch case from prior to October 1965, until he left the U.S. Attorney's office in August 1969, and the testimony of Oliver Dibble, who testified the case was referred to him by Mr. Hantman in 1969, and was in his charge until he retired in October 1969. Each of them testified that I made no attempt to influence them, or to impede or obstruct them in the handling of the case, and that I made no request of them to do or not to do anything in regard to the case. There was no evidence that any other person in the U.S. Attorney's office or the Justice Department had anything to do with the case. Had there been another, and had I made any contact with him, you may be certain the prosecution would have produced him. Such a thing just did not occur.

In this connection, it should be noted that in 1967, I did, in a telephone conversation with Deputy Chief Owen Davis of the Metropolitan Police Department, lodge a complaint with him on behalf of several citizens of the District of Columbia against Monarch Construction Company. Chief Davis was tendered as a witness to this fact, but the trial judge refused to permit him to testify.

A brief summary of the testimony of the prosecution witnesses will demonstrate that it was a committee investigation they were testifying about, and that no request was made of them to do anything, and no attempt to influence, impede or obstruct their actions.

William Paul Green testified he was custodian of the Licenses and Inspections files. That he delivered the Monarch file to Mr. Garber in response to subpena on October 13, 1965. He stated that the file was not secret; that anyone could obtain a copy on proper request, and that he would have given a copy to Monarch's attorney on request.

Alfred Hantman testified of the conference with Mr. Garber and me about October 20, 1965; that he was told of the complaint the Committee had received; that he told us the Monarch matter was under investigation; that he had with him and showed us a copy of the montage ad, showing approval of Monarch's work by various Senators and Congressmen. He testified that no request was made of him to do or not to do anything, and he was not asked to discontinue his investigation, nor was he asked not to prosecute. He testified to receiving my letter of October 25, 1965, thanking him for the conference with committee counsel Garber and me.

Harry Finney testified of the conference with Mr. Garber and me on October 22, 1965; that he was employed at Federal Housing Administration in October, 1965; that Mr. Garber called him to confer about the Monarch complaint the committee had received; that Mr. Garber was committee counsel, and told him it was a congressional committee inquiry; that he brought Mr. James Hobbs with him to the conference, and that they were told of the complaint; that he and Mr. Hobbs explained the situation; that amendment of the District Licensing law was also discussed. He testified that Cohen was a bare-faced liar in telling people that he—Finney—had given Cohen a clean bill of health. He said the conference was harmonious; that nothing improper was asked of him, and that I was cordial in listening to their recital of the Monarch affair.

Mr. Finney also testified that he had instructed Hobbs to bring some reports, with them to the conference, and that he instructced Mr. Hobbs to leave them with the committee; that this was on his own initiative, and not by request of Mr. Garber or me. No restriction was placed on the reports, or even that they be returned. However, Mr. Garber did return them after he concluded his investigation. Mr. Finney testified to receiving my letter of October 25, 1965, thanking him for the conference with committee counsel Garber and me.

James Hobbs testified that he came to the conference with Finney. He produced his memorandum of the meeting, relating that he was told that Cohen and his attorney had presented certain information to the District of Columbia Committee, and that my subcommittee had been assigned the job of looking into it; that financing regulations were discussed,, and that Mr. Finney provided information that Monarch violated same, and denied the allegations Cohen had made to the committeee. Hobbs testified that he was not asked to do anything relative to Monarch.

Finney and Hobbs were definite that there were violations of law, as they looked at it, and felt something should be done about it, but Mr. Hantman had stated his opinion during the FHA investigation that the evidence was not sufficient for the FBI to investigate Monarch.

The FHA reports which Finney had Hobbs to leave with the committee sup-

ported Mr. Finney's statements to us. The reports indicated Monarch had overcharged and probably defrauded 10 or 12 customers whose cases had been investigated. This was sufficient evidence upon which Mr. Garber and I made the decision that the complaint in the Croghan letter was not valid, and that our committee would not have a hearing.

Summed up, the case against me was based on an investigation made by my subcommittee. The actions taken by Mr. Garber, as committee counsel, and me, as subcommittee chairman, were performed as part of our regularly assigned duty and responsibility. The result of the investigation was contrary to the wishes and request of Cohen, but even if the result had been favorable to him, it could not furnish the basis for prosecution.

Furthermore, all of the testimony conclusively shows that neither Mr. Garber, nor I, made any effort to influence the Justice Department, or FHA. It also conclusively shows that we made no effort to impede or obstruct the proper administration of justice.

Incidentally, and to illustrate the free and willing use of perjured testimony by the prosecution, the undisputed and uncontracted proof was that Mr. Garber received the licenses and inspections file on October 13, 1965, and the FHA reports on October 22, 1965. In the face of this, the prosecution had Cohen swear that Clark gave him copies of those documents in late September and early October 1965, telling him that he—Clark—got them from me. Then, the prosecution had Clark swear that he had never seen the licenses and inspections file, but that in late September or early October, he stole the FHA reports from my office, made copies and returned them, all without my knowledge, and gave Cohen a copy. Finney and Hobbs definitely established that the FHA reports did not come into the committee's possession until late—22d—in October 1965.

I have devoted my life to service, trying to help people with their problems. I do not turn them away. When Cohen's complaint was referred to my subcommittee, I was glad to look into it. When the inquiry revealed Cohen and Monarch were misusing customers, I knew it was the customers, and not Cohen, who needed help. Cohen was refused a public hearing, and I told him to make restitution to his customers. It is evident he held resentment against me through the ensuing years, plotting and planning ultimate revenge.

The conspiracy against me was long in preparation, devised by vicious, diabolical, depraved men, with supreme trickery, treachery and cleverness; a scheme conceived in inequity and whelped in sin.

Grants of immunity from prosecution is too lethal a weapon for unrestricted use. It is the most vicious threat to society since the atomic bomb. Because of "antiestablishment" propaganda of today, when a victim is indicted, he is convicted as soon as the report hits the news media. This is an open invitation to blackmail, and being the character of people they are, each facing scores of years in the penitentiary for hundreds of crimes, Cohen, Clark, Levitt, Pope and Thelma Cohen were more than ready and willing to fabricate any kind of tale in consideration that they go free.

Another thing, when known criminals are given immunity, they should at least be barred from continuing their fraudulent criminal activities. But not so in this case.

The Cohens have returned to the "construction" industry, this time in Norfolk, Va.—and again with the financial support of the Federal Government. In Washington, operating as Monarch Construction Co., financed by Federal Housing Administration, the Cohens defrauded that agency and his customers of more than $2,000,000. The Cohens are presently operating as Windsor Custom Builders, financed by Farmers Home Administration, in Virginia Beach, Va. Is this part of the pay-off to him, in addition to his immunity?

During 1971, Cohen obtained permits and contracts for some 52 houses, with approximately $1,000,000 committed to him by Farmers Home Administration. By the end of March, 1972, his overcharging, misrepresentations and shoddy work again caught up with him. FHA decided it had been a little hasty in making loans on Cohen's houses, and had misgivings about Windsor Custom Builders.

Cohen promptly changed the name of his corporation to Windsor Custom Homes, and secured additional permits. The new company informed FHA they planned 700 to 900 houses within 12 months, for which FHA was to provide 100 percent financing at $20,000 per house. In the meantime, Cohen had not furnished names of officers, financial statements, nor performance bonds for either of the Corporations. This reveals a fraudulent scheme, similar to the Monarch Construction Co. fraud perpetrated in Washington, as shown by our subcommittee investigation in 1965, when we repudiated Cohen's claim that he was being abused by the District of Columbia government, and upon which committee action the case against me was predicated.

Cohen says he has plans for a third home-building company, to also operate in the Virginia Beach area.

In like manner, Clark is still receiving Federal grants of money. Within the last 2 years he has received a grant of several hundred thousand dollars, according to his testimony, for an arts and humanities project in California, and is working on another grant running into the millions of dollars for another California project.

Pope and Levitt are each in the real estate business in Maryland. Thelma Cohen is with the Norfolk and Virginia Beach operations. There is no restraint on any of them. It seems, through some devious thinking, that the people and the Federal purse are not entitled to any protection at all.

This demands attention: Grants of immunity from prosecution were formerly sparingly used. I never used such grants while I was prosecuting, because I felt testimony obtained by such bribery to be so tainted as to be worthless. But here, we find wholesale grants of immunity. Nathan Cohen, just one of the beneficiaries in this case, received immunity from prosecution in at least a thousand cases of criminal fraud and other crimes, including perjury, false swearing and subordination of perjury—and in addition, a Federal agency is still financing his operations. The other four were rewarded by similar payoffs, though they perhaps were guilty of a lesser number of crimes. All were amply rewarded for their depraved scheme.

I am sure any Member of the House who is in anywise interested in the truth will be alarmed at this unusual manner of attacking a Member for performing the duties assigned to him by this body. One must also question the motivation of the executive branch in seeking to destroy a well-established principle of congressional administration, namely, the right of Congress to pursue congressional committee inquiries, and the protection of the speech and debate clause. If these are destroyed, then the power of Congress will be weakened and inevitably destroyed.

The right of congressional inquiry is an integral part of our legislative system. The power of inquiry, wrote Justice Van Devanter, when the issue was brought before the Supreme Court in 1927, is an essential and appropriate auxiliary to the legislative function.

The executive arm of Government, eager to secure unlimited power over the Congress, is making this trumped-up prosecution a test case, to determine how far it can go in destroying the power and integrity of the Congress as a separate and independent arm of Government.

I urge each Member to consider carefully the consequences, if political motivations of an administration in power are permitted to crucify the integrity and usefulness of men devoted to the public service. Both myself and my family might be better off in several ways had I surrendered to the persecutions I am now undergoing, but I could not do so, for I would not be keeping faith with the House of Representatives and its Members. I had to resist the invasion of the powers, privileges and prerogatives of the Members of Congress in carrying out their legislative duties.

I have not shirked this responsibility. As you carefully investigate the circumstances surrounding this case, if you have not been intimidated, remember that Sachs has viciously charged in the newspapers and on television that many Members, without naming them, are guilty of crime and corruption. It can happen to you, just as it has to me, through the use of the same tactics.

NINTH VIETNAM ROLL OF HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, October 23 is nationally recognized as Veterans Day. It is a day which has been set aside to honor and remember the men and women who have served our country in peace and war in the Armed Forces. Two decades ago, it was a day for national

celebration for the living, and solemn commemoration for those who gave up their lives in battle.

For most Americans, it will not be so next Monday. For most, it will be only another 3-day weekend.

For the families and loved ones of 46,404 veterans of the Vietnam War, Veterans Day will be another painful reminder of the terrible price this tragic war has exacted from a divided nation—for this is the number of Americans who have died in hostile action in Vietnam through the end of June 1972. Since I last listed the names of Vietnam War Dead in the CONGRESSIONAL RECORD 12 months ago, 453 of these men have died.

Today I shall list the names of these men in the Ninth Vietnam Roll of Honor.

This Roll of Honor will cover just slightly more than two pages of today's RECORD, only a fraction of the 122 pages required for the First Vietnam Roll of Honor on March 25, 1969. That fact, however, is small comfort to the loved ones of those who have died during this last year of Vietnamization.

Nor should it be comfort to the rest of us. Our monument to these brave men is indeed spare. Few statues, few memorials, hardly ever a parade, a band, a formal welcome home. Only an occasional speech testify to the great sacrifice which has been made. Victory, whatever that might be in Southeast Asia, has eluded us. The gratitude of the people for whom the war has been fought is rarely expressed even in the most muted terms.

As if to prove that we had learned something from this tragic encounter, the House and the Senate each passed a differing bill dealing with the war powers of the President and the Congress. A new law drawn from these proposals would have been a fitting memorial. Now it lies nearly dead in a conference committee which cannot decide which version to adopt.

And so, Mr. Speaker, I offer this small memorial in the CONGRESSIONAL RECORD to those valiant men who, to borrow Lincoln's words, gave the last full measure of devotion for their country.

List of dead follows:

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM FROM JULY THROUGH SEPTEMBER 1971

ALABAMA

Army

Clements, Randall Kelvin, Gadsden.
Morgan, Lynn Martin, Mobile.
Noble, Allen Earl, Thomasville.
Tomlinson, Gary Preston, Birmingham.

Air Force

Ledger, Gilbert, Birmingham.

Marine Corps

Turberville, Charles Wayne, Finchburg.

ARIZONA

Army

Babcock, Ronald Lester, Tucson.
Brown, James Ronald, Phoenix.

ARKANSAS

Army

Hunter, Harold Clayton, II, Lockesburg.
Poe, Joseph Byron, Prattsville.
Thacker, Frederick Anthony, Rison.

Navy

McCoy, Ralph Lindsey, Jr., Mayflower.

CALIFORNIA

Army

Antunano, Gregory Alfred, San Francisco.
Butler, Gary William, San Jose.
Chavira, Stephen, Wasco.
Floyd, George Allen, San Diego.
Gilbreth, Don Riley, Van Nuys.
Goff, Alan Sherman, Bakersfield.
Harris, Allan Lynn, Etiwanda.
Lew, Victor Walter, Bonita.
Lilly, Lawrence Eugene, Los Angeles.
Malone, Felix, Oakland.
Montoya, Louie Gooch, Covina.
Pierce, Loy Wendell, Benicia.

Air Force

Holland, Lawrence Thomas, Alhambra.

Navy

Barden, Arnold Winfield, Jr., San Diego.
Cover, Lawrence Leroy, Culver City.
Goldbin, Charles Henry, Los Angeles.

COLORADO

Army

Aragon, Rueben Thomas, Pueblo.
Cude, Hershel Duane, Jr., Widefield.
Gomez, Margarito Rodriquez, Ft. Lupton.
Lukow, Michael Eugene, Aurora.

Air Force

Weskamp, Robert Larry, Arvada.

DISTRICT OF COLUMBIA

Army

Kluever, Larry John, Washington.

FLORIDA

Army

Gregory, John Henry, Jr., St. Petersburg.
Jones, Dwight Hubert, St. Petersburg.
Mays, Raymond Raliford, Okeechobee.
Russ, Richard, Jr., Monticello.
Cannon, Bruce Alton, Savannah.

GEORGIA

Army

Eldred, Robert Edward, Savannah.
Hart, Vernon, Vidalia.
Jones, Lynn, Remerton.
Maxie, Norman, Albany.
Peterson, Albert Eugene, Jr., Wadley.
Piper, Robert Anthony, Newton.
Troup, Rodrick, Atlanta.

HAWAII

Kamalolo, Joel Kahalealoha, Haleiwa.

IDAHO

Chapman, Johnny Howard, Boise.
Cinkosky, David Edward, Post Falls.
England, Steven Glenn, Pocatello.

ILLINOIS

Army

Becker, Howard John, Jr., Des Plaines.
Bergfield, Phillip Rex, St. Jacob.
Bishop, James Franklin, Chicago.
Curran, Robert Bruce, Aurora.
Dalton, Randall David, Collinsville.
Ehlers, Larry Dean, Algonquin.
Hojnacki, Robert Frank, Chicago.
Holian, Gary Lee, Chicago.
Knox, Michael Joseph, Olney.
Naffziger, Marshall Edward, Emden.
Rogers, Hershel Gale, Mackinaw.

Air Force

Johnson, Napoleon, Markham.

Marine Corps

Prescott, Milton Emmett, Jr., Blue Island.

INDIANA

Army

Beals, Charles Elbert, French Lick.
Shepherd, Ronald Steve, Knox.

IOWA

Army

Concannon, Richard Neil, Keokuk.
Smith, Gregory Allan, Sioux City.

KANSAS

Air Force

Taliaferro, Glen Johnson, El Dorado.

KENTUCKY

Army

Lovins, Arnold, London.
Sallee, Richard, Jr., Hopkinsville.
Smith, Donald Emmett, Louisville.

LOUISIANA

Army

Cooper, Joe, Kenner.
Garcille, David Lee, Lake Charles.
Guidry, Michael James, Lafayette.
Hebert, Alton John, Arnaudville.

Air Force

Vincent, Halton Ramsey, Sulphur.

MAINE

Army

Coro, Bernard Louis, Medway.

MARYLAND

Army

Jones, Howard Lawrence, Baltimore.
Mortimer, Edward Lewis, Jr., Baltimore.
Murphy, Frederick William, Brentwood.
Willard, Robert Leroy, Frederick.

MASSACHUSETTS

Army

Cavanaugh, Edward Joseph, Worcester.
Ellis, Kenneth Warren, Melrose.
Grady, Leo Francis, Jamaica Plain.
Larson, Robert Merchant, Belmont.
Smigliani, Domenic, Hyde Park.
Beckwith, Harry Medfor, III, Flint.

MICHIGAN

Army

Bickford, Thomas Wayne, Lincoln Park.
Boulware, George Walter, Detroit.
Brancheau, Daniel Allan, Newport.
Hammond, Terry Michael, Lansing.
Kotewa, Floyd William, Jr., Bay City.
Lamar, William Ernest, Taylor.
McCloud, Willie, Jr., Muskegon.
Murrell, Jimmy Roger, Detroit.
Ryckaert, Anthony Lee, Detroit.
Sheaffer, David Lawrence, Parchment.
Summerville, Frederick Bru, Kalamazoo.
Vilas, Gerald Frank, Yale.
Wells, James Allen, Niles.

Marine Corps

Davison, Robert Gayle, Muskegon.

MINNESOTA

Army

Gartner, Robert Frederick, Eden Prairie.

MISSISSIPPI

Army

Eaton, Mark Haskin, Taylorsville.
Hinton, Jimmie David, Batesville.
McCoy, Larry, Brandon.
Pettiegrew, James Paul, Greenville.

MISSOURI

Army

Jones, Johnny Eugene, Kansas City.
Purcell, Richard Michael, St. Louis.

Air Force

McNutt, Windol Wilson, Bragg City.

Navy

Cowen, Harold Edward, Eminence.

NEBRASKA

Army

Gronborg, Martin Wayne, Jr., Omaha.
Lamere, Anthony John, Omaha.
Magers, Paul Gerald, Sidney.
Thompson, John Clyde, Jr., Lincoln.

NEW HAMPSHIRE

Army

Lawrence, John Winslow, Jr., Farmington.
Senechek, John, Manchester.

NEW JERSEY

Army

Knuckey, Thomas William, Wharton.

NEW MEXICO

Army

Arthur, Johnny, Fruitland.
Caserio, Charles Dominic, Albuquerque.
Rjbio, Ruben, Clovis.
Trujillo, Gabriel, Raton.

NEW YORK

Army

Bynoe, Miguel Antonio, Jamaica.
Caylor, Randy Lee, Buffalo.
Cobb, James Paul, Depew.
Dischhauser, Dieter Herber, New York.
Johnson, Zebulon Murphy, Jr., Syracuse.
Roesch, Heinz Kurt, Troy.
Rossana, Richard Joseph, New York.
Schettig, Robert Scott, Spring Valley.
Severson, Robert Daryl, Silver Springs.
Taylor, Philip Charles, Grand Island.

Air Force

Medina, Israel, New York.

NORTH CAROLINA

Army

Coleman, Lawrence Barbe, Jr., Gibsonville.
Frady, David Wayne, Waynesville.
Griffin, Marion Tracy, Charlotte.
Hines, William Carroll, Charlotte.
Rodgers, Haywood, Siler City.
Webb, John Friel, Greensboro.

NORTH DAKOTA

Army

Hanson, Steven Reed, Fargo.
Hinzpeter, Alan Rolf, Minot.

OHIO

Army

Aston, Jay Steven, Rocky River.
Caudill, Orville, Perrysburg.
Dyer, Allen John, Toledo.
Fleshman, Randy Allen, Akron.
Mooney, Fred, Northup.
Patterson, Richard Stuart, Toledo.
Pearce, Dale Allen, Mentor.
Sweinsberger, Thomas Edwar, Columbus.
Welsh, Elbert Arthur, Cadiz.

OKLAHOMA

Army

Hoffman, John Paul, Wann.
Pospisil, Alfred Frank, Moore.
Scott, Donald Eugene, Tulsa.
Wann, Donald Lynn, Shawnee.

OREGON

Army

Beglau, David Bernard, Eugene.
Brubaker, Donald Dean, Oregon City.
Harr, Gerry Arthur, Roseburg.

PENNSYLVANIA

Army

Duplessis, Richard James, Carbondale.
Kastler, Curtis Charles, Turtle Creek.
Kelly, Lawrence Lee, Munhall.
Kimmel, Gordon Lee, Stoystown.
Lopochonsky, John Henry, Jr., Greenville.
Martell, Terry Jack, McKeesport.
Matthews, Nathanial Carl, West Chester.
Robison, William Randall, Lancaster.
Scheu, Gunter Wilfried, Philadelphia.
Tomaschek, Arthur, Allentown.
Urquhart, Paul Dean, McMurray.

SOUTH CAROLINA

Army

Chastain, Woodrow Beal, Pickens.
Goodwin, Ronald Nelional, Charleston.
Taylor, Ted James, Lancaster.
Wright, James, Columbia.

SOUTH DAKOTA

Army

Fortin, Robert Gene, Turton.
Russell, Roy Dean, Mission.

TENNESSEE

Army

Browder, Jerome Albert, Jr., Knoxville.
Harrison, Walter Cornel, Jr., Memphis.
Workman, Lance Davis, Chattanooga.

TEXAS

Army

Anguiano, Tony, Mineral Wells.
Beavers, Robert Allen, Dallas.
Burke, Joseph Scott, Houston.
Disheroon, Billy Wayne, Dallas.
Farewell, Roger William, Dallas.
Limerick, Bobby Frank, Elkhart.
Maresh, James Anthony, Lolita.
McDonell, R. D., Sweetwater.
Ricks, Ronald Glenn, Dallas.
Strickland, Gail Lynn, Amarillo.
Valdez, Rodolfo, Edcouch.

Air Force

Kamenicky, George Wayne, Sherman.
Wilkerson, Lawrence, El Paso.

UTAH

Army

Bingham, Oran Lothier, Salt Lake City.

VERMONT

Army

Tuttle, Alfred Joseph, Union Village.

VIRGINIA

Army

Dillenseger, Bernard Guy J., Alexandria.
Morbitzer, Christopher Geo., Petersburg.

WASHINGTON

Army

Barnett, Melvin Donald, Weston.
Berg, Bruce Allan, Olympia.
Bruce Robert Graham, Federal Way.
Lafayette, Jerry Owen, Concrete.
Page, Richard Lee, Olympia.
Weisser, Robert Lee, Tacoma.

WEST VIRGINIA

Army

Smith, James Leroy, Pineville.
Withrow, Paul Richard, Clendenin.

WISCONSIN

Army

Chapman, George Anthony, Milwaukee.
Gross, John Albert, Menomonee Falls.
Kelly, Eric Steven, La Crosse.
Reamer, James Charles, Milwaukee.

Air Force

Rydlewicz, John Michael, Milwaukee.

WYOMING

Army

Miltnovich, Emil Max, Rock Springs.

PUERTO RICO

Army

Whitlock, Donald Bened, III, Hato Rey.

CANAL ZONE

Army

Reimiller, Thomas Evans, Curundun.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM FROM OCTOBER THROUGH DECEMBER 1971

ALABAMA

Army

Bowlen, Harold David, Gadsden.
Chaney, Larry William, York.
Jones, Neil Wade, Cullman.
Sharpe, Ronnie, Selma.

ALASKA

Army

Rainey, Lloyd Steven, Anchorage.

CALIFORNIA

Army

Bradford, William Jonathan, Granada Hills.
Denmark, Robert Lee, Cottonwood.
Perry, Kenneth Richard, Placentia.
Stewart, Dennis Ray, Sacramento.

COLORADO

Army

Garnes, Jack Allen, Wheat Ridge.
Selix, James Michael, Colorado Springs.

DELAWARE

Army

Crosby, Rolin James, Wilmington.

FLORIDA

Army

Behm, Chris Roger, Pensacola.
Gassman, Fred Allen, Ft. Walton Beach.
Jones, Frederick Olen, New Smyrna Beach.

ILLINOIS

Army

Berblinger, Kenneth Michael, Quincy.
Bordes, Andrew Morley, Carpentersville.
Debickero, Dennis Ralph, Evergreen Park.
Williams, Victor Demott, Colchester.

Air Force

Prose, Thomas Dean, Girard.

INDIANA

Army

Brown, Robert Nugent, Bloomington.
Mills, Audley Duane, Macy.
Walton, Lewis, Alan, Peru.

Navy

Foltz, Paul Raymond, Terre Haute.

IOWA

Air Force

Newendorp, James Vernon, Alton.

KENTUCKY

Army

Hogan, Darrell, Brownsville.
Richie, Charles Howard, Berea.
Watts, Schuyler, Vicco.

Air Force

Swenck, Robert Bennett, Louisville.
Thomas, Leo Tarlton, Jr., Georgetown.

LOUISIANA

ARMY

Brown, Irving John, Jr., Vacherie.
Taylor, Stanley Wade, Mangham.

MAINE

Army

Burchfield, Joe Stuart, Limestone.

MARYLAND

Army

Davidson, David Arthur, E. Riverdale.
Spudis, Ronald Anthony, Havre De Grace.

Air Force

Fike, Thomas Eugene, Friendsville.

MASSACHUSETTS

Air Force

Ryan, Robert Edward, Hingham.

MICHIGAN

Army

Duffey, Jerry Norman, Charlotte.
Lange, Richard Ross, Ludington.
Quandt, Robert Frederick, Algonac.

Air Force

Defer, Richard Henry, Traverse City.

NEBRASKA

Army

Farley, Michael, Marion, Lincoln.
Hayes, John Cook, Hartington.

NEW JERSEY

Army

Merlino, Carl Steven, Hammonton.
Vennik, Robert Nicholas, Wyckoff.

NEW YORK

Army

Makowski, William John, Buffalo.

NORTH CAROLINA

Army

Eason, Douglas Duke, Fayetteville.

OHIO

Army

Cottrell, Sidney Allen, Wellington.
Tallman, Donald Charles, Tiffin.

OKLAHOMA

Air Force

Poynor, Daniel Roberts, Enid.

OREGON

Army

Bowman, Barry Alan, Medford.

PENNSYLVANIA

Army

Barkley, Earl Duane, Indian Head.

TENNESSEE

Army

Burns, Howell Wayne, Hartsville.
Hann, David Lee, Kingsport.

Air Force

George, John William, Big Rock.

TEXAS

Army

Love, Joe L., Jr., Wharton.
Meshigaud, Andrew Harry, Dallas.
Ritch, Harold Junior, Houston.
Stansbury, Thomas Rogers, Houston.

VERMONT

Army

Green, Richard Albert, Manchester.

VIRGINIA

Army

Chester, Robert Richard, Highland Springs.
Hebert, Frederick Conrad, Richmond.
Thompson, Carl Wayne, Richmond.

WEST VIRGINIA

Army

Goodman, Robert Onnie, Jr., Gilbert.

WISCONSIN

Army

Pawelke, Richard Charles, Milwaukee.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM FROM JANUARY THROUGH JUNE 1972

ALABAMA

Army

Barefield, James Arther, Midland City.
Barsom, George Kasper, III, Montgomery.
Gipson, Charles Donnette, Brewton.
Jones, Johnny Mack, Auburn.
Martindale, Paul Vaughan, Letohatchee.
Ware, Don Hamuel, Trussville.

ARIZONA

Army

Conry, John Timothy, Phoenix.
Crook, Elliott, Phoenix.

Air Force

Yoakum, David Lewis, Tucson.

Navy

Davis, Leonard Ray, Phoenix.

ARKANSAS

Army

Lynch, Stephen William, Batesville.

CALIFORNIA

Army

Baker, Robert Oliver, Jr., Garden Grove.
Brockman, Francis Carl III, Los Angeles.
Dunagan, Jimmy Lyn, San Francisco.
Hosaka, Isaac Yoshiro, Gardena.
Jacobsen, Timothy John, Oakland
Kunzler, Daryl Roy, Novato.
Westcott, Gary Patrick, Pomona.
Woods, Larry James, Rancho Cordova.

Air Force

Adams, John Wilburn, Redondo Beach.
Encinas, Esequiel Martinez, Wilmington.
McIver, Alexander, Santa Monica.

Navy

Mills, Robert Thomas, Clearlake Highlands.
Rowe, Bruce Phillip, Arcadia.

COLORADO

Army

Talty, Patrick Anthony, Denver.

CONNECTICUT

Air Force

Dunn, Richard Edward, Terryville.

DISTRICT OF COLUMBIA

Air Force

Cooke, Calvin Coolidge, Jr., Washington.

FLORIDA

Army

Carter, George William, Apopka.
Clark, William Marshall, Vero Beach.
Harris, Joseph Richard, Tallahassee.
Kline, Bruce Eugene, Lakeland.
Kushner, Daniel Kent, Miami.
Thain, Harry Lindsay, Zephyrhills.
Williams, Frank Emanuel, Tallahassee.

Air Force

Alley, James Harold, Plantation.
Hamman, Thomas Ralph, Hollywood.
Jackson, James Terry, Hialeah.
Manor, James, Panama City.
Sanders, Jon Hubbard, Naples.
Unger, Don Lee, Lake Worth.

GEORGIA

Army

Greene, John Edward, Albany.
Hudson, Joe David, Moultrie.
Windeler, Charles Carl, Jr., Savannah.

Air Force

Wagner, David Lee, Warner Robins.

HAWAII

Army

Kalani, Charles Manuwahl, Paia.
Rabacal, Patrick William, Honolulu.

ILLINOIS

Army

Batts, Larry, Chicago.
Figueroa, Fernando, Chicago.
Nolan, Joseph Paul, Jr., Oak Park.
Pierce, Roger Lee, Glen Ellyn.
Welch, Michael John, Danville.

Air Force

Amesbury, Harry Arlo, Jr., Morrison.
Courtney, Terence Francis, Skokie.
Voigts, Richard Scott, Wilmette.
Whitt, James Edward, Penfield.
Widerquist, Thomas Carl, Morton Grove.

Marine Corps

Konow, Michael Jacob, Chicago.

INDIANA

Army

Vehling, Robert Wayne, Greenwood.

Air Force

Hoskins, Donald Russell, Madison.
Wagner, Raymond Anthony, Evansville.
Weisman, Kurt Frederick, Jasper.

IOWA

Army

Maurer, Jeffrey Alan, New Liberty.
Nihsen, Dallas Lee, Charter Oak.
Northur, Edwin Gilbert, Lenox.

Navy

Sterling, Robert Allen, Creston.

KANSAS

Army

Harvey, Larry Wayne, Independence.

Air Force

Lewis, Clarence Paul, Louisburg.

KENTUCKY

Army

Landis, Charles David, Ashland.
Mantooth, Leonard Hayes, Jr., Louisville.

LOUISIANA

Army

Rahm, Arnold John, Bossier City.
Wiley, Thomas J., Monroe.

Air Force

Bennett, Steven Logan, Lafayette.

MARYLAND

Army

Britt, Charles Jackson, Ferndale.
Hamrick, James Madison, Jr., Lexington Park.
Shields, Stephen Edward, Clinton.

Air Force

Call, John Henry, III, Potomac.
Slater, Freddie Leon, Baltimore.

MASSACHUSETTS

Army

Arsenault, Richard Roland, Southbridge.
Barry, James Michael, Quincy.

Air Force

Avery, Allen Jones, Auburn.

Navy

Greenleaf, Joseph Gales, West Newton.

MICHIGAN

Army

Butler, Charles Lewis, Grand Rapids.
Eddy, John David, Ann Arbor.
Lipsey, Thomas Washing III, Kalamazoo.
Mollanen, Dale Burton, Hubbel.
Smith, Thomas Emings, Evart.
Vos, Kenneth Richard, Muskegon.

MISSISSIPPI

Army

Szekely, Joseph Charles, Purvis.
Zollicoffer, Franklin, Kosciusko.

MISSOURI

Army

Horst, Robert Louis, Springfield.
Moran, Walter C. B., Nevada.

Air Force

Blassie, Michael Joseph, St. Louis.
Slagle, David Roddy, Rogersville.

MONTANA

Army

Kojetin, Roger John, Great Falls.

NEBRASKA

Army

Biscamp, Marvin Lynn, Omaha.
Kingman, Dan Christie, Jr., Lincoln.

NEW HAMPSHIRE

Air Force

Pearson, William Roy, Warner.

NEW JERSEY

Army

Bausch, David Alan, Towaco.

NEW MEXICO

Army

Pacheco, Jaime, Hobbs.

Air Force

Brown, Kenneth Ray, Las Cruces.
Hagman, Richard Harold, Rush City.
McIntire, Scott Winston, Albuquerque.

NEW YORK

Army

Crosby, Bruce Allen, Jr., Springville.
Faldermeyer, Harold John, Rockland.
Ivey, Glen Simmang, West Point.
Manca, Ronald John, Tarrytown.
Monkelbaan, Timothy James, Lockport.
Mott, John James, Buffalo.
Pesce, Paul John, Islip.
Stern, Robert Alan, New York.
Townsend, Burdette D., Jr., Oneonta.

Air Force

Bracey, Lester, Yonkers.
Jones, Harold Dana, Jefferson.
Jozefowski, Thomas Joseph, Bayville.
Mainardy, George William, Rockville.

Navy

Baker, Michael Dean, Port Henry.
Martin, Michael Joseph, Kew Gardens.
Stegeland, John Joseph, III, Canajoharie.

NORTH CAROLINA

Army

Eubanks, Joe Wofford, Concord.
Lawing, Paul Henderson, Jr., Lincolnton.

NORTH DAKOTA

Army

Berdahl, David Donald, Minot.

OHIO

Army

Brooks, David Lee, East Canton.
Farlow, Craig Lee, Cleveland.
Haines, William Allen, Jr., Warren.
Newman, Frank Allen, Lucasville.

Air Force

Chapman, Peter Hauden, II, Centerburg.
Christy, Richard Neill, II, Marietta.
Dreher, Richard E., Orrville.
Prater, Roy Dewitt, Tiffin.

Navy

Lutz, Robert Edward, Jr., Troy.
McKinney, Clemie, Cleveland.
Uhler, Gordon Robert, Toledo.

OKLAHOMA

Army

Drinnon, Bedford Lee, Hammon.
Farris, Gary Bruce, Shawnee.
Wilcoxson, Robert Franklin, Elk City.

Marine Corps

Powell, Samuel Herbert, Tulsa.

OREGON

Army

Love, Clyde Curtis, Keating.

Marine Corps

Tebault, Benjamin Lees, Portland.

PENNSYLVANIA

Army

Brochetti, Frank Thomas, Yatesboro.
Hunsicker, James Edward, Denver.
Longfellow, Ronald Anthony, Chalfont.

Air Force

Pannabecker, David Eric, Womelsdorf.

Marine Corps

Bruggeman, David Charles, Pittsburgh.

Navy

Rupinski, Bernard Francis, Edwardsville.

RHODE ISLAND

Army

Pilton, Gavin William, Edgewood.

SOUTH CAROLINA

Army

Edwards, Harry Jerome, Holly Hill.
Owens, James Douglas, Clinton.

Navy

Hatcher, Kenneth Marvin, Warrenville.

TENNESSEE

Army

Likens, Arthur Emmitt, Portland.

Air Force

Hopper, Joseph Clifford, Memphis.

TEXAS

Army

Breuer, Louis Karl, IV, Richardson.
Daugherty, Robert Lee, Abilene.
Gaches, Charles William, Seguin.
Lasater, Luther McKind, III, Garland.
Ortiz, Alberto, Jr., Grulla.
Osborne, Elvis Weldon, Jr., Dallas.
Powell, Thomas Stokes, Athens.

Coast Guard

Hernandez, Heriberto Segov, San Antonio.

Air Force

Allmond, Barry Kenneth, Fort Worth.
Farris, Dale Wayne, Odessa.
Russell, Richard Lee, Snyder.

UTAH

Army

Laws, Jerry Dee, Price.

Air Force

Crow, Raymond Jack, Jr., Salt Lake City.

VIRGINIA

Army

Ellen, Wade Lynn, Norfolk.
Forame, Peter Charles, McLean.
Johnson, Bernard Levern, II, Vienna.
Spengler, Henry Mersho, II, Alexandria.
Suttle, Frederick N., Jr., Newport News.
Willey, Burr McBride, Richmond.

WASHINGTON

Army

Howard, Douglas Allen, Spokane

WEST VIRGINIA

Army

Stamper, David Hiram, Wilkinson.
Tawney, Gary Wayne, Charleston.

WISCONSIN

Army

Jelich, John Anthony, Stevens Point.
Peterson, Dennis Newell, Beldenville.
Westphal, Scott Brian, Menasha.

WYOMING

Army

Skiles, Thomas William, Buffalo.

GUAM

Army

Biagini, Mark Frederick, Mangilao.

PUERTO RICO

Army

Alicea, Miguel Angel Cruz, Bayamon.

A TRIBUTE TO JOHN H. TERRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

Mr. KEMP. Mr. Speaker, my distinguished and able colleague and good friend, JOHN H. (JACK) TERRY, has established an outstanding record during his first term in Congress. JACK has been a hard-working Congressman and has served his country and the citizens of the 34th Congressional District of New York with integrity and dedication. I know that his constituents join me in regretting that he has decided not to seek another term.

Before coming to Congress, JACK had already accumulated an impressive record of achievement. He began his career in government service at the age of 23, when he was the youngest man ever to be elected to the Onondaga County Board of Supervisors. In 1959 he was selected by New York Gov. Nelson A. Rockefeller to become assistant appointments officer and 6 months thereafter assistant secretary to the Governor where he directed the operations of the executive chamber.

In 1963 JACK returned to an elected office as a member of the New York State Assembly from the 121st district and during his 8 years in the assembly was instrumental in the passage of many key pieces of legislation including property tax exemptions for the elderly and important highway safety measures.

JACK TERRY'S extensive governmental experience has been put to good use in Congress during his membership on two major committees—the House Committee on Public Works and the House Committee on Interior and Insular Affairs. Since taking office, he has worked on such major legislation as revenue sharing, highway safety bills, and rural development proposals.

JACK has also been a major advocate of fiscal responsibility and efficiency in Government and was an active participant in the excellent "Redtape Hearings."

In the Congress he has continued his important achievements as an environmentalist by working on vital legislation such as the Federal Water Pollution Control Act Amendments of 1972 and national land use policy proposals. Another of his principal concerns has been the energy crisis and he has shown his ability as a national legislator by working with the Alaska Natives claims legislation as skillfully as with bills dealing with his own State of New York.

I am proud to have been JACK TERRY'S colleague and friend during this first term for both of us in the House of Representatives. His able presence will be missed here in Congress and I sincerely hope that New York State and the Nation will continue to have the benefit of his leadership and governmental expertise.

I know that my colleagues join me in wishing JACK and Jean Terry and their family—Godspeed and every happiness in the years ahead.

Mr. Speaker, I respectfully request general leave for 7 legislative days in order that the Members of the House might extend their remarks in the RECORD to pay tribute to our colleague, JACK TERRY.

Mr. GERALD R. FORD. Mr. Speaker, I am delighted to extend my best wishes to our colleague JACK TERRY as he prepares to leave the House of Representatives. JACK TERRY has had, unfortunately, a short career in the House but that career short in time is long in performance.

JACK TERRY has been a superb legislator both in committee and on the floor. He has been an outstanding teamplayer both for President Nixon and me, as Republican leader. We both are grateful for this kind of cooperation.

I had hoped JACK'S first term in the 92d Congress would be only the beginning of a long and successful career in the House. Regrettably for very personal reasons JACK TERRY could not extend his congressional service. We will miss him but he can retire knowing he has left many friends and a fine record in Washington. This House record when added to his other outstanding service in New York is one he and his family can be very proud of.

In conclusion I will be missing a fine friend and I extend to him my deepest appreciation and very best wishes.

Mr. SMITH of New York. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. KEMP) and thank him for yielding.

I, too, wish to pay my respects to our colleague from New York, Mr. TERRY. He has been an able representative. He is a warm human being blessed with an abundance of the milk of human kindness. We have enjoyed serving in the Congress with JOHN TERRY, and we shall miss him here with us. We hope that his future shall be filled with health, pros-

perity and a continuous opportunity joyfully to serve mankind. Please come back and see us from time to time, JACK.

Mr. BAKER. Mr. Speaker, it is with mixed emotions that I rise on this occasion to salute and bid farewell to our distinguished colleague from the 34th District of New York, JOHN TERRY. Putting his family first, JACK is retiring at the end of this Congress after having rendered service of the highest quality to his constituents and to this country during these past 2 years.

He brought with him to this 92d Congress a wealth of experience and expertise in the legislative and administrative processes at the local and state levels, and a deep concern for the individual.

JACK's interest in the welfare of our military men and our veterans, his USO work—and particularly his untiring leadership in the efforts on behalf of our POW's and MIA's have earned him the affection and respect of military men and their families everywhere.

As one who has served closely with JACK on the Public Works Committee, I consider it a distinct privilege to pay him this well deserved tribute. We will miss JACK. He is a good lawyer and an adept legislator—most of all, he is a good man. We will miss his quick and incisive mind, his compassion and his understanding.

Sue and I want to join with his many friends and admirers in wishing JACK and Jean Godspeed and our warmest best wishes for the future.

Mr. McCOLLISTER. Mr. Speaker, I rise to pay tribute to my good friend and colleague, JOHN H. TERRY, who has chosen to place his family first. I know that it was a difficult decision not to run again for the House, but the decision was an expected one from a man of the character of JOHN TERRY. The thoughtfulness of that decision was in keeping with the courage that JOHN TERRY has consistently exhibited in the 2 years of this Congress. In the 2 years I have known him as a colleague and friend I have admired him for his loyalty to his convictions, for his wide knowledge of the subjects before this Congress, and for his grasp of the issues—attributes of a good Congressman, to be sure. But JOHN TERRY also showed respect for his own office by attending to his congressional duties faithfully and by living up to a formidable set of standards for his own conduct. I am sure that his constituents in the 34th District of New York feel that they have been well and truly served during the 92d Congress. I know that his country has been. I wish him continued success in his carrer. He will be missed in this Chamber.

Mr. KEATING. Mr. Speaker, a special bond seems to develop between colleagues who have entered the House of Representatives during the same Congress. The Members of the 92d Club have been no exception. Similar aspirations, anxieties, and accomplishments are experienced for the first time.

As freshmen Congressmen, JOHN TERRY and I entered the House during the same Congress, and so it is that a bond between colleagues, and friends, has developed.

I first met JOHN in Washington during briefings for Republican candidates for Congress in 1970. I was immediately impressed by his ability, temperament, and attitude.

While working together in Congress I found my initial impressions to be correct.

JOHN's distinguished and lengthy record of service, beginning almost 2½ decades ago, including his position as assistant secretary to Governor Rockefeller and his present membership on the House Committee on Public Works and the House Committee on Interior and Insular Affairs, is just tribute to a most deserving individual.

JOHN's leaving is a loss not only to the people of the State of New York, but also to the men and women he has worked with in the 91st and 92d Congress.

It is with a sense of that loss that I rise to pay tribute to our colleague, but also with a sense of gratitude for two years of dedication to the U.S. Congress.

Mr. FRENZEL. Mr. Speaker, I want to join in today's tribute to Congressman JOHN H. TERRY, Member from the 34th District of the State of New York. JACK TERRY has been an outstanding Member of the 92d Congress.

Because I had relatives who live in Syracuse, I had heard much of Congressman TERRY before I met him as a fellow first-term Congressman in Washington. I found to my great pleasure that all of the high praise of his work that I had heard was indeed well earned.

I did not have the pleasure of serving on either the Committee on Interior and Insular Affairs or the Committee on Public Works, on which JACK TERRY served with distinction. Nevertheless, in hearings before those committees I was able to observe the dedication and insight which he devoted to his work on those committees.

JACK's resignation was a great disappointment to those of us who liked him so well and appreciated his great abilities. Because we like him, we respect the personal decision which we know was so difficult for him. We admire him the more for having the courage to set aside a career at which he excelled and which he found challenging and rewarding in favor of other higher obligations to his family.

This body will miss JACK TERRY, but we ought to consider ourselves lucky for having him in our midst for at least one term.

Mr. LENT. Mr. Speaker, one of the most pleasant parts of my nearly 10 years as an elected official has been my association with Congressman JOHN H. TERRY. Therefore, it is with considerable regret that I rise to note his imminent retirement from the House of Representatives.

I first became acquainted with JACK in 1963, when he took office as a freshman member of the New York State Assembly and I as a Freshman State senator. During his tenure in Albany, JACK's ability and his dedication to his work became well known, and he became a valued friend and reliable ally of New York's Gov. Nelson Rockefeller.

JACK and I were both elected to the House in 1970, and in his 2 short years in this body he has made his mark as a conscientious and effective legislator and representative of the people.

As JACK ends his public service career which began 24 years ago as a member of the Board of Supervisors of Onondaga County, N.Y., I will miss our close association. The House will be losing a dedicated Member; and the people of the 34th District of New York will be losing a dedicated and able Congressman. I wish JOHN TERRY the very best of luck in all of his future endeavors.

Mr. ROBINSON of Virginia. Mr. Speaker, it is a matter of regret whenever we lose a colleague, and, perhaps, particularly so when it is by his voluntary choice. Perhaps we secretly envy his resolve. Beyond that, a special pang certainly is felt when we realize a Member of our own "class" in this fraternity is preparing to leave.

This is the case for me and other Members of the 92d Congress Club in reflecting on the decision of our colleague from New York, Mr. TERRY, not to stand for reelection.

We came to Congress together, and, while most of us are engaged in campaigns for a second term, he is relaxed as he continues his conscientious representation of the citizens of the 34th Congressional District of New York, but looks forward to his return to his home city of Syracuse and the practice of law.

Even on the basis of service through only one term, it is evident that JOHN TERRY's decision not to run again represents a loss to the people of his district, and to this House.

It has been a privilege for me to know him, and my hope is that I may be able to count this able legislator as a friend in the years ahead. We had in common past service in the legislatures of our States, and it had been my expectation to have the privilege of having him as a colleague during further years of service in the House.

I am confident of this—more will be heard from JOHN TERRY in public life. The citizens of his home community will insist that he make himself available again for a position of high responsibility and constructive action.

In the meantime, I wish him well in whatever he undertakes.

Mr. THONE. Mr. Speaker, it is my pleasure to join in this salute to Congressman JACK TERRY. JACK was one of the first few new Members that I ran into on coming to the 92d Congress in January 1971. We have been good friends ever since.

In his relatively brief tenure here, JACK has impressed all of us with his unique style and capabilities, and I sorely regret that he is terminating his fine legislative career. We serve together on the House Public Works Committee, and he has often led the way for us on the complicated matters processed by that committee. He is always well-prepared and most lawyerlike in his approach.

With his Albany executive and legis-

lative service serving him well, JACK quickly learned his way around the Hill, and has been a diligent and most effective worker for the cause of good, sound Government.

To JACK and his charming wife, Jean, I join my colleagues in extending best wishes in their future endeavors. Our loss is most certainly Syracuse's gain. The lawyers of the Empire State will, I am sure, again be stimulated by his full-time talents. Along with his many other abilities, his ubiquitous humor will be sorely missed.

Mr. WYDLER. Mr. Speaker, we are saying "goodbye" to a great many Members of Congress this year. JACK TERRY has only been a Member for one term, or 2 years, but he has made an impression of great competence in the Chamber. Those who met him will never forget him, either as a Congressman or as a man of unique good will. I know I will personally consider him a friend all the rest of my life and I hope that things will work out that we see much of each other in the years ahead.

Mr. BIAGGI. Mr. Speaker, I am pleased to join with my colleagues from New York and from other States to honor our dear friend and colleague from New York, Mr. TERRY. I very much regret his decision to leave Congress. Over the last 2 years, I have known him to be a man who is very knowledgeable in the field of public works and Government operations. His advice and counsel in these areas has been most helpful.

JOHN TERRY has distinguished himself over his lifetime as a man devoted to public service. Starting his career very early in life as a county supervisor, he developed his expertise on the local and State levels before coming to Washington. His 8 years in the State legislature demonstrated his keen knowledge of the problems of the people and his ability to solve these problems.

He has distinguished himself here in Congress through his work on the Federal Water Pollution Control Act Amendments in particular, and many other land conservation and development bills. His strong backing for highway safety programs will help make our roadways a safer place to be in the future.

Throughout his past life, he has been a stalwart citizen of the community, taking an active interest in community affairs both as a public official, as a member of various clubs and as a common citizen.

His verbal acumen and skillful wit have punctuated many a debate here in this chamber. His ability to elucidate the finer points of the legislation at hand have been noted on numerous occasions. The Congress' loss is his wife Jean's and his daughters' gain, of course. I hope he and his family continue to enjoy many happy years together in the future.

Mr. FISH. Mr. Speaker, I am pleased to have this opportunity to join with my colleague in this tribute to my friend, JACK TERRY. Despite the shortness of his tenure here, Congressman TERRY has had an impressive impact on the House of Representatives and its membership. He came to Congress just 2 years ago but in that short time he has established himself as a respected and effective legislator.

JACK came with impressive credentials—a veteran of five terms in the New York State legislature and, before that, a staff member to Governor Rockefeller. He quickly gained a reputation as a workhorse on both the Interior and Public Works Committees. JACK's excellent grasp of the complex water quality control legislation was particularly helpful to me on various occasions.

It has been a privilege to work with such an able and dedicated public servant. I wish him and his family all the best.

REVENUE SHARING SHOULD BE FAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY), is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, I came to Congress in 1970, pledged to restore to the communities in my district, and to the State of Connecticut, control over their own governmental destinies. My involvement in government, both on a local community level and as minority leader of the Connecticut House of Representatives, convinced me that legitimate community decisions were too often preempted by regulations and directives emanating from the far-removed offices of Washington bureaucrats.

I came to Washington convinced that the President's program of general revenue sharing represented a positive redirection of the role State and local governments would play in our system of shared political responsibility. Toward that end I cosponsored general revenue sharing legislation and supported the measure which emerged from the Ways and Means Committee last April. However, while the House version contained a number of "bugs," it nevertheless represented an honest attempt to channel Federal funds to the communities in our highly urbanized areas which needed them most. Yet the documents which emerged from both the Senate and conference committee are so designed that the rural nonurbanized areas of our Nation are blatantly overcompensated.

Mr. Speaker, the parliamentary rule of the House which requires that we vote either yea or nay on this conference report prevents Members of Congress from offering amendments which would eliminate the prorural bias contained in this legislation. I for one do not like being put over the proverbial barrel—particularly on an issue as far-reaching as revenue sharing.

As two letters which I received from the mayor of Stamford, Conn., and his finance commissioner illustrate, the Senate formula—based on population, total tax effort, and per capita income—by eliminating the urbanized population factor contained in the House bill, severely penalizes well-run communities like Stamford. I believe that the amount of a city's per capita tax levy should be just as important a factor as its per capita income. As the legislation now stands, States like Connecticut, Ohio, and Pennsylvania, and communities in those States like Stamford, are the losers. For the amount of their share of revenue sharing funds is a far smaller percentage of their total expenditures than comparable cities in States like Louisiana and Florida.

As I mentioned earlier, parliamentary procedure has us over a barrel. We are not happy with the allotment formula of this bill but we cannot afford to turn down the financial assistance offered to our cities. Let me recommend to the Members of this Congress that in the next Congress, we make our first order of business a complete review of the allocation formula with a clear eye on improving the equity of the current formula.

To illustrate the problem one of my cities, Stamford, is encountering under the allocation formula, I ask permission to insert at this point in the RECORD the aforementioned letters from Mayor Wilensky and Finance Commissioner Aretakis.

The letter follows:

CITY OF STAMFORD, CONN., *October 2, 1972.*
Hon. STEWART B. MCKINNEY,
Representative in Congress,
Washington, D.C.

DEAR CONGRESSMAN MCKINNEY: The Revenue Sharing formula for Stamford is unfair and inequitable. I would like to explain how it penalizes a well financed municipality that is better managed than most cities. Stamford is presently allotted $1.1 million, and I believe this to be assuredly discriminatory and much below what I consider proper.

Here in Stamford, we have cleared up a fiscal mess left us by our predecessors, and have instituted strong budget controls, installed a modern electronic data processing operation, and put in fiscal improvements which have reduced costs. These cost reduction efforts and a broadening of the tax base by attracting industries and headquarters companies to Stamford have led to a favorable mill rate structure.

Only last Fall, our $300,000 investment in a broad-gauge re-assessment program led to putting taxes on an equitable basis Citywide. Stamford has led the Northeast in many ways by anticipating future needs. Over $30 million was appropriated for Waste Disposal facilities and Sewer Construction in two years. We were able to make these commitments and others, and still keep our mill rates in the $38 to $48 range.

We recognized that we had to improve our administration and our environment as well in order to attract such companies as General Telephone, Combustion Engineering, Olin, General Electric Credit, and many others. We have just built a new Central Fire House with modern communications capability, a new Police Garage, updated Police Communications, a new Washington Boulevard, a new municipal Golf Course and Recreation Center, all without Federal or State aid. All with local funds, with Bond Sales at 4¼% and 4.70% rates in 1971 and 1972, all time lows in Connecticut.

Stamford (pop. 110,000), unlike our sister cities of Bridgeport (pop. 155,000), New Haven (pop. 133,000), Waterbury (pop. 106,000), New Britain (pop. 82,000), has not stood still. Our fiscal affairs are in order and we press for more solutions. We have ex-

panded Community Centers, established innovative youth programs and an exciting down-town is emerging. The latter will broaden the tax base even more.

However, we are being had by the Congress because we attract industry, create jobs, work towards increasing family income. New Haven, with a $84 mill rate, and only 20% more population and many problems will be receiving almost three times more than Stamford.

The following is a summary:

Municipality	Population	Value of taxable property (millions)	Date of reassessment	Mill rate 60–70 percent	Proposed revenue share (millions)
Stamford	110,000	$2,000	1971	$38–$48.0	$1.1
Bridgeport	155,000	900	1963	76.4	2.6
New Haven	133,000	1,000	1964	84.3	2.9
Waterbury	106,000	700	1965	69.0	2.2
New Britain	82,000	455	1955	77.4	1.7

Stamford's Revenue Share being proposed is outrageous and does not give us credit for a well-managed operation. The massive giveaways to the other large cities are unfair to Stamford taxpayers, who as you know pay much more per capita to the U.S. Treasury than the other cities shown above.

Very truly yours,

GEORGE A. ARETAKIS,
Commissioner of Finance.

CITY OF STAMFORD, CONN., *October 2, 1972.*

Congressman STEWART B. MCKINNEY
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN MCKINNEY: Finance Commissioner George Aretakis has discussed with me his letter to you on Stamford's allocation of Revenue Sharing. I also feel that Stamford's share should approximate Bridgeport and New Haven, namely $2½ million.

I am amazed at how Stamford taxpayers are being shortchanged, particularly at a time when we are trying to get our downtown renewal program on a paying basis. Our taxpayers have been carrying this large Grant for some 10 years and we are on the threshold of getting tax-paying properties on our rolls.

The following tabulation may be of interest:

	Population	1972 tax levy	Tax levy per capita
Stamford	110,000	$50,800,000	$460
Bridgeport	155,000	46,600,000	300
New Haven	133,000	53,500,000	400
Waterbury	106,000	31,600,000	300
New Britain	82,000	21,100,000	250

The gross inequity should be easily apparent. George reported to me that the main reason for our relatively low grant is that our tax rate is relatively low. Any schoolboy would know better than to fall into this trap! Tax rates aren't comparable without taking into account asesssment ratios, date of last assessment, relative property values and other such factors. The only fair way to compare total tax effort by a City is to do as we have shown above, i.e., take the total amount raised through taxation (the tax levy), and divide it by the population.

Please get me a complete breakdown of how Stamford's share was calculated. I think someone made a grievous error and I can't sit still for it. Our needs are as great as anyone else's.

Cordially,

JULIUS M. WILENSKY,
Mayor.

STATE REGULATION OF NUCLEAR POWER PLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I am introducing legislation today that would permit States to set radiation emission standards for atomic energy facilities that are stricter than the Federal standards and that would permit States to regulate these radioactive discharges concurrently with the Atomic Energy Commission.

There has been increasing concern in Minnesota over how best to protect the health and safety of its citizens with regard to radioactive wastes. Nuclear technology has reached a point at which radioactive emissions can be kept at significantly lower levels than those permitted by the Atomic Energy Commission. No industry has the right to pollute the environment more than is absolutely necessary. Radioactive emissions should be kept at the lowest level that is feasible and reasonable.

In 1969, as its new nuclear powerplant in Monticello, Minn., neared completion, the Northern States Power Co. applied for operating permits required by the State of Minnesota for any steam-electric powerplant, fossil-fueled, or nuclear. The newly established Minnesota Pollution Control Agency issued a permit with 15 special conditions, including standards for radioactive emissions that were much lower than Atomic Energy Commission standards.

Northern States Power filed suit in District Court charging that the State did not have jurisdiction to regulate radioactive wastes from nuclear powerplants. The State of Minnesota, in this case, had the support of the States of Michigan, Illinois, Vermont, Wisconsin, Hawaii, Kentucky, Maine, North Dakota, Pennsylvania, Utah, and Virginia and the Territory of Guam.

The district court ruling, which was affirmed by the Supreme Court on April 3, 1972, held that exclusive Federal authority preempted State regulation of radioactive waste releases from nuclear power plants.

In 1959, the Joint Atomic Committee considered the question of transfer of responsibility for control and regulation of byproduct, source and special nuclear materials from the Commission to the States. Section 274 of the Atomic Energy Act Amendments of 1959 explicitly recognizes that:

> As the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

States now control the largest source of radiation exposure to their populations—x-ray machines. Radioactive emissions from atomic machines such as cyclotrons are not under Atomic Energy Commission jurisdiction. State radiological health officers, therefore, already have considerable experience with the subject. Minnesota, by special agreement with the Northern States Power Co., has assumed responsibility for an in-plant monitoring program of radioactive emissions which is more extensive than any currently underway by the Atomic Energy Commission.

Distinguished scientists have seriously questioned whether current Federal standards for nuclear power plant emissions adequately protect the public. There is a built-in conflict of interest between the functions of the Atomic Energy Commission as promoter and regulator of atomic energy. The Commission, in its zeal as promoter, may at times not do full justice to its role as regulator.

States, under the 10th amendment to the Constitution, have a responsibility to protect the health and safety of their citizens. If a State feels that stricter standards are in the best interests of the health and safety of its citizens, it should have the authority to act. We must clearly establish this principle in the law.

As of June 30, 1972, 26 nuclear power plants were in operation in this country, 51 were being built, and 63 were planned with reactors on order—for a total projected generating capacity of 121,694,000 kilowatts. During the next few years critical decisions will have to be made on the amount of radioactive wastes these plants will discharge into the air and water of the people living nearby. I ask for your support of the following bill so that the health and safety of our citizens may receive the fullest protection possible:

H.R. ——

A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the control by the several States of the emission of radioactive effluents from facilities regulated by the Atomic Energy Commission is compatible with the development of atomic energy and its regulation on a national scale;

(2) current law does not sufficiently enable the several States to regulate such radioactive emissions in order to protect the public health and safety; and

(3) it is the intent of this Act to establish the concurrent authority of the several States to regulate such radioactive emissions, including the authority to enforce standards for such radioactive emissions, which permit lesser quantities of such emissions from such facilities than do the standards established by the Commission.

SEC. 2. Section 274 of the Atomic Energy Act of 1954 is amended—

(1) by striking out paragraph (6) of sub-

section a. and inserting in lieu thereof the following:

"(6) to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety.";

(2) by striking out "No agreement" in subsection c. and inserting in lieu thereof "Subject to subsection o., no agreement"; and

(3) By adding at the end thereof a new subsection as follows:

"o. Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such state, if—

"(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and

"(2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

DEVELOPMENT OF CABLE TELEVISION IN RURAL AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN), is recognized for 10 minutes.

Mr. TIERNAN. Mr. Speaker, today I am introducing a bill to promote the development of cable television in rural areas. In brief, this legislation would provide public and private cable operators with 35-year, 4-percent loans for the establishment of cable systems in areas where fewer than 60 potential subscribers exist per cable mile.

The concept which underlies the bill has been well-tested. In 1936 this Congress became aware of the pressing need for providing electrical service to the rural areas of this country. The Rural Electrification Act which was passed by Congress in response to this need, made possible tremendous increases in agricultural productivity and a greatly improved standard of living for America's rural population.

The Rural Electrification Act was based on the premise that long-term, low interest Government loans could make electrical service to rural areas economically feasible. History has proved this assumption correct. In 1936 less than 10 percent of rural America was receiving electrical service. Today rural electric cooperatives funded by the 1936 act operate 44 percent of all electric distribution lines in the United States to serve 8 percent of the consumers, a figure which represents over 98 percent of the rural population. And virtually all of the loan funds have subsequently been returned to the Federal Government.

Today the same situation exists with regard to broadband communications as did with electrical service in 1936. I need not detail the overwhelming and constantly increasing role of the electronic media in our lives. For entertainment, for education, for access to knowledge about current events, the electronic media, particularly television, are unrivaled by anything in our past.

Again, however, rural Americans are second-class citizens with regard to the new communications media. Usually outside of the major television markets, they generally have access to poor quality reception of only a few signals. More often than not they are completely cut-off from public and educational television programing.

I would venture to add that the programing they do see is not relevant to their own life experience. Commercial television is aimed at mass audience that is predominantly urban, and so must reflect its tastes and values.

Paradoxically, it is the rural audience which could be most greatly benefited by the introduction of cable television. I have already indicated that their conventional television reception is poor by urban standards. Combine this with a dearth of competing media like newspapers and public performances and the potential of CATV in rural areas becomes clear. Parity with urban areas in reception of signals could be achieved. Programing designed for the rural audience, either produced locally or syndicated nationally could become a possibility.

My bill is designed to make the promise of cable television for rural areas come true. States dealing with the problems in this area have found that it is not usually possible to serve an area with less than 60 potential consumers per mile of cable, assuming conventional financing and normal rates for service.

This bill would fill the gap left by the economics of private cable construction. In its absence rural areas will lag far behind the rest of the country in the development of CATV, this by the admission of the private operators themselves.

The funds would be available to anyone—cooperative groups, public or community corporations, and private companies—that would serve an area not otherwise having access to cable service.

I am introducing the bill today in the hope that full public discussion of this concept will establish not only its merit, but also identify any changes that need to be made in the initial draft.

Mr. Speaker, I ask that a copy of the bill be inserted in the RECORD at this point.

H.R. ——

A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"LOAN ASSISTANCE TO CERTAIN CABLE TELEVISION SYSTEMS

"SEC. 331. (a) For purposes of this section:

"(1) The term 'Secretary' means the secretary of Housing and Urban Development.

"(2) The term 'cable television' means a system for cable transmission of television signals to the public.

"(3) The term 'eligible cable television system' means a cable television system in the United States whose proposed system (with an optimal arrangement of the system) can reasonably be expected to pass less than a system average of 60 potential consumers per linear mile during the first five years of its operation.

"(b)(1) The Secretary may make loans in accordance with subsection (c) to any eligible cable television system to enable such system to furnish cable television service or to improve cable television service furnished by it.

"(2) The Secretary shall make, or cause to be made, studies, investigations, and reports concerning cable television, and to publish and disseminate information with respect thereto; and he shall conduct a program of technical and advisory assistance to eligible cable television systems (including assistance in preparing applications).

"(c)(1) Loans made under subsection (b)(1) shall be on such terms and conditions relating to the expenditure of the moneys loaned and the security therefor as the Secretary shall determine and may be made payable in whole or in part out of the income. All such loans shall be self-liquidating within a period of not to exceed thirty-five years, and shall bear interest at the rate of 4 per centum per annum. Loans under this section shall not be made unless the Secretary finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed.

"(2) Loans under subsection (b)(1) may be made only for the purpose of financing the improvement, expansion, construction, acquisition, and operation of cable television facilities or systems to furnish and improve cable television service. The Secretary in making such loans shall, insofar as possible, obtain assurance that the cable television service to be furnished or improved thereby will be made available to the widest practical number of users. In acting on request for loans the Secretary shall consider (either on his own motion or on petition by persons living in areas which are contiguous to the system proposed by the applicant) and shall, where economically feasible, condition the loan on service to that area. The Secretary may also make loans for the purpose of refinancing outstanding indebtedness of eligible cable television systems, if such refinancing shall be determined by the Secretary to be necessary in order to furnish and improve cable television service. Such refinancing shall constitute not more than 40 per centum of any loan made under this section.

"(d)(1) The Secretary of the Treasury shall make loans to the Secretary of Housing and Urban Development in such amounts in the aggregate for each fiscal year commencing with the fiscal year ending June 30, 1973, as the Congress may from time to time determine to be necessary, either without interest or at such rate of interest per annum, not in excess of the rate provided for in subsection (c) of this section, as the Secretary of the Treasury may determine, upon the security of the obligations of borrowers from the Secretary of Housing and Urban Development. The Secretary of Housing and Urban Development may make all such endorsements, to execute all such instruments, and to do all such acts and things as shall be necessary to effect the valid transfer and assignment to the Secretary of the Treasury of all such obligations, and to execute such trust instruments as shall be agreed upon by the Secretary of Housing and Urban Development and the Secretary of the Treasury providing for the holding in trust by the Secretary of Housing and Urban Development of all such obligations for the Secretary of the Treasury as security for loans to the Secretary of Housing and Urban Development made by the Secretary of the Treasury. For the purpose of making loans or advances pursuant to this section, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under said Act are extended to include such loans or advances to the Secretary of Housing

and Urban Development. Repayments to the Secretary of the Treasury on such loans or advances shall be treated as a public-debt transaction of the United States.

"(2) There are authorized to be appropriated such sums as may be necessary for the purposes of this section.

"(3) All money representing payments of principal and interest on loans made by the Secretary of Housing and Urban Development shall be paid to the Secretary of the Treasury in payment of loans made to the Secretary of Housing and Urban Development by the Secretary of the Treasury; upon the payment of such loans all moneys representing payments of principal and interest on loans made under this section shall be covered into the Treasury as miscellaneous receipts.

"(e)(1) The Secretary of Housing and Urban Development may bid for and purchase at any foreclosure or other sale, or otherwise to acquire, property pledged or mortgaged to secure any loan made pursuant to this section; to pay the purchase price and any costs and expenses incurred in connection therewith from the sums authorized in subsection (d); to accept title to any property so purchased or acquired in the name of the United States of American; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein, but not to exceed five years after the acquisition thereof; and to sell such property so purchased or acquired, upon such terms and for such consideration as the Secretary shall determine to be reasonable.

"(2) No borrower of funds under this section shall, without the approval of the Secretary, sell or dispose of its property, rights, or franchises, acquired under the provisions of this section, until any loan obtained from the Secretary, including all interest and charges, shall have been repaid.

"(f) The Secretary shall present annually to the Congress not later than the 20th day of January in each year a full report of his activities under this section.

"(g) The Secretary may extend the time of payment of interest or principal of any loans made pursuant to this section."

FREEDOM OF EMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BLANTON), is recognized for 5 minutes.

Mr. BLANTON. Mr. Speaker, I am pleased today to add my name to the growing list of my colleagues who have cosponsored the bill H.R. 17000, the Act for Freedom of Emigration in East-West Trade, which has introduced by my able colleague, Representative CHARLES A. VANIK, Democrat of Ohio. This bill was introduced simultaneously by Senator HENRY JACKSON, Democrat of Washington, in the Senate.

I had previously cosponsored House Congressional Resolution 694 which condemns Soviet leaders for creating a class of 20th century slaves. I now feel that this alone is inadequate and that a stronger measure is necessary in light of the Soviets' continued disregard of world opinion and any sense of decency.

This Nation can no longer subsidize foreign powers in trade which deny their citizens basic rights and freedoms that all civilized nations have cherished from the earliest times. Communist Russia has been demanding ransoms for educated Jews of up to $37,000. It is an insult to the integrity of the free world to allow this type of activity to continue. This practice is slavery by any description. A man's freedom is an inalienable right and for any nation to put a price on this most precious commodity is clearly the height of barbarism.

Furthermore, there is increasing evidence that the Soviet Union has increased its repressive policies toward the Jews who remain in the country. Additional reports of interference with the rights of the Jewish people to practice their faith are surfacing. Arbitrary arrests and the denial of the right to bail or hearing are becoming more commonplace for Jews throughout the Soviet Union. Amidst these ever-worsening conditions, the United States must take a strong stand that these policies be ended immediately.

I find the concept of continued commercial dealings with the Soviet Union receiving "most favored nation" status an appalling one and it is intolerable to think that American citizens are subsidizing the recent grain sales to Russia with their tax dollars.

Mr. Speaker, I urge action on this legislation before the Congress adjourns so that all nations will be put on notice that the United States will not tolerate these practices. I feel that it is imperative for this body to take a very forceful position on this issue and I think that this legislation will be the appropriate vehicle to express that position.

"CHUCK" YEAGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, the 20th Century has been a sad time for the "It Can't Be Done" boys. One after another their pet certainties have been dissolved in the acid of brilliant performance. Today it is probable that no one would venture to make a list of the impossibles. Human ingenuity and daring might punch holes in his list before sunset.

Nowhere has the triumph of genius over the difficult been more tradition-cracking than in the achievement of air and space flight. Man's sphere had been the solid earth and, prayerfully, the less than solid waters that cover the earth. The air was for the birds. The vast void above the air was for the angels. Then, in less than a century, man has burst the confines of space and peers with speculative but confident eye into what his elders have named infinity.

It takes pioneers to overcome the impossible. A pioneer is an unbeliever. He does not believe that matter is superior to mind. He simply hunts for the key to the problems which stand in the way of accomplishing what he wants to do. America produces pioneers of many varieties. Indeed, America itself is a pioneer, an unbeliever in impossibles. Its achievements in all the arts that give human beings control over their environment and their destiny are justification for the title. And "Chuck" Yeager is an American achievement.

I have no idea why a dignified and imposing member of the higher brackets of the military hierarchy should wear the title of "Chuck." But it becomes him. It is a badge of affectionate admiration and esteem. America has always been delighted to honor and appreciate its over-achievers, in whatever line of activity they have won fame. We all share in the light reflected from their accomplishments. I personally am happy that Chuck is an American. And I simply puff up with pride in the thought that he was born and bred in my own wonderful West Virginia. I am not surprised that West Virginia has produced another genius.

The business of this Congress is urgent. And yet I feel that nothing we could do today would be more fitting than to pause for a time and pay honor to an American whose whole life has been an honor to his country.

I feel sure also that Colonel Yeager appreciates this gesture of respect and admiration. To any man, the approval and applause of his fellows is the sweetest reward he can win for his efforts, no matter how arduous. It is a stimulus that stands through the ages. It is a page in the heroic lore of the nation which spells greatness. In the words of Scripture, it is recognition of "an example of a noble courage, and a memorial of virtue, not only unto young men, but unto all his nation."

Finally, it is an answer and a refutation to all those who would disparage the land that has produced them and has led them to the high places of contemplation where they can view all the glories of a civilization as yet unmatched in producing human well-being and happiness. May the tribe of "Chuck" Yeagers increase!

NEW CONSUMER PROTECTION AGENCY BILL URGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, as anyone who reads the papers knows, the Senate recently set aside their version of a Consumer Protection Agency bill.

They did this because more than one-third of the Senate found innumerable objections to the very liberal bill and demanded to consider each one at length. There was not enough time to discuss these many problem areas before adjournment unless all other Senate business was ignored.

I look back now to October of last year when we passed our CPA bill, H.R. 10835, in substantially the same form as reported by the Government Operations Committee.

I look back on the strenuous job that our distinguished chairman, CHET HOLIFIELD, did in getting that bill out of committee and managing it with the able assistance of Congressman HORTON through a sometimes very heated and confusing debate.

I remember the invectives heaped upon Chairman HOLIFIELD and the so-called Holifield bill by the more zealous consumer activists who wished for what amounted to total power for a new CPA.

I remember Chairman HOLIFIELD say-

ing that he felt like he was placed up against a cellophane wall with firing squads on both sides—angry businessmen who wished no bill, and angry consumerists who wanted more powers for the CPA.

I recall Chairman HOLIFIELD publicly replying with great political courage to consumerists that the type of bill that they wanted would never get through both Houses of Congress and to irate businessmen that the time for the creation of a CPA had arrived.

I recall this now in light of the recent Senate action and the fact that the Senate supporters of an ultrapowerful Senate bill, after they had apparently lost a battle to bring it to a vote, said that they would agree to the Holifield bill.

This vindication of CHET HOLIFIELD'S tremendous efforts comes too late, however, and it appears that once again the CPA bill will have to be reintroduced.

I am disappointed, and I know that Chairman HOLIFIELD is disappointed, to see the anchorman in our relay burn himself out and drop the baton.

The all-or-nothing crowd still insists that the House-passed bill is totally unacceptable, and one major Senate supporter of the apparently defunct Senate bill, Senator JACOB JAVITS of New York, predicted on the Senate floor, October 6, that the 1973 Senate version of the bill "will be tougher, meaner, and a much more difficult one for American business."

So, the cellophane wall is being prepared, the opposing firing squads are checking out their weapons, and a political bloodbath is to be expected in 1973—all at the expense of the interests of consumers, who will have to wait until 1976 for another attempt unless those who oppose any agency and those who oppose anything but a superagency can find a middle ground during the next Congress.

Perhaps that middle ground can be found in the Senate debate on their CPA bill. I noticed that one of the major amendments proposed to be offered in that chamber was a proposal similar to one that I introduced to the House-passed bill.

Called the "amicus" amendment because it is patterned after—but stronger than—the positive advocacy powers of an amicus curiae, it was sponsored by Senator SAM ERVIN of North Carolina, chairman of the Government Operations Committee.

During the Senate debate on their CPA bill, Senator HERMAN TALMADGE, chairman of the Agriculture Committee and others indicated that the Senate could have passed a CPA bill this year if the amicus amendment were accepted.

I also remember that, during the House debate, Congressman BEN ROSENTHAL, a major supporter for the strongest CPA bill possible, said that although he found both the House-passed bill and the amicus amendment totally unacceptable, the amicus amendment was the more desirable for consumers of these two choices.

Chairman HOLIFIELD, on the other hand, preferred his bill to the amicus amendment, feeling that the amicus proposal did not go far enough.

I note that the Senate version of the amicus amendment is more liberal than the one I offered, and that the Senate bill to which it was offered is considerably more liberal than the House-passed bill.

Chairman ERVIN'S more liberal Senate amicus approach may prove acceptable to Chairman HOLIFIELD and a majority of our committee—particularly if it assures enactment of a CPA bill in 1973.

One of the difficulties with both the House and Senate CPA bills is that they contained many legally complex provisions which caused considerable confusion during both debates.

As Congressman ROSENTHAL said, during our debate:

> One of the great difficulties with this bill and the debate surrounding it is that we have all tried to become instant experts in administrative law. * * * I do not know how many of us succeeded. I do not feel that I have succeeded to the degree I would like.

In order to help overcome this problem next year, and to insure that a CPA bill is a well understood top priority item during 1973, I am introducing today on behalf of myself and Mr. BROWN of Ohio, a CPA bill for review now.

We think that it would pass both Chambers of Congress, and that the CPA we would create would be a potent force in protecting the interests of consumers without endangering the administrative process.

Because the bill is for review purposes, it only would create a CPA—the heart of both the House and Senate bills, contained in title II of each bill.

Thus, we have left out the conflicting—and therefore distracting—titles I and III in the House and Senate bills.

Title I in the House-passed bill would have created a statutory Office of Consumer Affairs; in the Senate bill it would have created a 3-member Council of Presidential Advisers.

Title III in the House-passed bill would have created an additional 15-member Consumer Advisory Council; in the Senate bill it would have provided for a multi-million-dollar Federal grants-in-aid program.

These two titles in both bills are of secondary importance to the creation of a viable CPA. I am sure that once the proper powers for a CPA are agreed upon, an agreement can be reached on these tangential proposals.

Our bill takes the middle ground between the House and Senate provisions for a CPA; it is designed to allow the CPA to come into being in short order and anticipates its quick but orderly growth.

It will take a joint congressional effort to get a CPA bill enacted in 1973, and this bill represents the first step in that direction.

Because this is a middle-of-the-road compromise, it may not initially meet with approval by the more militant consumer activists who wish to create a superagency or by the more conservative business groups who wish to see no bill.

But we feel that, upon review, both of these factions may come to realize that our bill is a responsible proposal.

As far as the technicalities of the bill are concerned, let me highlight the major provisions, while again emphasizing the need for more complete review of this proposal by our colleagues.

The CPA, under our bill, would be headed by a single, powerful Administrator, as was suggested in the House-passed bill. Under the Senate bill, the CPA would be a three-member commission which would vote on major policy positions. Ralph Nader, according to the Washington Post, felt that this was a weaker and more cumbersome approach than the House approach. We agree.

Our bill would allow for CPA participation, as of unchallengeable right, in virtually any Federal proceeding or deliberation of the CPA's choice, formal or informal.

Thus, as to scope of CPA operation, we adopt the Senate approach. Under the House-passed bill, CPA participation as of right was limited to a mintority of Federal activities—formal Administrative Procedure Act proceedings.

Because of the pervasiveness of the interests of consumers, and because of the fact that we cannot possibly evaluate the literally millions of Federal activities that affect these interests, we feel that the comprehensive Senate approach is preferable to the severely restricted House approach.

On the other hand, because we are willing to legislate in the dark, so to speak, in granting the CPA jurisdiction over the unknown, we feel that it would be irresponsible to grant the CPA in its formative years full adversary and court appeal powers that could be highly disruptive in areas that we had not even anticipated.

We therefore adopt an amicus type of advocacy, although the CPA would have far stronger powers than would an amicus curiae.

The CPA would not only be granted the right in the proceedings and activities of other agencies to make an initial amicus curiae presentation, orally or in writing, but it also would be granted the additional right of reviewing all submitted testimony, materials and evidence and filing, as the last word, its views on the matter. In addition, if an agency still makes a decision not to the liking of the CPA, the CPA would be able to exercise the available right to petition for an administrative rehearing, rather than burden the overcrowded courts with an appeal.

In any ongoing Federal court case involving the review or enforcement of Federal law, the CPA—again as of right—could enter as an amicus curiae to present its view to aid the court. At present, the courts have discretion to reject amicus curiae appearances; they could not reject the CPA under this bill.

No one can deny that such consumer advocacy powers are major and comprehensive steps of real substance. Some would like to go further, of course. But we ask those who wish more advocacy powers to wait until the CPA, under title I of this bill, comes back to us shortly and identifies the areas in need of stronger types of advocacy, and describes for us the types of advocacy needed.

It is plainly wrong to impress upon

the varying procedures of all agencies—from collective bargaining mediation efforts to the issuance of picnic licenses—a single form of adversary advocacy with unprecedented superlegal powers that appear to be inspired by an old Perry Mason rerun program. We say let the CPA be created as an expert in this area and come back to us with recommendations.

The House-passed bill precluded CPA advocacy as of right in state and local agencies and courts. That is a correct approach if the type of advocacy is based upon attack powers. But the aim of our bill is to assist all levels of government in doing a difficult job better, and therefore we would allow amicus type advocacy in State and local forums upon request by a proper official. This is the approach taken in the Senate bill.

On the other hand, the Senate bill would have allowed the CPA to issue court enforceable orders similar to subpenas to force any worker, trade union or businessman to file requested reports or answer any question under oath. The administration and House rejected this concept on the grounds that it would provide for nothing but a fishing expedition by a nonregulatory agency. Regulatory agencies were granted these extraordinary powers in areas where Congress has specifically determined a need for them that exceeds the need for citizens to be free from governmental invasion.

We favor the House reasoning on this, particularly since we have no idea what types of information would be ordered by the CPA.

However, we do give the CPA the right to investigate without these powers and to request any needed infomation. We also give the CPA the power to petition any Federal agency requesting that the other agency use its subpoena or similar powers to obtain needed information for the protection of the interests of consumers. We also would allow the CPA access to information in the hands of other Federal officials. We doubt that needed information would be withheld from the CPA under our bill.

These are just the principal provisions. Many other powers are to be granted in areas such as the collection and display of consumer complaints, publishing of a Consumer Register and other informative materials for consumers, and so forth. These other powers are taken from the best concepts in both bills.

We urge all Members and all interested groups to read this bill and join with us in our effort to further protect the interests of consumers.

NEW TERRORIST BOMBING ATTEMPTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I have just learned that the terrorist group known as the Black September Movement has delivered another group of bombs through the mail. This time the heinous group has attempted to harm two American women, one of whom I know personally.

The two women to whom the letters were addressed are officers of Hadassah, the American Zionist Women's Organization. These two women, Hannah Rosenberg and Rose Halpern, have worked long and hard for the benefit of Israel and its people. That people who believe in Israel and who seek to carry out their beliefs solely by peaceful means should be subject to threats of death and destruction is a moral and political outrage.

Luckily, these letters did not explode when they were opened, and tragedy was averted. But I have no doubt that they were intended to kill or maim these two innocent women.

As I have said at the time of the Munich tragedy last month, we as a nation must take decisive action to exclude from the fellowship of nations those countries that give aid and comfort to the Arab guerrillas. The United States must terminate all trade with such nations, terminate foreign aid, especially military aid, to them, and terminate all loans, grants and trade agreements to and with them for so long as they allow such people to operate from within their territory.

How many times must we and the rest of the world wring our hands at these terrorist activities before we insist that they be brought to an end and act to do so? The steps that I have outlined above are stringent and are certain to have the desired effect, yet all are economic in nature. They are not only advisable, but necessary.

UNCHANGED ON GUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, on October 4, 1968, at page 29753 of the CONGRESSIONAL RECORD, I said on the floor of the House of Representatives

Additional gun controls are not the real solution to growing violence and increasing crime.

Four years have passed since I made that statement. Two laws were passed in 1968 to restrict the shipment and ownership of firearms. These have not slowed the incidence of crime. No less authority than the Federal Bureau of Investigation confirms this fact.

The most recent edition of Crime in the United States, published by the FBI, shows that the number of murders committed in the United States in 1971 more than doubled the number committed in 1968, the year the two gun control laws were passed, and were about five times the number of murders in 1967, the year before these laws were considered.

Aggravated assaults in 1971, 3 years after the two new gun control acts, occurred at more than twice the rate as in 1968. In the 6-year period covering 3 years before enactment of the latest gun control laws and 3 years after they were enacted, robberies in the United States increased 145 percent.

Nationally, one out of 10,000 persons will be murdered this year if the present rate at which murders are committed continues. In the larger cities, one's chances of being murdered are somewhat greater than that. At the 1971 rate, there was an aggravated assault for every 564 people in this country. One out of every 535 people could expect to be robbed.

Murder, aggravated assault and robbery: these are the three types of crimes in which firearms are most often used. Who can seriously say that the gun laws of 1968 deterred the commission of crime in any way?

The year 1968 was an eventful year. In April, Martin Luther King was killed by an assassin who used a high-powered rifle. The Congress reacted by passing a bill which made it unlawful for a convicted felon, a mental incompetent or an illegal alien to possess a handgun. Two months later Robert Kennedy died at the hands of a killer wielding a handgun. Congress responded again by passing a bill to restrict the sale and ownership of rifles and other long guns.

In the case of the handgun bill, the widespread civil disorders that followed King's death seemed to call for positive action by the Congress. In May of 1967 the House had passed the Law Enforcement and Criminal Justice Act of 1967. For 12 full months that bill languished in the other body. After the King death in Memphis the bill was quickly resurrected, and the provision to outlaw handguns was hurriedly added, quickly passed and returned to the House for concurrence with the Senate amendment. No House hearings were held; only 1 hour of House debate was permitted before rushing the bill to the White House for signature. This was not a good way to legislate.

Only a few days elapsed between Robert Kennedy's death in Los Angeles and the reporting of a bill in the House to restrict long guns. That bill, which is now public law, prohibited mail order purchases of guns but most extraordinarily did not restrict the mailing of component parts of guns; it made it a crime for a legitimate dealer to sell a gun to a fugitive from justice but was totally silent on the matter of such fugitives buying or possessing long guns.

I voted for the Law Enforcement and Criminal Justice Act, which contained a few moderate but reasonable regulations on handguns. This bill however created what is now known as LEAA, the Law Enforcement Assistance Administration; it provided funds for training and equipping local law enforcement officers. That bill also set aside a Supreme Court decision that had limited the admissibility of voluntary confessions into evidence.

I voted against the long gun bill after failure of numerous efforts to get effective crime fighting amendments into the bill. One of the amendments proposed mandatory severe criminal penalties against those who commit crimes with guns. When that amendment failed several of its supporters quite aptly commented that "we had passed a law against guns but had done nothing to control the illegal use of guns."

Some of us in the House who see the futility of gun control legislation and recognize the unfair burdens it places on sportsmen and other legal owners and users of firearms have tried to ease those burdens by removing the recordkeeping requirements with respect to rimfire ammunition. In the last Congress we managed to get a bill through the House but it died in the other body of Congress. More than a year ago we got another bill through the Ways and Means Committee but we have not been able to get a vote on the floor of the House. Gun control advocates seem determined to cling to their misguided, erroneous positions that by legislating against guns we strike a blow against crime. As statistics show, this has not been the case.

Since 1968, a total of 45 of the 50 States have passed bills relaxing the purchase provisions of the 1968 long gun act at the State level. This, according to the Missouri-Kansas Firearms Federation means that 90 percent of the State legislatures believe the 1968 Federal laws are too restrictive. I agree with that assessment.

In various opinion surveys conducted by the Harris poll and newspapers in Detroit and Philadelphia the results showed declining enthusiasm for gun controls. In my own 1972 opinion poll of my constituents in Missouri's Fourth Congressional District, 62 percent of those who responded said they oppose Federal laws prohibiting the sale and possession of handguns. Of those who responded 58 percent favored repeal of all gun control laws.

In Washington, D.C., a radio station mounted an intense editorial campaign within the last few months for additional gun controls. I am reliably informed that mail received by the station in response to this campaign ran 2 to 1 against the station's crusade.

Alabama's Gov. George Wallace has repeatedly said:

Federal laws will keep guns out of the hands of law abiding citizens. But those who break the law will have them anyway.

I completely concur with these comments. Following the attempt on his life by a gunman last May who significantly had not been jailed when arrested for a gun violation in Wisconsin, Governor Wallace reaffirmed his stand on gun control.

It is absurd, Mr. Speaker, to believe that an individual who is otherwise inclined toward criminal activity is going to obey a law that restricts his possession or use of a gun. Laws are made for dealing with criminals, not law abiding citizens. But it is law abiding citizens, not criminals, who are seriously restricted in their right to purchase and own firearms for protection of their own lives and property or for use in controlling predators on their farms or for recreational target shooting or legal hunting activities.

How much longer will well-meaning but misinformed and misguided Members of Congress insist upon discriminating against the good citizens of this country and their rights to peacefully own firearms and use them for legal purposes? Notwithstanding the utter failure of gun control laws to accomplish the purpose promised by backers of these laws in 1968 they were back again this year. The other body actually passed a bill which was explained away as simply a bill to eliminate the so-called Saturday night specials. In trying to describe a Saturday night special the bill's proponents resorted to barrel lengths and other dimensions for their definition. What they seem to say is "it's all right to kill with other types of firearms, but not with one which fits this description." I would support a measure to outlaw the sale of handguns or other weapons which are unsafe for a lawful purpose. But that is not what the Senate bill was trying to do; that bill was aimed at one specific size of gun without regard to any other technical or mechanical attributes and aimed at any weapon which just happened to be the same size.

The Bayh bill, S. 2507, went even further by attempting to surrender to the Secretary of the Treasury authority to add other restrictive criteria under which he and he alone could decide what handguns law-abiding people may or may not own. But not even the most extreme advocates of gun controls could go for that and it was taken out of the bill by Senate amendment.

Finally, S. 2407 would have required the U.S. Government to purchase all handguns outlawed by that legislation. Mr. Speaker, did the backers of that bill really believe that people who own guns for criminal purposes would come forward and sell their weapons to the Government? And if this was not the purpose of the bill, then why was it proposed? The House has not scheduled action on S. 2507. This is one of the rare occasions I can stand up and applaud inaction by the Congress.

Mr. Speaker, I recently received a questionnaire from a group of sportsmen in our congressional district. They opened their letter by stating that they were in favor of punishing criminals, but not honest and law-abiding sportsmen. They went on to state they oppose restrictive punitive laws directed toward the law-abiding gun owners. Their letter submitted a series of questions. They asked for a simple straightforward answer over the signature of their Member of Congress. Let me respond to this request to say I have never indulged in doubletalk. I have never talked out of both sides of my mouth on this or any other issue. I shall not depart from this personal philosophy now or in the future.

Herewith are the six questions which were submitted to our office and following each question is my straightforward answer:

1. Do you favor registration of guns?

Answer. No.

2. Do you favor permits to buy guns or ammunition?

Answer. No.

3. Would you vote for disarming the honest law-abiding citizens?

Answer. A strong, emphatic, no.

4. Do you believe in the constitutional right to own and bear arms?

Answer. Yes. The Constitution is clear. It guarantees the right to every citizen to own and bear arms to be used in the lawful protection of his personal property.

5. How will you vote on the Bayh handgun bill S. 2507?

Answer. I will vote against this legislation.

6. Will you vote to repeal the 1968 Federal Gun Control Act?

Answer. Yes. I have already voted to repeal portions of this Act.

I believe now, as I believed in 1968, that restricting the right of law-abiding citizens to own and use firearms for any legal purpose would be a step toward completely disarming our people. The work of the criminal would thereby be made easier and his need to have and use a gun in his unlawful existence would be lessened. That is what we do when we vote for gun control legislation; we vote to make the lot of the criminal easier. This is only one of the reasons I shall never vote for any proposal that has as its purpose the restriction of the rights of a peaceful citizenry to acquire firearms through legitimate channels.

I believe in the right to possess guns by honest sportsmen to use for hunting and recreation. Moreover, I believe the Constitution provides a guarantee which should never be infringed for our citizens to bear arms to protect their person and property.

WPIX EDITORIALS

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

Mr. KOCH. Mr. Speaker, for several years, WPIX television in New York City has been broadcasting editorials on issues of importance to the Greater New York metropolitan region. This is valuable public service. Not only does the station present both sides of a subject and an informed opinion, it also invites replies for broadcast from individuals directly involved in the issues under consideration, and subsequently communicates to its audience what its calls feedback from the public—written comments from the public after both the editorial and editorial reply has been broadcast.

In 1971, WPIX presented more than 1,000 editorial telecasts. The issues covered included adoptions, crime, drugs, taxes, no-fault insurance, women's liberation, and transportation—as well as more locally oriented topics. Local or national, all the issues have some direct bearing on the people of the New York metropolitan region.

Such a presentation of facts and thoughtful opinion and solicitation of replies and comments from the public, promotes community thought, understanding, and involvement in matters of importance to them. It provides an avenue of expression for many individuals who often have opinions about issues but who otherwise would not have an opportunity to express them publicly.

I mention this at this time because WPIX has just issued a booklet containing all of its editorial feedbacks and editorial replies which appeared on WPIX in 1971. In reviewing this collection of statements one can only be impressed by the range of issues and the thought and interest that has gone into

them. It is not surprising that in 1971, for the second consecutive year, WPIX won the New York State Broadcasters Association Award for Outstanding Editorial. I commend them.

THE TUDOR CITY PARK

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

Mr. KOCH. Mr. Speaker, the need for open, recreational space in the heart of our urban areas cannot be emphasized enough. In my congressional district a critical struggle is going on right now to preserve two small but precious private parks in Tudor City on Manhattan's East Side.

The owner wants to develop the parkland; the residents of the area and New York City desperately want to save the parks. Because of their high cost the city cannot afford to purchase these properties given its already overburdened budget. Consequently the city has improvised other ways of trying to save the parks as public amenities.

It is not certain yet if the city's proposals will succeed. That is why I have urged the mayor to apply to the Housing and Urban Development Administration's open space land program for a Federal grant. Under this program the Federal grant will pay 50 percent of acquisition, cleaning, and development costs for public recreational space in urban areas.

I am inserting in the RECORD today excerpts of my testimony before the New York City Planning Commission to illustrate the complexity and urgency of this situation. If the city's special proposal should fail, which I do not think will be the case, I believe the Federal Government's open space land program must be used as a last resort to save the parks. The cost might be high but in terms of providing public benefit it would be worthwhile.

STATEMENT BY REP. EDWARD I. KOCH BEFORE THE CITY PLANNING COMMISSION ON OCTOBER 4, 1972

The Tudor City parks must be saved. The most viable way to achieve this goal at this time is to approve the legislation to create a special park district, thus allowing the owner, Helmsley-Spear's development rights on these park properties to be transferred to other sites.

The importance of these two small parks is far greater than their size might indicate. The great concern which Tudor City residents have shown over their possible loss reveals the longing and need that all New Yorkers have for open space. In a City gasping for air and in search for any haven of tranquility, with as little as ⅓ of one square foot of open space available in the mid-town area for each of the 1.3 million persons who work there, not to mention those who live there, it is imperative that the City not only preserve existing parkland, but create new open spaces as well.

While the transfer of development rights to nonadjacent properties could set a dangerous precedent if abused (it would be unfair simply to shift the burden threatening one community by placing it on another similar community), I believe the proposed legislation, with the addition of several provisions, would adequately control the development envisioned.

I believe that binding provisions must be included that will guarantee the maintenance, and in particular the security of these two parks. I believe also that the CPC should consider, in view of the City's extraordinary need for more housing, the possibility of mandating that a minimum requirement of residential construction be included in any development stemming from the use of the special "P" district provisions.

If we lose these parks it will erode a bit more of this City's charm; it will crush a bit more of this City's spirit. The only true progress in this case is the preservation of the parks. Neither Tudor City nor New York City can afford their loss.

UNMET HOUSING NEEDS

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

Mr. FASCELL. Mr. Speaker, the failure of the Housing Act of 1972 to receive extended consideration and debate during the closing days of this Congress only postpones the day when we as a Congress must come to grips with the problems of urban America. Our distinguished colleague from Connecticut, JOHN S. MONAGAN, chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs has performed a duty to each of us by sounding the alarm during the oversight investigation of the operations of HUD and the FHA by the Subcommittee on Legal and Monetary Affairs.

The implications for the future for each of us as Members of Congress was well expressed by Representative MONAGAN in a floor statement on October 2 when he said:

None of us can take comfort in the failure of the Housing Act of 1972 to receive the approval of the Rules Committee and thus to reach the Floor, for none of the basic and critical problems in our housing legislation have been solved by this negative action.

Mr. MONAGAN's observations have received and continue to receive nationwide comment and one such commentator, Richard W. O'Neill, editor of the O'Neill Letter, has in his letter of October 3 pointed out the significance of recent events involving our failure to come to grips with the basic issues. Writing with a background as the former editor of House and Home and as an expert on large scale home building and mortgage financing, he acknowledges the critical role JOHN MONAGAN and the subcommittee have performed in revealing the facts of failure in our housing programs. I earnestly commend Mr. O'Neill's commentary to the attention of my colleagues:

THE CONGRESS FINALLY SEES ITS DUTY IN HOUSING PROGRAMS, A VISION ENGINEERED BY WRIGHT PATMAN AND JOHN MONAGAN

When the House Rules Committee killed the Housing Act of 1972 last week it was not a fluke. Your correspondent had begun predicting such a result last April and I had said in the Letter of July 18 that the odds were even-steven for the demise of that Act. Wright Patman as Chairman of the House Banking Committee didn't like the 322-page bill and knew that it could not be effectively debated in the House, and amendments put in to change it, in the time left in this Congressional session.

Monagan's subcommittee on Legal and Monetary Affairs had opened Pandora's box in Detroit much earlier in the year and by now even the dimmest bulb in Congress is aware that something's wrong.

But there was something else afoot in the put-down of the Act. Patman was considerably less than a champion of the Act when it came before the Rules Committee, and he had reasons. Patman is now number one man in the House of Representatives because of the retirement of Emanuel Celler (D. N.Y.), and he has taught the Banking Committee and its subcommittees a tough procedural lesson. Through his less than enthusiastic posture over the bill before the House Rules Committee, Patman put down all the lobbyists, all the Congressional staffers and all of of the HUD forces which would have put through one of the biggest legislative copouts ever to come along in housing legislation.

Yesterday the House passed extensions of HUD programs to June 30, 1973, the end of this fiscal year. The appropriations, as I pointed out some weeks ago, for those programs under a one-year extension have already been approved by the Congress. So with that move the Act is dead.

What all this does is to give the Congress an opportunity to draft new housing legislation that comes to grips with the problems. What are the problems? In the Congressional Record of September 21, 1972, John Monagan called into serious question the whole thrust of the Housing Act of 1972. To find an appropriate comment he simply went back to the report of the Senate Committee on Banking and Currency of the 84th Congress, first session, January 6, 1955.

It was the Capehart hearings dealing with FHA graft and profiteering very similar to that that has been uncovered in so many major metropolitan areas recently.

That Senate committee, almost 18 years ago said: "It has been frequently said that the best law the mind of man is capable of drafting will not work if incompetently and improperly administered; and that the worst law of the Congress will not result in inequities if properly and competently administered. . . .

"The general attitude of FHA seems to have been that it was an agency for the builders and for their benefit. While deeply concerned with inducing builders to construct more projects, FHA appears to have been unconcerned in maintaining the standards of integrity and competence required of government agencies in the public interest."

What the housing industry needs to do now is to muster its best thinking to avoid another two-year fiasco in a housing bill of 1973 or 1974.

That Housing Act of 1972 was the result of two-years of hard work by Congressional staffs and lobbyists, as well as HUD, and it was a fiasco that fell apart when it got down to the wire. It may just be that the Congress in general is now aware that we have built our housing programs on foundations of clay: we have no housing policies, no urban growth policies, no land use policies in this country.

Without such policies we have no backbone for housing programs. Among all the interests that took part in drafting the Housing Act of 1972, who spoke for the public interest? Really? Hardly anyone. And that comment includes many Congressmen, like you know who.

But not Wright Patman. Just to single out one concern: Patman knew very well that black mortgage bankers, architects and contractors would raise all kinds of hell if the Act ever got to the House floor. The President of the United Mortgage Bankers of America, UMBA, a black mortgage banking association, said just about a week before the Housing Act was killed that among other things the site selection criteria was an example of "government regulation making it

harder for the minority businessman to do business."

He pointed out that not only does site selection criteria work against the creation of subsidized projects, built where blacks live, but the local veto power in the Housing Act of 1972 made it impossible to create subsidized projects where the site selection criteria would permit them. Black leaders all over the country have pointed out those facts and Wright Patman and the House Rules Committee is not ignorant of them.

Could it be in fact that the Congress is now aware of a number of major items concerning the new housing business and the effect of Federal programs to date on it?

It so happens that under subsidized HUD housing programs for the fiscal years of 1970, 1971, and 1972, the Federal government is committed to over $30 billion of payments over the next three or four decades. That's just one.

(2) It is also apparent that what causes slums has very little to do with buildings themselves. There is a whole range of psychological, sociological and economic factors that have nothing to do with new housing that create the inner city problems which HUD has only made faint stabs at trying to correct.

(3) It is now pretty clear to the Congress that something like 1.4 million new starts of unassisted for-sale housing will be undertaken in this calendar year without any subsidies whatsoever. A nation that can build and buy that number of unsubsidized for-sale starts, both in single-family and attached townhouses, does not necessarily need production programs for low-income families.

(4) It has become increasingly apparent to all kinds of people, including do-gooders and legislators, that about the only way we can possibly house low-income families in this country adequately is out of the existing housing stock and it is very probably cheaper to do that with housing allowances than with production programs.

There are critical areas for HUD right ahead and one of them is the release of authorized public housing funds to bail out so many local public housing authorities on the edge of bankruptcy. Then too, and obviously, the industry needs an immediate extension of FHA mortgage insurance beyond the expiration of September 30, and it will no doubt get it.

It is just possible that one of the strongest factors in influencing the House Rules Committee was the story by John Herbers in the New York Times of Wednesday, September 20, in which he not only put the finger on a good many lobbyists who had worked for the Housing Act, but had also pointed out that John Gardner, Chairman of Common Cause, had said that "housing in Washington has become an insiders game". That tight little coalition of HUD staff, Congressional staffs and the lobbyists, to paraphrase Herbers, is sort of an interchangeable coterie of players. The effect of the story was not lost on Wright Patman nor on the House Rules Committee.

Quite naturally Bill Barrett (D.–Pa.) Chairman of the Housing Subcommittee, of Patman's Banking Committee, screamed bloody murder over Herbers' implications, a fuss which left most observers yawning inelegantly.

WHAT ABOUT THE MONEY OTHER NATIONS OWE US?

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

Mr. SIKES. Mr. Speaker, the House has just voted for an increase in the national debt. It has also approved an expenditure limitation. In other words, the Federal Government is scraping the bottom of the fiscal barrel. Our national debt has soared out of sight. The President is prepared to curtail badly needed programs because of lack of funds.

It is appalling, in view of this situation, to note that the United States is owed $46 billion by other nations of the world. Of this amount $18 million has been owed to us since World War I. Little, if anything, is being done toward a realistic effort to collect. In fact we are continuing to pay out additional funds to many of these nations.

Something must be done to immediately take steps to clear up these debts. I have no doubt some governments in debt to us now have ceased to exist or are captive nations of the Communist Bloc. Yet, these debts remain on our books despite the fact that some of the money will never be paid.

The arrangements by which these debts were incurred were solemn obligations. Our Government, over the years, has lent a helping hand to just about any government coming to us for help. But these debts cannot be allowed to go on and on without stronger efforts being made to collect. It is just plain bad business to lend money and then not seek and receive repayment. No commercial enterprise in the world could expect to survive such practices, and the U.S. taxpayers have as much right to demand that our Government find ways to induce foreign governments to pay up.

I cannot help but wonder if the Treasury Department really knows how much is owed to us, how much we can expect to collect, and how much Treasury would recommend we write off as uncollectable.

Recently I became a cosponsor of a resolution calling upon the Treasury Department to provide Congress with an exact accounting of all moneys owed to us by foreign governments. It will be most interesting to see which nations of the world still have their hands in our national pockets. Some of them now are siding with our enemies. Some seem to enjoy stabbing us in the back at every opportunity. No doubt many of these nations also are defaulting in their payments to the United Nations while the U.S. continues to bear a disproportionate burden of that organization's expenses.

Let us hope this question of debts owed the United States soon will be clarified by the Treasury Department and that our government will begin to take realistic and effective steps to overcome this kind of absurdity.

PERSONAL ANNOUNCEMENT

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

Mr. MIKVA. Mr. Speaker, I regret that I was necessarily absent Tuesday when the House considered H.R. 16810, increasing the public debt limit and imposing a ceiling on Federal spending by giving the President unrestrained power to cut programs as he sees fit.

Had I been present I would have voted as follows:

"No" on roll 418, adoption of the rule for consideration of H.R. 16810;

"Yes" on roll 420, adoption of the Mahon substitute requiring the President to submit a list of proposed spending cuts for consideration by Congress.

Had the Mahon substitute carried, I would have supported the bill on final passage. But without that change, the bill constitutes the most egregious power grab by the executive branch in the history of our Government. It is a radical proposal which would convert our present tripartite system of government—with powers shared by the executive, the judiciary, and the legislature—into a virtual constitutional monarchy. Perhaps most incredible of all, Congress is being asked to wrap its constitutional powers in gift paper and deliver them to the White House personally.

It is the responsibility of Congress—not the executive branch — to set the spending priorities of this Nation. It was not by chance that the Constitution required that revenue measures originate in the House. The Founding Fathers were determined that power reside in the electorate, and not be centralized in the executive branch. They had tasted monarchy and wanted no part of it. As the larger House of Congress, the House of Representatives was expected to more closely reflect the needs and desires of the people than the Senate or the President.

The House ought not abdicate its constitutional responsibility to make the hard choices involved in deciding which programs will receive how much of the taxpayers' money. We are elected by the people to represent their views on the proper priorities of the Federal Government. Nowhere is that duty more directly expressed than in decisions on Federal spending. We ought not shirk that duty.

I have voted for less Federal expenditures, over all, than any other Member of my State's delegation. This includes votes against obsolete and inefficient weapons systems, against continued funding of the war in Southeast Asia, against expanded funding of the manned space program, against Federal subsidization of the SST, against excessive farm subsidies, against continued funding of the obsolete Subversive Activities Control Board, against loans of taxpayers' money to Lockheed, and so on. It is through the exercise of fiscal responsibility that Congress ought to hold down Federal spending—not by a wholesale abdication of legislative power to the President.

The bill which passed yesterday is the fiscal equivalent of the Gulf of Tonkin resolution. It is not hard to predict that we will look back and wonder what possessed us to do domestically what was done in foreign affairs with such tragic results.

SONS' AND DAUGHTERS' DAY

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

Mr. PEPPER. Mr. Speaker, I am introducing today a joint resolution designating the last Sunday in January of each year as "Sons' and Daughters' Day" to honor, among other things, the significant contributions to the well-being and livelihood that our sons and daughters have made to our Nation.

I am grateful to Mrs. Georgia Paul, of Del Rio, Tex., a close friend of mine and Mrs. Pepper's, who has promulgated the idea of this holiday and whose love for her late son, George Paul, has inspired her to suggest a way to honor all of our sons and daughters. Mrs. Paul's son, George, at age 21, became the youngest cowboy to win the coveted World Champion Bull Riding Title in 1968. The dream began when George was a young boy and started riding calves at El Rancho San Miguel, his grandfather, George Meyer's, ranch in Old Mexico. As George grew, so did his animals—from calves to steers and finally bulls. George competed in youth rodeos winning the American Junior Rodeo Association All-Around, Bareback, Bull Riding Championship Title in 1966.

The realization of the effect of life at El Rancho San Miguel on George's boyhood and the values it gave him in early manhood urged George to want to share these experiences and the stimulation of the ranch atmosphere with other boys and young men. To accomplish this, plans for a summer trek were being formulated at the time of George's death in the crash of his twin engine airplane near Kemmerer, Wyo., in July of 1970.

In Mrs. Paul's letter suggesting this bill, she provides the raison d'etre for the proclamation of a "Sons and Daughters Day." She says:

> The honor would act as a monument to all youngsters that tried to contribute to the good in the world and as an incentive to those that are not sure which way to go. . . . It would show that the world is interested in the young . . . and it would give a significance to the recognition of our acknowledgment that youth is important.

It is appropriate for us to set aside a special day to honor our sons and daughters and to remind ourselves of our responsibility to provide for their education, their health, and their well-being. The proclamation of a "Sons and Daughters Day" will strengthen our love and our responsibility for our sons and daughters and will help to inspire each of them to live his life and, as George Paul did, to do his best and to do his share for his family and his country.

CONFERENCE REPORT: H.R. 16654

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 16654) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1973, and for other purposes:

CONFERENCE REPORT

(H. Rept. No. 92-1591)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16654) "making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have been unable to agree.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
W. R. HULL, Jr.,
BOB CASEY,
EDWARD J. PATTEN,
GEORGE H. MAHON,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS
(except category C impacted aid),
NORRIS COTTON,
CLIFFORD P. CASE
(except category C impacted aid),
HIRAM L. FONG,
J. CALEB BOGGS,
EDWARD W. BROOKE,
TED STEVENS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16654) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, report that the conferees have been unable to agree.

Disagreement to the amendment of the Senate is a technical matter. The rules of the House prohibit the managers on the part of the House from agreeing to an amendment of the Senate that would have been subject to a point of order if it had originated in the House. The amendment of the Senate clearly would have been subject to a point of order. The amendment struck out all of the text of the House bill and substituted therefore the exact text of H.R. 15417, the vetoed Labor-HEW appropriation bill for fiscal year 1973, with one additional section which reads as follows:

"SECTION 409. Notwithstanding any other provision of law, the President is authorized to withhold from obligation and expenditure from the amounts contained in this Act, such sums as he may deem necessary; however, the amounts withheld shall not cause the total available for obligation to be less than $29,603,448,500 in the aggregate for the appropriations made herein: Provided, That no amount specified in any appropriation provision contained in this Act or any activity within such appropriation may be reduced by more than 10 per centum: Provided further, That the amount available for obligation for any appropriation provision determined pursuant to this section shall be substituted for the amount for such appropriation provision contained in this Act and for the application of any formula for the distribution of funds".

The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of (1) changing the sum of $29,603,448,500 to 29,300,000,000, (2) changing the percentage figure from 10 to 13, and (3) limiting the use of funds contained in the bill for operation and maintenance of schools in Federally impacted areas to the entitlements based on the number of so-called "A" and "B" children. The funds were so limited in the House bill. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate.

The managers on the part of both the House and the Senate agree with the statement in the report of the Senate Committee on Appropriations and the Joint Explanatory Statement of the Committee of Conference on the vetoed bill, H.R. 15417, that it will be expected that such funds as are necessary, from the funds included in the bill for school construction under P.L. 815, will be used for urgently needed facilities at Holloman Air Force Base, New Mexico.

Conference Total—With Comparisons

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

New budget (obligational) authority, fiscal year 1972	$27,396,058,000
Budget estimates of new (obligational) authority, fiscal year 1973	28,767,633,500
House bill, fiscal year 1973	29,603,448,500
Senate bill, fiscal year 1973	[1] 30,538,919,500
Conference agreement	[2] 30,538,919,500

[1] Section 409 of the Senate bill authorizes the President to reduce the total amount of the bill to $29,603,448,500.

[2] Section 409 of the bill will authorize the President to reduce the total amount of the bill to $29,300,000,000.

Conference agreement compared with:

New budget (obligational) authority, fiscal year 1972	+3,142,861,500
Budget estimates of new (obligational) authority (as amended) fiscal year 1973	+1,771,286,000
House bill, fiscal year 1973	+935,471,000
Senate bill, fiscal year 1973	----------

DANIEL J. FLOOD,
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WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS
(except category C impacted aid),
NORRIS COTTON,
CLIFFORD P. CASE
(except category C impacted aid),
HIRAM L. FONG,
J. CALEB BOGGS,
EDWARD W. BROOKE,
TED STEVENS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

CONFERENCE REPORT: S. 3419

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-1593)

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the House to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Consumer Product Safety Act".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Consumer Product Safety Commission.
Sec. 5. Product safety information and research.
Sec. 6. Public disclosure of information.
Sec. 7. Consumer product safety standards.
Sec. 8. Banned hazardous products.
Sec. 9. Administrative procedure applicable to promulgation of consumer product safety rules.
Sec. 10. Commission responsibility—petition for consumer product safety rule.
Sec. 11. Judicial review of consumer product safety rules.
Sec. 12. Imminent hazards.
Sec. 13. New products.
Sec. 14. Product certification and labeling.
Sec. 15. Notification and repair, replacement, or refund.
Sec. 16. Inspection and recordkeeping.
Sec. 17. Imported products.
Sec. 18. Exports.
Sec. 19. Prohibited acts.
Sec. 20. Civil penalties.
Sec. 21. Criminal penalties.
Sec. 22. Injunctive enforcement and seizure.
Sec. 23. Suits for damages by persons injured.
Sec. 24. Private enforcement of product safety rules and of section 15 orders.
Sec. 25. Effect on private remedies.
Sec. 26. Effect on State standards.
Sec. 27. Additional functions of Commission.
Sec. 28. Product Safety Advisory Council.
Sec. 29. Cooperation with States and with other Federal agencies.
Sec. 30. Transfers of functions.
Sec. 31. Limitation on jurisdiction.
Sec. 32. Authorization of appropriations.
Sec. 33. Separability.
Sec. 34. Effective date.

FINDINGS AND PURPOSES

SEC. 2. (a.) The Congress finds that—

(1) an unacceptable number of consumer products which present unreasonabls risks of injury are distributed in commerce;

(2) complexities of consumer products and the diverse nature and abilities of consumers using them frequently result in an inability of users to anticipate risks and to safeguard themselves adequately;

(3) the public should be protected against unreasonable risks of injury associated with consumer products;

(4) control by State and local governments of unreasonable risks of injury associated with consumer products is inadequate and may be burdensome to manufacturers;

(5) existing Federal authority to protect consumers from exposure to consumer products presenting unreasonable risks of injury is inadequate; and

(6) regulation of consumer products the distribution or use of which affects interstate or foreign commerce is necessary to carry out this Act.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable risks of injury associated with consumer products;

(2) to assist consumers in evaluating the comparative safety of consumer products;

(3) to develop uniform safety standards for consumer products and to minimize conflicting State and local regulations; and

(4) to promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

DEFINITIONS

SEC. 3. (a) For purposes of this Act:

(1) The term "consumer product" means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; but such term does not include—

(A) any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer,

(B) tobacco and tobacco products,

(C) motor vehicles or motor vehicle equipment (as defined by sections 102 (3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966),

(D) economic poisons (as defined by the Federal Insecticide. Fungicide, and Rodenticide Act),

(E) any article which, if sold by the manufacturer, producer, or importer, would be subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221, or any other provision of such Code), or any component of any such article,

(F) aircraft, aircraft engines, propellers, or appliances (as defined in section 101 of the Federal Aviation Act of 1958),

(G) boats which could be subjected to safety regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.); vessels, and appurtenances to vessels (other than such boats), which could be subjected to safety regulation under title 52 of the Revised Statutes or other marine safety statutes administered by the department in which the Coast Guard is operating; and equipment (including associated equipment, as defined in section 3(8) of the Federal Boat Safety Act of 1971) to the extent that a risk of injury associated with the use of such equipment on boats or vessels could be eliminated or reduced by actions taken under any statute referred to in this subparagraph,

(H) drugs, devices, or cosmetics (as such terms are defined in sections 201 (g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act), or

(I) food. The term "food", as used in this subparagraph means all "food", as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act, including poultry and poultry products (as defined in sections 4 (e) and (f) of the Poultry Products Inspection Act), meat, meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

See sections 30(d) and 31 of this Act, for limitations on Commission's authority to regulate certain consumer products.

(2) The term "consumer product safety rule" means a consumer product safety standard described in section 7(a), or a rule under this Act declaring a consumer product a banned hazardous product.

(3) The term "risk of injury" means a risk of death, personal injury, or serious or frequent illness.

(4) The term "manufacturer" means any person who manufactures or imports a consumer product.

(5) The term "distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer of such product.

(6) The term "retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.

(7) (A) The term "private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label.

(B) A consumer product bears a private label if (i) the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product, (ii) the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

(8) The term "manufacture" means to manufacture, produce, or assemble.

(9) The term "Commission" means the Consumer Product Safety Commission, established by section 4.

(10) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Canal Zone, American Samoa, or the Trust Territory of the Pacific Islands.

(11) The terms "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(12) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(13) The terms "import" and "importation" include reimporting a consumer product manufactured or processed, in whole or in part, in the United States.

(14) The term "United States", when used in the geographic sense, means all of the States (as defined in paragraph (10)).

(b) A common carrier, contract carrier, or freight forwarder shall not, for purposes of this Act, be deemed to be a manufacturer, distributor, or retailer of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.

CONSUMER PRODUCT SAFETY COMMISSION

SEC. 4. (a) An independent regulatory commission is hereby established, to be known as the Consumer Product Safety Commission, consisting of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. The Chairman, when so designated, shall act as Chairman until the expiration of his term of office as Commissioner. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

(b) (1) Except as provided in paragraph (2), (A) the Commissioners first appointed under this section shall be appointed for terms ending three, four, five, six, and seven years, respectively, after the date of the enactment of this Act, the term of each to be designated by the President at the time of nomination; and (B) each of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed.

(2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may

continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.

(c) Not more than three of the Commissioners shall be affiliated with the same political party. No individual (1) in the employ of, or holding any official relation to, any person engaged in selling or manufacturing consumer products, or (2) owning stock or bonds of substantial value in a person so engaged, or (3) who is in any other manner pecuniarily interested in such a person, or in a substantial supplier of such a person, shall hold the office of Commissioner. A Commissioner may not engage in any other business, vocation, or employment.

(d) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission, but three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall have an official seal of which judicial notice shall be taken. The Commission shall annually elect a Vice Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the office of the Chairman.

(e) The Commission shall maintain a principal office and such field offices as it deems necessary and may meet and exercise any of its powers at any other place.

(f)(1) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (A) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman), (B) the distribution of business among personnel appointed and supervised by the Chairman and among administrative units of the Commission, and (C) the use and expenditure of funds.

(2) In carrying out any of his functions under the provisions of this subsection the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(g)(1) The Chairman, subject to the approval of the Commission, shall appoint an Executive Director, a General Counsel, a Director of Engineering Sciences, a Director of Epidemiology, and a Director of Information. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(2) The Chairman, subject to subsection (f)(2), may employ such other officers and employees (including attorneys) as are necessary in the execution of the Commission's functions. No full-time officer or employee of the Commission who was at any time during the 12 months preceding the termination of his employment with the Commission compensated at a rate in excess of the annual rate of basic pay in effect for grade GS–14 of the General Schedule, shall accept employment or compensation from any manufacturer subject to this Act, for a period of 12 months after terminating employment with the Commission.

(h)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Consumer Product Safety Commission."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraph:

"(97) Members, Consumer Product Safety Commission (4)."

PRODUCT SAFETY INFORMATION AND RESEARCH

SEC. 5. (a) The Commission shall—

(1) maintain an Injury Information Clearinghouse to collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products; and

(2) conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary.

(b) The Commission may—

(1) conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products;

(2) test consumer products and develop product safety test methods and testing devices; and

(3) offer training in product safety investigation and test methods, and assist public and private organizations, administratively and technically, in the development of safety standards and test methods.

(c) In carrying out its functions under this section, the Commission may make grants or enter into contracts for the conduct of such functions with any person (including a governmental entity).

(d) Whenever the Federal contribution for any information, research, or development activity authorized by this Act is more than minimal, the Commission shall include in any contract, grant, or other arrangement for such activity, provisions effective to insure that the rights to all information, uses, processes, patents, and other developments resulting from that activity will be made available to the public without charge on a nonexclusive basis. Nothing in this subsection shall be construed to deprive any person of any right which he may have had, prior to entering into any arrangement referred to in this subsection, to any patent, patent application, or invention.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 6. (a)(1) Nothing contained in this Act shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code or which is otherwise protected by law from disclosure to the public.

(2) All information reported to or otherwise obtained by the Commission or its representative under this Act which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential and shall not be disclosed, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this Act shall authorize the withholding of information by the Commission or any officer or employee under its control from the duly authorized committees of the Congress.

(b)(1) Except as provided by paragraph (2) of this subsection, not less than 30 days prior to its public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith (unless the Commission finds out that the public health and safety requires a lesser period of notice), the Commission shall, to the extent practicable, notify, and provide a summary of the information to, each manufacturer or private labeler of any consumer product to which such information pertains if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer or private labeler, and shall provide such manufacturer or private labeler with a reasonable opportunity to submit comments to the Commission in regard to such information. The Commission shall take reasonable steps to assure, prior to its public disclosure thereof, that information from which the identity of such manufacturer or private labeler may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonably related to effectuating the purposes of this Act. If the Commission finds that, in the administration of this Act, it has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product, or the practices of any manufacturer, private labeler, distributor, or retailer of consumer products, it shall, in a manner similar to that in which such disclosure was made, publish a retraction of such inaccurate or misleading information.

(2) Paragraph (1) (except for the last sentence thereof) shall not apply to the public disclosure of (A) information about any consumer product with respect to which product the Commission has filed an action under section 12 (relating to imminently hazardous products), or which the Commission has reasonable cause to believe is in violation of section 19 (relating to prohibited acts), or (B) information in the course of or concerning any administrative or judicial proceeding under this Act.

(c) The Commission shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any significant risk of injury associated with such product.

CONSUMER PRODUCT SAFETY STANDARDS

SEC. 7. (a) The Commission may by rule, in accordance with this section and section 9, promulgate consumer product safety standards. A consumer product safety standard shall consist of one or more of any of the following types of requirements:

(1) Requirements as to performance, composition, contents, design, construction, finish, or packaging of a consumer product.

(2) Requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions.

Any requirement of such a standard shall be reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such product. The requirements of such a standard (other than requirements relating to labeling, warnings, or instructions) shall, whenever feasible, be expressed in terms of performance requirements.

(b) A proceeding for the development of a consumer product safety standard under this Act shall be commenced by the publication in the Federal Register of a notice which shall—

(1) identify the product and the nature of the risk of injury associated with the product;

(2) state the Commission's determination that a consumer product safety standard is necessary to eliminate or reduce the risk of injury;

(3) include information with respect to any existing standard known to the Commission which may be relevant to the proceeding; and

(4) include an invitation for any person, including any State or Federal agency (other than the Commission), within 30 days after the date of publication of the notice (A) to submit to the Commission an existing standard as the proposed consumer product safety standard or (B) to offer to develop the proposed consumer product safety standard.

An invitation under paragraph (4)(B) shall specify a period of time, during which the standard is to be developed, which shall be a period ending 150 days after the publication of the notice, unless the Commission for good cause finds (and includes such finding in the notice) that a different period is appropriate.

(c) If the Commission determines that (1) there exists a standard which has been issued or adopted by any Federal agency or by any other qualified agency, organization, or institution, and (2) such standard if promulgated under this Act would eliminate or reduce the unreasonable risk of injury associated with the product, then it may, in lieu of accepting an offer pursuant to subsection (d) of this section, publish such standard as a proposed consumer product safety rule.

(d)(1) Except as provided by subsection (c), the Commission shall accept one, and may accept more than one, offer to develop a proposed consumer product safety standard pursuant to the invitation prescribed by subsection (b)(4)(B), if it determines that the offeror is technically competent, is likely to develop an appropriate standard within the period specified in the invitation under subsection (b), and will comply with regulations of the Commission under paragraph (3) of this subsection. The Commission shall publish in the Federal Register the name and address of each person whose offer it accepts, and a summary of the terms of such offer as accepted.

(2) If an offer is accepted under this subsection, the Commission may agree to contribute to the offeror's cost in developing a proposed consumer product safety standard, in any case in which the Commission determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Commission shall set forth the items of cost in which it may participate, and shall exclude any contribution to the acquisition of land or buildings.

(3) The Commission shall prescribe regulations governing the development of proposed consumer product safety standards by persons whose offers are accepted under paragraph (1). Such regulations shall include requirements—

(A) that standards recommended for promulgation be suitable for promulgation under this Act, be supported by test data or such other documents or materials as the Commission may reasonably require to be developed, and (where appropriate) contain suitable test methods for measurement of compliance with such standards;

(B) for notice and opportunity by interested persons (including representatives of consumers and consumer organizations) to participate in the development of such standards;

(C) for the maintenance of records, which shall be available to the public, to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development (including dissenting views and comments and information with respect to the need for such recommended standards), and such other matters as may be relevant to the evaluation of such recommended standards; and

(D) that the Commission and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records relevant to the development of such recommended standards or to the expenditure of any contribution of the Commission for the development of such standards.

(e)(1) If the Commission has published a notice of proceeding as provided by subsection (b) of this section and has not, within 30 days after the date of publication of such notice, accepted an offer to develop a proposed consumer product safety standard, the Commission may develop a proposed consumer product safety rule and publish such proposed rule.

(2) If the Commission accepts an offer to develop a proposed consumer product safety standard, the Commission may not, during the development period (specified in paragraph (3)) for such standard—

(A) publish a proposed rule applicable to the same risk of injury associated with such product, or

(B) develop proposals for such standard or contract with third parties for such development, unless the Commission determines that no offeror whose offer was accepted is making satisfactory progress in the development of such standard.

In any case in which the sole offeror whose offer is accepted under subsection (d)(1) of this section is the manufacturer, distributor, or retailer of a consumer product proposed to be regulated by the consumer product safety standard, the Commission may independently proceed to develop proposals for such standard during the development period.

(3) For purposes of paragraph (2), the development period for any standard is a period (A) beginning on the date on which the Commission first accepts an offer under subsection (d)(1) for the development of a proposed standard, and (B) ending on the earlier of—

(i) the end of the period specified in the notice of proceeding (except that the period specified in the notice may be extended if good cause is shown and the reasons for such extension are published in the Federal Register), or

(ii) the date on which it determines (in accordance with such procedures as it may by rule prescribe) that no offeror whose offer was accepted is able and willing to continue satisfactorily the development of the proposed standard which was the subject of the offer, or

(iii) the date on which an offeror whose offer was accepted submits such a recommended standard to the Commission.

(f) Not more than 210 days after its publication of a notice of proceeding pursuant to subsection (b) (which time may be extended by the Commission by a notice published in the Federal Register stating good cause therefor), the Commission shall publish in the Federal Register a notice withdrawing such notice of proceeding or publish a proposed rule which either proposes a product safety standard applicable to any consumer product subject to such notice, or proposes to declare any such subject product a banned hazardous consumer product.

BANNED HAZARDOUS PRODUCTS

SEC. 8. Whenever the Commission finds that—

(1) a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable risk of injury; and

(2) no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable risk of injury associated with such product. the Commission may propose and, in accordance with section 9, promulgate a rule declaring such product a banned hazardous product.

ADMINISTRATIVE PROCEDURE APPLICABLE TO PROMULGATION OF CONSUMER PRODUCT SAFETY RULES

SEC. 9. (a)(1) Within 60 days after the publication under section 7(c), (e)(1), or (f) or section 8 of a proposed consumer product safety rule respecting a risk of injury associated with a consumer product, the Commission shall—

(A) promulgate a consumer product safety rule respecting the risk of injury associated with such product if it makes the findings required under subsection (c), or

(B) withdraw by rule the applicable notice of proceeding if it determines that such rule is not (i) reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product, or (ii) in the public interest;

except that the Commission may extend such 60-day period for good cause shown (if it publishes its reasons therefor in the Federal Register).

(2) Consumer product safety rules which have been proposed under section 7(c), (e)(1), or (f) or section 8 shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(b) A consumer product safety rule shall express in the rule itself the risk of injury which the standard is designed to eliminate or reduce. In promulgating such a rule the Commission shall consider relevant available product data including the results of research, development, testing, and investigation activities conducted generally and pursuant to this Act.

(c)(1) Prior to promulgating a consumer product safety rule, the Commission shall consider, and shall make appropriate findings for inclusion in such rule with respect to—

(A) the degree and nature of the risk of injury the rule is designed to eliminate or reduce;

(B) the approximate number of consumer products, or types or classes thereof, subject to such rule;

(C) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, costs, or availability of such products to meet such need; and

(D) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

(2) The Commission shall not promulgate a consumer product safety rule unless it finds (and) includes such finding in the rule)—

(A) that the rule (including its effective date) is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such product;

(B) that the promulgation of the rule is in the public interest; and

(C) in the case of a rule declaring the product a banned hazardous product, that no feasible consumer product safety standard under this Act would adequately protect the public from the unreasonable risk of injury associated with such product.

(d)(1) Each consumer product safety rule shall specify the date such rule is to take effect not exceeding 180 days from the date promulgated, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reasons for such finding. The effective date of a consumer product safety standard under this Act shall be set at a date at least 30 days after the date of promulgation unless the Commission for good cause shown determines that an earlier effective date is in the public interest. In no case may the effective date be set at a date which is earlier than the date of promulgation. A

consumer product safety standard shall be applicable only to consumer products manufactured after the effective date.

(2) The Commission may by rule prohibit a manufacturer of a consumer product from stockpiling any product to which a consumer product safety rule applies, so as to prevent such manufacturer from circumventing the purpose of such consumer product safety rule. For purposes of this paragraph, the term "stockpiling" means manufacturing or importing a product between the date of promulgation of such consumer product safety rule and its effective date at a rate which is significantly greater (as determined under the rule under this paragraph) than the rate at which such product was produced or imported during a base period (published in the rule under this paragraph) ending before the date of promulgation of the consumer product safety rule.

(e) The Commission may by rule amend or revoke any consumer product safety rule. Such amendment or revocation shall specify the date on which it is to take effect which shall not exceed 180 days from the date the amendment or revocation is published unless the Commission finds for good cause shown that a later effective date is in the public interest and publishes its reasons for such finding. Where an amendment involves a material change in a consumer product safety rule, sections 7 and 8, and subsections (a) through (d) of this section shall apply. In order to revoke a consumer product safety rule, the Commission shall publish a proposal to revoke such rule in the Federal Register, and allow oral and written presentations in accordance with subsection (a)(2) of this section. It may revoke such rule only if it determines that the rule is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product. Section 11 shall apply to any amendment of a consumer product safety rule which involves a material change and to any revocation of a consumer product safety rule, in the same manner and to the same extent as such section applies to the Commission's action in promulgating such a rule.

COMMISSION RESPONSIBILITY—PETITION FOR CONSUMER PRODUCT SAFETY RULE

SEC. 10. (a) Any interested person, including a consumer or consumer organization, may petition the Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule.

(b) Such petition shall be filed in the principal office of the Commission and shall set forth (1) facts which it is claimed establish that a consumer product safety rule or an amendment or revocation thereof is necessary, and (2) a brief description of the substance of the consumer product safety rule or amendment thereof which it is claimed should be issued by the Commission.

(c) The Commission may hold a public hearing or may conduct such investigation or proceeding as it deems appropriate in order to determine whether or not such petition should be granted.

(d) Within 120 days after filing of a petition described in subsection (b), the Commission shall either grant or deny the petition. If the Commission grants such petition, it shall promptly commence an appropriate proceeding under section 7 or 8. If the Commission denies such petition it shall publish in the Federal Register its reasons for such denial.

(e)(1) If the Commission denies a petition made under this section (or if it fails to grant or deny such petition within the 120-day period) the petitioner may commence a civil action in a United States district court to compel the Commission to initiate a proceeding to take the action requested. Any such action shall be filed within 60 days after the Commission's denial of the petition, or (if the Commission fails to grant or deny the petition within 120 days after filing the petition) within 60 days after the expiration of the 120-day period.

(2) If the petitioner can demonstrate to the satisfaction of the court, by a preponderance of evidence in a de novo proceeding before such court, that the consumer product presents an unreasonable risk of injury, and that the failure of the Commission to initiate a rule-making proceeding under section 7 or 8 unreasonably exposes the petitioner or other consumers to a risk of injury presented by the consumer product, the court shall order the Commission to initiate the action requested by the petitioner.

(3) In any action under this subsection, the district court shall have no authority to compel the Commission to take any action other than the initiation of a rule-making proceeding in accordance with section 7 or 8.

(f) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

(g) Subsection (e) of this section shall apply only with respect to petitions filed more than 3 years after the date of enactment of this Act.

JUDICIAL REVIEW OF CONSUMER PRODUCT SAFETY RULES

SEC. 11. (a) Not later than 60 days after a consumer product safety rule is promulgated by the Commission, any person adversely affected by such rule, or any consumer or consumer organization, may file a petition with the United States court of appeals for the District of Columbia or for the circuit in which such person, consumer, or organization resides or has his principal place of business for judicial review of such rule. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commission or other officer designated by it for that purpose and to the Attorney General. The Commission shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Commission based its rule, as provided in section 2112 of title 28 of the United States Code. For purposes of this section, the term "record" means such consumer product safety rule; any notice or proposal published pursuant to section 7, 8, or 9; the transcript required by section 9(a)(2) of any oral presentation; any written submission of interested parties; and any other information which the Commission considers relevant to such rule.

(b) If the petitioner applies to the court for leave to adduce additional data, views, or arguments and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there were reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Commission, the court may order the Commission to provide additional opportunity for the oral presentation of data, views, or arguments and for written submissions. The Commission may modify its findings, or make new findings by reason of the additional data, views, or arguments so taken and shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original rule, with the return of such additional data, views, or arguments.

(c) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the consumer product safety rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. The consumer product safety rule shall not be affirmed unless the Commission's findings under section 9(c) are supportd by substantial evidence on the record taken as a whole.

(d) The judgment of the court affirming or setting aside, in whole or in part, any consumer product safety rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

IMMINENT HAZARDS

SEC. 12. (a) The Commission may file in a United States district court an action (1) against an imminently hazardous consumer product for seizure of such product under subsection (b)(2), or (2) against any person who is a manufacturer, distributor, or retailer of such product, or (3) against both. Such an action may be filed notwithstanding the existence of a consumer product safety rule applicable to such product, or the pendency of any administrative or judicial proceedings under any other provision of this Act. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

(b)(1) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and (in the case of an action under subsection (a)(2)) to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of such risk to purchasers of such product known to the defendant, public notice, the recall, the repair or the replacement of, or refund for, such product.

(2) In the case of an action under subsection (a)(1), the consumer product may be proceeded against by process of libel for the seizure and condemnation of such product in any United States district court within the jurisdiction of which such consumer product is found. Proceedings and cases instituted under the authority of the preceding sentence shall conform as nearly as possible to proceedings in rem in admiralty.

(c) Where appropriate, concurrently with the filing of such action or as soon thereafter as may be practicable, the Commission shall initiate a proceeding to promulgate a consumer product safety rule applicable to the consumer product with respect to which such action is filed.

(d)(1) Prior to commencing an action under subsection (a), the Commission may consult the Product Safety Advisory Council (established under section 28) with respect to its determination to commence such action, and request the Council's recommendations as to the type of temporary or permanent relief which may be necessary to protect the public.

(2) The Council shall submit its recommendations to the Commission within one week of such request.

(3) Subject to paragraph (2), the Council may conduct such hearing or offer such opportunity for the presentation of views as it may consider necessary or appropriate.

(e)(1) An action under subsection (a)(2) of this section may be brought in the United States district court for the District of Columbia or in any judicial district in which any of the defendants is found, is an inhabitant or transacts business; and process in such an action may be served on a defendant in any other district in which such defendant resides or may be found. Subpenas requiring attendance of witnesses in such an action may run into any other district. In determining the judicial district in which an action may be brought under this section in instances in which such action may be brought in more than one judicial district,

the Commission shall take into account the convenience of the parties.

(2) Whenever proceedings under this section involving substantially similar consumer products are pending in courts in two or more judicial districts, they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest, upon notice to all other parties in interest.

(f) Notwithstanding any other provision of law, in any action under this section, the Commission may direct attorneys employed by it to appear and represent it.

NEW PRODUCTS

SEC. 13. (a) The Commission may, by rule, prescribe procedures for the purpose of insuring that the manufacturer of any new consumer product furnish notice and a description of such product to the Commission before its distribution in commerce.

(b) For purposes of this section, the term "new consumer product" means a consumer product which incorporates a design, material, or form of energy exchange which (1) has not previously been used substantially in consumer products and (2) as to which there exists a lack of information adequate to determine the safety of such product in use by consumers.

PRODUCT CERTIFICATION AND LABELING

SEC. 14. (a) (1) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce (and the private labeler of such product if it bears a private label) shall issue a certificate which shall certify that such product conforms to all applicable consumer product safety standards, and shall specify any standard which is applicable. Such certificate shall accompany the product or shall otherwise be furnished to any distributor or retailer to whom the product is delivered. Any certificate under this subsection shall be based on a test of each product or upon a reasonable testing program; shall state the name of the manufacturer or private labeler issuing the certificate; and shall include the date and place of manufacture.

(2) In the case of a consumer product for which there is more than one manufacturer or more than one private labeler, the Commission may by rule designate one or more of such manufacturers or one or more of such private labelers (as the case may be) as the persons who shall issue the certificate required by paragraph (1) of this subsection, and may exempt all other manufacturers of such product or all other private labelers of the product (as the case may be) from the requirement under paragraph (1) to issue a certificate with respect to such product.

(b) The Commission may by rule prescribe reasonable testing programs for consumer products which are subject to consumer product safety standards under this Act and for which a certificate is required under subsection (a). Any test or testing program on the basis of which a certificate is issued under subsection (a) may, at the option of the person required to certify the product, be conducted by an independent third party qualified to perform such tests or testing programs.

(c) The Commission may by rule require the use and prescribe the form and content of labels which contain the following information (or that portion of it specified in the rule)—

(1) The date and place of manufacture of any consumer product.

(2) A suitable identification of the manufacturer of the consumer product, unless the product bears a private label in which case it shall identify the private labeler and shall also contain a code mark which will permit the seller of such product to identify the manufacturer thereof to the purchaser upon his request.

(3) In the case of a consumer product subject to a consumer product safety rule, a certification that the product meets all applicable consumer product safety standards and a specification of the standards which are applicable.

Such labels, where practicable, may be required by the Commission to be permanently marked on or affixed to any such consumer product. The commission may, in appropriate cases, permit information required under paragraphs (1) and (2) of this subsection to be coded.

NOTIFICATION AND REPAIR, REPLACEMENT, OR REFUND

SEC. 15. (a) For purposes of this section, the term "substantial product hazard" means—

(1) a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or

(2) a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

(b) Every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product—

(1) fails to comply with an applicable consumer product safety rule; or

(2) contains a defect which could create a substantial product hazard described in subsection (a) (2),

shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect, or failure to comply.

(c) If the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f) of this section) that a product distributed in commerce presents a substantial product hazard and that notification is required in order to adequately protect the public from such substantial product hazard, the Commission may order the manufacturer or any distributor or retailer of the product to take any one or more of the following actions:

(1) To give public notice of the defect or failure to comply.

(2) To mail notice to each person who is a manufacturer, distributor, or retailer of such product.

(3) To mail notice to every person to whom the person required to give notice knows about was delivered or sold.

Any such order shall specify the form and content of any notice required to be given under such order.

(d) If the Commission determines (after affording interested parties, including consumers and consumer organizations, an opportunity for a hearing in accordance with subsection (f)) that a product distributed in commerce presents a substantial product hazard and that action under this subsection is in the public interest, it may order the manufacturer or any distributor or retailer of such product to take whichever of the following actions the person to whom the order is directed elects:

(1) To bring such product into conformity with the requirements of the applicable consumer product safety rule or to repair the defect in such product.

(2) To replace such product with a like or equivalent product which complies with the applicable consumer product safety rule or which does not contain the defect.

(3) To refund the purchase price of such product (less a reasonable allowance for use, if such product has been in the possession of a consumer for one year or more (A) at the time of public notice under subsection (c), or (B) at the time the consumer receives actual notice of the defect or noncompliance, whichever first occurs).

An order under this subsection may also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking action under whichever of the proceding paragraphs of this subsection under which such person has elected to act. The Commission shall specify in the order the persons to whom refunds must be made if the person to whom the order is directed elects to take the action described in paragraph (3). If an order under this subsection is directed to more than one person, the Commission shall specify which person has the election under this subsection.

(e) (1) No charge shall be made to any person (other than a manufacturer, distributor, or retailer) who avails himself of any remedy provided under an order issued under subsection (d), and the person subject to the order shall reimburse each person (other than a manufacturer, distributor, or retailer) who is entitled to such a remedy for any reasonable and foreseeable expenses incurred by such person in availing himself of such remedy.

(2) An order issued under subsection (c) or (d) with respect to a product may require any person who is a manufacturer, distributor, or retailer of the product to reimburse any other person who is a manufacturer, distributor, or retailer of such product for such other person's expenses in connection with carrying out the order, if the Commission determines such reimbursement to be in the public interest.

(f) An order under subsection (c) or (d) may be issued only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, except that, if the Commission determines that any person who wishes to participate in such hearing is a part of a class of participants who share an identity of interest, the Commission may limit such person's participation in such hearing to participation through a single representative designated by such class (or by the Commission if such class fails to designate such a representative).

INSPECTION AND RECORDKEEPING

SEC. 16. (a) For purposes of implementing this Act, or rules or orders prescribed under this Act, officers or employees duly designated by the Commission, upon presenting appropriate credentials and a written notice from the Commission to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, (A) any factory, warehouse, or establishment in which consumer products are manufactured or held, in connection with distribution in commerce, or (B) any conveyance being used to transport consumer products in connection with distribution in commerce; and

(2) to inspect, at reasonable times and in a reasonable manner such conveyance or those areas of such factory, warehouse, or establishment where such products are manufactured, held, or transported and which may relate to the safety of such products. Each such inspection shall be commenced and completed with reasonable promptness.

(b) Every person who is a manufacturer, private labeler, or distributor of a consumer product shall establish and maintain such records, make such reports, and provide such information as the Commission may, by rule, reasonably require for the purposes of implementing this Act, or to determine compliance with rules or orders prescribed under this Act. Upon request of an officer or employee duly designated by the Commission, every such manufacturer, private labeler, or distributor shall permit the inspection of appropriate books, records, and papers relevant to determining whether such manufacturer, private labeler, or distributor has

acted or is acting in compliance with this Act and rules under this Act.

IMPORTED PRODUCTS

SEC. 17. (a) Any consumer product offered for importation into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) shall be refused admission into such customs territory if such product—

(1) fails to comply with an applicable consumer product safety rule;

(2) is not accompanied by a certificate required by section 14, or is not labeled in accordance with regulations under section 14(c);

(3) is or has been determined to be an imminently hazardous consumer product in a proceeding brought under section 12;

(4) has a product defect which constitutes a substantial product hazard (within the meaning of section 15(a)(2)); or

(5) is a product which was manufactured by a person who the Commission has informed the Secretary of the Treasury is in violation of subsection (g).

(b) The Secretary of the Treasury shall obtain without charge and deliver to the Commission, upon the latter's request, a reasonable number of samples of consumer products being offered for import. Except for those owners or consignees who are or have been afforded an opportunity for a hearing in a proceeding under section 12 with respect to an imminently hazardous product, the owner or consignee of the product shall be afforded an opportunity by the Commission for a hearing in accordance with section 554 of title 5 of the United States Code with respect to the importation of such products into the customs territory of the United States. If it appears from examination of such samples or otherwise that a product must be refused admission under the terms of subsection (a), such product shall be refused admission, unless subsection (c) of this section applies and is complied with.

(c) If it appears to the Commission that any consumer product which may be refused admission pursuant to subsection (a) of this section can be so modified that it need not (under the terms of paragraphs (1) through (4) of subsection (a)) be refused admission, the Commission may defer final determination as to the admission of such product and, in accordance with such regulations as the Commission and the Secretary of the Treasury shall jointly agree to permit such product to be delivered from customs custody under bond for the purpose of permitting the owner or consignee an opportunity to so modify such product.

(d) All actions taken by an owner or consignee to modify such product under subsection (c) shall be subject to the supervision of an officer or employee of the Commission and of the Department of the Treasury. If it appears to the Commission that the product cannot be so modified or that the owner or consignee is not proceeding satisfactorily to modify such product, it shall be refused admission into the customs territory of the United States, and the Commission may direct the Secretary to demand redelivery of the product into customs custody, and to seize the product in accordance with section 22(b) if it is not so redelivered.

(e) Products refused admission into the customs territory of the United States under this section must be exported, except that upon application, the Secretary of the Treasury may permit the destruction of the product in lieu of exportation. If the owner or consignee does not export the product within a reasonable time, the Department of the Treasury may destroy the product.

(f) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section (the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury) and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

(g) The Commission may, by rule, condition the importation of a consumer product on the manufacturer's compliance with the inspection and recordkeeping requirements of this Act and the Commission's rules with respect to such requirements.

EXPORTS

SEC. 18. This Act shall not apply to any consumer product if (1) it can be shown that such product is manufactured, sold, or held for sale for export from the United States (or that such product was imported for export), unless such consumer product is in fact distributed in commerce for use in the United States, and (2) such consumer product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such consumer product is intended for export; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

PROHIBITED ACTS

SEC. 19. (a) It shall be unlawful for any person to—

(1) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which is not in conformity with an applicable consumer product safety standard under this Act;

(2) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which has been declared a banned hazardous product by a rule under this Act;

(3) fail or refuse to permit access to or copying of records, or fail or refuse to make reports or provide information, or fail or refuse to permit entry or inspection, as required under this Act or rule thereunder;

(4) fail to furnish information required by section 15(b);

(5) fail to comply with an order issued under section 15 (c) or (d) (relating to notification, and to repair, replacement, and refund);

(6) fail to furnish a certificate required by section 14 or issue a false certificate if such person in the exercise of due care has reason to know that such certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c) (relating to labeling); or

(7) fail to comply with any rule under section 9(d)(2) (relating to stock piling).

(b) Paragraphs (1) and (2) of subsection (a) of this section shall not apply to any person (1) who holds a certificate issued in accordance with section 14(a) to the effect that such consumer product conforms to all applicable consumer product safety rules, unless such person knows that such consumer product does not conform, or (2) who relies in good faith on the representation of the manufacturer or a distributor of such product that the product is not subject to an applicable product safety rule.

CIVIL PENALTIES

SEC. 20. (a)(1) Any person who knowingly violates section 19 of this Act shall be subject to a civil penalty not to exceed $2,000 for each such violation. Subject to paragraph (2), a violation of section 19(a)(1), (2), (4), (5), (6), or (7) shall constitute a separate offense with respect to each consumer product involved, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations. A violation of section 19(a)(3) shall constitute a separate violation with respect to each failure or refusal to allow or perform an act required thereby; and, if such violation is a continuing one, each day of such violation shall constitute a separate offense, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations.

(2) The second sentence of paragraph (1) of this subsection shall not apply to violations of paragraph (1) or (2) of section 19(a)—

(A) if the person who violated such paragraphs is not the manufacturer or private labeler or a distributor of the products involved, and

(B) if such person did not have either (i) actual knowledge that his distribution or sale of the product violated such paragraphs or (ii) notice from the Commission that such distribution or sale would be a violation of such paragraphs.

(b) Any civil penalty under his section may be compromised by the Commission. In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(c) As used in the first sentence of subsection (a)(1) of this section, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of representations.

CRIMINAL PENALTIES

SEC. 21. (a) Any person who knowingly and willfully violates section 19 of this Act after having received notice of noncompliance from the Commission shall be fined not more than $50,000 or be imprisoned not more than one year, or both.

(b) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 19, and who has knowledge of notice of noncompliance received by the corporation from the Commission, shall be subject to penalties under this section without regard to any penalties to which that corporation may be subject under subsection (a).

INJUNCTIVE ENFORCEMENT AND SEIZURE

SEC. 22. (a) The United States district courts shall have jurisdiction to restrain any violation of section 19, or to restrain any person from distributing in commerce a product which does not comply with a consumer product safety rule, or both. Such actions may be brought by the Commission (with the concurrence of the Attorney General) or by the Attorney General in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section process may be served on a defendant in any other district in which the defendant resides or may be found.

(b) Any consumer product which fails to conform to an applicable consumer product safety rule when introduced into or while in commerce or while held for sale after shipment in commerce shall be liable to be proceeded against on libel of information and condemned in any United States district

court within the jurisdiction of which such consumer product is found. Proceedings in cases instituted under the authority of this subsection shall conform as nearly as possible to proceedings in rem in admiralty. Whenever such proceedings involving substantially similar consumer products are pending in courts of two or more judicial districts they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest upon notice to all other parties in interest.

SUITS FOR DAMAGES BY PERSONS INJURED

SEC. 23. (a) Any person who shall sustain injury by reason of any knowing (including willful) violation of a consumer product safety rule, or any other rule or order issued by the Commission may sue any person who knowingly (including willfully) violated any such rule or order in any district court of the United States in the district in which the defendant resides or is found or has an agent, subject to the provisions of section 1331 of title 28, United States Code as to the amount in controversy, and shall recover damages sustained, and the cost of suit, including a reasonable attorney's fee, if considered appropriate in the discretion of the court.

(b) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by common law or under Federal or State law.

PRIVATE ENFORCEMENT OF PRODUCT SAFETY RULES AND OF SECTION 15 ORDERS

SEC. 24. Any interested person may bring an action in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fee, in which case the court shall award the costs of suit, including a reasonable attorney's fee, to the prevailing party.

EFFECT ON PRIVATE REMEDIES

SEC. 25. (a) Compliance with consumer product safety rules or other rules or orders under this Act shall not relieve any person from liability at common law or under State statutory law to any other person.

(b) The failure of the Commission to take any action or commence a proceeding with respect to the safety of a consumer product shall not be admissible in evidence in litigation at common law or under State statutory law relating to such consumer product.

(c) Subject to sections 6(a)(2) and 6(b) but notwithstanding section 6(a)(1), (1) any accident or investigation report made under this Act by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified, and (2) all reports on research projects, demonstration projects, and other related activities shall be public information.

EFFECT ON STATE STANDARDS

SEC. 26. (a) Whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal standard.

(b) Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a consumer product for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

(c) Upon application of a State or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the provisions of subsection (a) (under such conditions as it may impose) a proposed safety standard or regulation described in such application, where the proposed standard or regulation (1) imposes a higher level of performance than the Federal standard, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce.

ADDITIONAL FUNCTIONS OF COMMISSION

SEC. 27. (a) The Commission may, by one or more of its members or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. A Commissioner who participates in such a hearing or other inquiry shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(7) to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction, through its own legal representative with the concurrence of the Attorney General or through the Attorney General; and

(8) to delegate any of its functions or powers, other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission.

(c) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission with the concurrence of the Attorney General or by the Attorney General, in case of refusal to obey a subpena or order of the Commission issued under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(d) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(e) The Commission may by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of this Act, and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act.

(f) For purposes of carrying out this Act, the Commission may purchase any consumer product and it may require any manufacturer, distributor, or retailer of a consumer product to sell the product to the Commission at manufacturer's, distributor's, or retailer's cost.

(g) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(h) The Commission may plan, construct, and operate a facility or facilities suitable for research, development, and testing of consumer products in order to carry out this Act.

(i)(1) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Commission by rule shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project undertaken in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Commission and the Comptroller General of the United States, or their duly authorized repersentatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under this Act under other than competitive bidding procedures.

(j) The Commission shall prepare and submit to the President and the Congress on or before October 1 of each year a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence of injury and effects to the population resulting from consumer products, with a breakdown, insofar as practicable, among the various sources of such injury;

(2) a list of consumer product safety rules prescribed or in effect during such year;

(3) an evaluation of the degree of observance of consumer product safety rules, including a list of enforcement actions, court decisions, and compromises of alleged violations, by location and company name;

(4) a summary of outstanding problems confronting the administration of this Act in order of priority;

(5) an analysis and evaluation of public and private consumer product safety research activities;

(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(7) the extent to which technical information was disseminated to the scientific and commercial communities and consumer information was made available to the public;

(8) the extent of cooperation between Commission officials and representatives of industry and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(9) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission; and

(10) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act.

(k) (1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

PRODUCT SAFETY ADVISORY COUNCIL

SEC. 28. (a) The Commission shall establish a Product Safety Advisory Council which it may consult before prescribing a consumer product safety rule or taking other action under this Act. The Council shall be appointed by the Commission and shall be composed of fifteen members, each of whom shall be qualified by training and experience in one or more of the fields applicable to the safety of products within the jurisdiction of the Commission. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies including Federal, State, and local governments;

(2) five members shall be selected from consumer product industries including at least one representative of small business; and

(3) five members shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

(b) The Council shall meet at the call of the Commission, but not less often than four times during each calendar year.

(c) The Council may propose consumer product safety rules to the Commission for its consideration and may function through subcommittees of its members. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

(d) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Commission, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

COOPERATION WITH STATES AND WITH OTHER FEDERAL AGENCIES

SEC. 29. (a) The Commission shall establish a program to promote Federal-State cooperation for the purposes of carrying out this Act. In implementing such program the Commission may—

(1) accept from any State or local authorities engaged in activities relating to health, safety, or consumer protection assistance in such functions as injury data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or localities may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance, and

(2) commission any qualified officer or employee of any State or local agency as an officer of the Commission for the purpose of conducting examinations, investigations, and inspections.

(b) In determining whether such proposed State and local programs are appropriate in implementing the purposes of this Act, the Commission shall give favorable consideration to programs which establish separate State and local agencies to consolidate functions relating to product safety and other consumer protection activities.

(c) The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions under this Act. Each such department or agency may cooperate with the Commission and, to the extent permitted by law, furnish such materials to it. The Commission and the heads of other departments and agencies engaged in administering programs related to product safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

(d) The Commission shall, to the maximum extent practicable, utilize the resources and facilities of the National Bureau of Standards, on a reimbursable basis, to perform research and analyses related to risks of injury associated with consumer products (including fire and flammability risks), to develop test methods, to conduct studies and investigations, and to provide technical advice and assistance in connection with the functions of the Commission.

TRANSFERS OF FUNCTIONS

SEC. 30. (a) The functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the Poison Prevention Packaging Act of 1970 are transferred to the Commission. The functions of the Administrator of the Environmental Protection Agency and of the Secretary of Health, Education, and Welfare under the Acts amended by subsections (b) through (f) of section 7 of the Poison Prevention Packaging Act of 1970, to the extent such functions relate to the administration and enforcement of the Poison Prevention Packaging Act of 1970, are transferred to the Commission.

(b) The functions of the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) are transferred to the Commission. The functions of the Federal Trade Commission under the Federal Trade Commission Act, to the extent such functions relate to the administration and enforcement of the Flammable Fabrics Act, are transferred to the Commission.

(c) The functions of the Secretary of Commerce and the Federal Trade Commission under the Act of August 2, 1956 (15 U.S.C. 1211) are transferred to the Commission.

(d) A risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, or the Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of those Acts.

(e) (1) (A) All personnel, property, records, obligations, and commitments, which are used primarily with respect to any function transferred under the provisions of subsections (a), (b) and (c) of this section shall be transferred to the Commission, except those associated with fire and flammability research in the National Bureau of Standards. The transfer of personnel pursuant to this paragraph shall by without reduction in classification or compensation for one year after such transfer, except that the Chairman of the Commission shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to the Commission under this section

(B) Any commissioned officer of the Public Health Service who upon the day before the effective date of this section, is serving as such officer primarily in the performance of functions transferred by this Act to the Commission, may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Commission subject to subparagraph (A) of this paragraph, under the terms prescribed in paragraphs (3) through (8) (A) of section 15(b) of the Clean Air Amendments of 1970 (84 Stat. 1676; 42 U.S.C. 215 nt).

(2) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Commission, by a court of competent jurisdiction, or by operation of law.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Commission, then such suit shall be continued by the Commission. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by

reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Commission as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(f) For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

LIMITATION ON JURISDICTION

SEC. 31. The Commission shall have no authority under this Act to regulate any risk of injury associated with a consumer product if such risk could be eliminated or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act of 1970; the Atomic Energy Act of 1954; or the Clean Air Act. The Commission shall have no authority under this Act to regulate any risk of injury associated with electronic product radiation emitted from an electronic product (as such terms are defined by sections 355 (1) and (2) of the Public Health Service Act) if such risk of injury may be subjected to regulation under subpart 3 of part F of title III of the Public Health Service Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 32. (a) There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act (other than the provisions of section 27(h) which authorize the planning and construction of research, development, and testing facilities), and for the purpose of carrying out the functions, powers, and duties transferred to the Commission under section 30, *not to exceed*—

(1) $55,000,000 for the fiscal year ending June 30, 1973;

(2) $59,000,000 for the fiscal year ending June 30, 1974; and

(3) $64,000,000 for the fiscal year ending June 30, 1975.

(b) (1) There are authorized to be appropriated such sums as may be necessary for the planning and construction of research, development and testing facilities described in section 27(h); except that no appropriation shall be made for any such planning or construction involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Interstate and Foreign Commerce of the House of Representatives, and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval the Commission shall transmit to Congress a prospectus of the proposal facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Commission, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

SEPARABILITY

SEC. 33. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 33. If any provision of this Act, or the sixtieth day following the date of its enactment, except—

(1) sections 4 and 32 shall take effect on the date of enactment of this Act, and

(2) section 30 shall take effect on the later of (A) 150 days after the date of enactment of this Act, or (B) the date on which at least three members of the Commission first take office.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. (BILL) STUCKEY,
BOB ECKHARDT,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
JOHN WARE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN O. PASTORE,
FRANK E. MOSS,
ABRAHAM RIBICOFF,
EDWARD M. KENNEDY,
NORRIS COTTON,
MARLOW W. COOK,
CHARLES H. PERCY,
JACOB K. JAVITS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

ESTABLISHMENT OF FEDERAL AGENCY TO REGULATE CONSUMER PRODUCT SAFETY

Structure of Agency

Both the Senate bill and the House amendment established a new Federal agency to carry out the product safety functions dealt with in the legislation.

Senate.—The Senate bill provided for the establishment of an independent Food, Drug, and Consumer Product Agency. The Agency was to be headed by an Administrator, appointed by the President (with Senate confirmation) for a 5-year term. He could be reappointed as Administrator only once in succession. Within the Agency there would be established a Commission of Food and Nutrition, a Commission of Drugs, a Commission of Veterinary Medicine, and a Commission of Consumer Products, each to be headed by a Commissioner, appointed by the Administrator. In addition, the Senate bill directed the Administrator to appoint a Director of the Office of Consumer Information, to establish a Consumer Information Center and a Public Information Room, and to set up a National Injury Information Clearing House. The Administrator would be compensated at level III of the Executive Schedule, and the Directors and General Counsel would be compensated at level IV. The Senate bill authorized the Administrator to place twenty-five "supergrade" positions (grades GS 16–18).

House.—The House amendment provided for the establishment of an independent regulatory commission—the Consumer Product Safety Commission—consisting of five Commissioners appointed by the President (with Senate confirmation), one of whom would be designated by the President as Chairman (and when so designated would act as Chairman until the expiration of his term of office as Commissioner). A member of the Commission could be removed by the President only for neglect of duty or malfeasance in office. Commissioners would be appointed for staggered seven-year terms. Not more than three Commissioners could be appointed from the same political party. Commissioners were prohibited from having certain specified financial interests in the manufacturers or sellers of consumer products, or their suppliers.

The Chairman would be the principal executive officer of the Commission, and would exercise all of the executive and administrative functions of the Commission, subject to general policies of the Commission and its regulatory decisions, findings, and determinations. The Chairman would be authorized, subject to the approval of the Commission, to appoint an Executive Director, a General Counsel, a Director of Engineering Sciences, a Director of Epidemiology, and a Director of Information.

The House amendment prohibited any full-time officer or employee of the Commission who was at any time during 12 months preceding termination of employment with the Commission paid at a rate in excess of that for grade GS–14 or above from accepting employment or compensation from any manufacturer subject to the bill for a period of 12 months after terminating employment with the Commission.

Under the House amendment the Chairman of the Commission is compensated at level III of the Executive Schedule, and the other Commissioners are compensated at level IV.

Conference substitute (§ 4).—The Senate recedes.

General Powers and Duties of New Federal Agency

In addition to functions specifically relating to safety regulation of consumer products and functions transferred from other agencies, both the Senate and House versions confer certain general powers and duties on the new agency.

Senate.—Under the Senate bill, the Administrator of the new Agency is authorized to employ experts and consultants, appoint advisory committees and a Joint Scientific Advisory Committee, prescribe regulations to carry out his functions, issue subpenas and order persons to respond to written questions, utilize other public and private agencies, enter into contracts and other arrangements with other public agencies or with any person, accept gifts, maintain liaison with public agencies and independent standard-setting bodies carrying out consumer safety activities, construct research and testing facilities (if subsequently authorized by Congress), conduct public hearings after publishing public notice thereof, sub-

mit budget estimates directly to the President for review and transmittal to the Congress and receive appropriations directly from the President and the Office of Management and Budget, submit legislative recommendations, etc., without prior clearance, initiate and direct all litigation of the agency, and delegate within the agency any of his functions (other than issuance of subpenas). The Agency was directed to submit an annual report, which would include, among other matters, the Administrator's budget requests, and the budget recommendations of the Commissioners.

The Senate bill directed each of the Commissioners of the Agency to attempt to eliminate products presenting unreasonable risk of injury; and to establish certain analytic and investigatory capabilities, including a capability to engage in risk-based analysis.

House.—The House amendment authorized the Commission to conduct hearings (after publishing public notice thereof) and to conduct other inquiries, to issue subpenas and to order persons to respond to written questions, to take depositions, to enter into contracts with public agencies or any person, to construct a research and test facility (if the prospectus therefor is approved by the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee), to require manufacturers of consumer products to provide performance and technical data to the Commission and to retail purchasers. The Commission is directed to submit an annual report, which would include, among other matters, a log or summary of meetings held between Commission officials and representatives of industry and other interested parties.

Conference substitute (§ 27).—The conference substitute follows the provisions of the House amendment with the following additions:

(1) The Commission is authorized to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b)).

(2) The Commission is authorized to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction, through its own legal representative with the concurrence of the Attorney General or through the Attorney General.

(3) Section 27(k) of the conference substitute provides that, whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress; and that no Federal officer or agency may require the Commission to submit its legislative recommendations, etc., to any such officer or agency for approval, comment, or review prior to the submission of such recommendations, etc., to the Congress. A copy of such recommendations would have to be concurrently transmitted to the President.

(4) The Commission may delegate any of its functions (other than the function of issuing subpenas) to any of its officers or employees.

The committee of conference decided not to include the detailed provisions of the Senate bill regarding risk-based analysis and decided instead to rely on the provisions of the House amendment relating to the Commission's research and test capabilities [section 5(b)(2)].

Cooperation With State and Federal Agencies

Senate.—The Senate bill authorized each Federal agency, on request of the Administrator, to make its services, etc., available with or without reimbursement to the greatest practicable extent to the new Agency to furnish information, and to allow the new Agency access to information; directed the Agency, to the maximum practical extent, to utilize the personnel, facilities, and other technical support available in other Federal agencies; and authorized the Agency to utilize the National Bureau of Standards, with or without reimbursement, for purposes related to carrying out the responsibilities of the Agency under the bill. Technical research support for fire safety projects undertaken by the new Agency was required to be provided by the National Bureau of Standards on a reimbursable basis.

In addition, the Agency was generally authorized to use the services and facilities of, and enter into contracts and maintain liaison with, State agencies.

House.—The House amendment required the Commission, to the maximum extent practicable, to utilize the National Bureau of Standards, on a reimbursable basis, to perform research and analyses related to consumer product hazards, to develop test methods, to conduct studies and investigations, and to provide technical assistance relating to the Commission's functions. In addition, the Commission was authorized to obtain information and other materials from any Federal agency. Such agencies were authorized to cooperate with the Commission and, to the extent permitted by law, furnish such materials to it.

The House amendment also authorized the Commission to establish a program to promote Federal-State cooperation for the purposes of carrying out the bill, in which it could accept assistance from any State or local authorities in the administration and enforcement of the bill, to pay for the reasonable cost of such assistance, and to use State or local officials to conduct examinations, investigations, and inspections for the Commission.

Conference substitute (§ 29).—The Senate recedes.

Obligations of Agency Contractors

Senate.—The Senate bill required certain recipients of financial assistance under the bill to keep specified records and to allow the Administrator and the Comptroller General access to those records.

House.—No comparable provision.

Conference substitute (§ 27(i)).—The House recedes.

SCOPE OF REGULATORY AUTHORITY

Both the Senate bill and House amendment transferred certain existing Federal agency functions relating to product safety regulation to the new agency, and also provided the agency with new legal authority which, in general, was designed to permit it to regulate consumer products which are not subject to adequate Federal safety regulation under existing law.

Transfers of Functions

Senate.—The Senate bill transferred to the Administrator of the new Agency all functions of—

(1) the Secretary of Health, Education, and Welfare administered through the Food and Drug Administration;

(2) the Secretary of Health, Education, and Welfare relating to licensing of clinical laboratories and to regulation of biological products; and

(3) the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act and under the Act of August 2, 1956 (refrigerator safety).

The Senate bill also made provision for delegation by the Administrator of these transferred functions to appropriate Commissioners within the new Agency, and permitted certain Public Health Service officers to acquire competitive service status in the new Agency.

House.—The House amendment transferred to the Commission all functions of—

(1) the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act, and the Poison Prevention Packaging Act of 1970, and of the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare under the Acts amended by subsections (b) through (f) of section 7 of the Poison Prevention Packaging Act of 1970, to the extent such functions relate to the administration and enforcement of such Act, and

(2) the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission under the Flammable Fabrics Act, and of the Federal Trade Commission under the Federal Trade Commission Act, to the extent such functions relates to the administration and enforcement of the Flammable Fabrics Act.

The House amendment also provided that a product hazard which could be prevented or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, or the Flammable Fabrics Act could be regulated by the Commission only in accordance with the provisions of those Acts.

Conference substitute (§ 30).—The conferees adopted the provisions of the House amendment with the following changes:

(1) The functions of the Secretary of Commerce and the Federal Trade Commission under the Act of August 2, 1956 (15 U.S.C. 1211), are transferred to the Commission.

(2) Personnel, property, obligations, etc., associated with fire and flammability research in the National Bureau of Standards are not transferred to the Commission.

(3) The Senate provision permitting Public Health Service officers to acquire competitive service status was included.

In determining whether a risk of injury can be reduced to a sufficient extent under one of the Acts referred to in this section, it is anticipated that the Commission will consider all aspects of the risk, together with the remedial powers available to it under both the bill and the other Acts.

Definition of Consumer Product

Senate.—The Senate bill authorized safety regulation by the new Agency of any "consumer product". Consumer product was defined as a product, or a component thereof, produced for or distributed to an individual for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise. Specifically excluded from the definition were:

(1) Tobacco and tobacco products.

(2) Products subject to safety regulation under the National Traffic and Motor Vehicle Safety Act of 1966.

(3) Aircraft or other aeronautical products subject to safety regulation by the Federal Aviation Administration.

(4) Food or drugs as defined in the Federal Food, Drug, and Cosmetic Act.

(5) Products subject to safety regulation under the Federal Insecticide, Fungicide, and Rodenticide Act.

(6) Products subject to safety regulation under the Occupational Safety and Health Act of 1970, insofar as such products are regulated for use in employment.

(7) Products subject to safety regulation under the Gas Pipeline Safety Act.

(8) Products subject to safety regulation under authority of the Atomic Energy Act of 1954.

(9) Vessels, appurtenances, and equipment subject to safety regulation under title 52 of the Revised Statutes, the Federal Boat Safety Act of 1971, or other marine safety statutes administered by the Coast Guard. The Senate bill treated firearms as consumer products, but prohibited the new agency from administratively banning them.

House.—The House amendment defined "consumer product" as any article, or com-

ponent part thereof, produced or distributed for sale to, (or for the personal use, consumption, or enjoyment of) a consumer in or around a household or residence, a school, in recreation, or otherwise; unless the article is not customarily produced or distributed for sale to or use, consumption, or enjoyment of a consumer. The exclusions from the House's definition were the same as those from the Senate's with the following exceptions:

(1) The House did not exempt aircraft or vessels (including boats), nor did it specifically exempt products subject to regulation under the Gas Pipeline Safety Act.

(2) The House added exemptions for firearms and ammunition, medical devices, and cosmetics. It also provided (under section 31) a qualified exemption for product hazards which could be prevented or reduced to a sufficient extent under the Clean Air Act, the Act of August 2, 1956, and for product hazards which could be regulated under the electronic product radiation provisions of the Public Health Service Act.

Conference substitute (§ 3(1), 31).—The conference substitute follows the House amendment but adds exemptions for aircraft and vessels including boats. The latter exemption is for boats which could be subjected to safety regulation under the Federal Boat Safety Act of 1971, vessels, and certain appurtenances thereto which could be subjected to safety regulation under title 52 of the Revised Statutes or other marine safety statutes administered by the department in which the Coast Guard is operating; and certain boat and vessel equipment to the extent that a risk of injury associated with the use of such equipment on boats or vessels could be eliminated or reduced by actions taken under any of the above statutes. It is not intended by this provision to in any way detract from the authority of the Coast Guard with respect to seaworthiness or operational capabilities concerning vessels, boats, or marine equipment.

Treatment of Certain Products Regulated Under Other Laws

Senate.—All products excluded from the definition of "consumer product" (other than tobacco, foods, and drugs) were excluded only to the extent that they were subject to safety regulation under specified Federal laws. ("Subject to safety regulation" was defined as authorized to be regulated for the purpose of eliminating any unreasonable risk of injury or death, as determined by the Administrator through consultation with appropriate Federal officials.) However with respect to any of the specifically exempted products, the new Agency was authorized to petition any Federal agency which had jurisdiction over the products to establish and enforce appropriate safety regulations for the product; to participate in the establishment of such regulations; and upon request of such agency, to establish and enforce such regulations in accordance with the Consumer Safety Agency's authority under the bill. Upon such request, the product would no longer be excluded from the definition of "consumer product".

House.—The House (under section 31 of the bill) provided for an exemption from the Commission's authority for product hazards which could be "prevented or reduced to a sufficient extent" under the Occupational Safety and Health Act, the Act of August 2, 1956, the Atomic Energy Act, and the Clean Air Act. An exemption was also provided for electronic product radiation hazards which could be subjected to regulation under the electronic product radiation provisions of the Public Health Service Act. (See explanation of *transfers of functions* for similar House provisions applicable to product hazards which can be regulated under the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the Poison Prevention Packaging Act.)

Conference substitute (§ 31).—The conference substitute incorporates the provisions of the House bill with an amendment which deletes the reference to the Refrigerator Safety Act (the Act of August 2, 1956) which is transferred to the Commission. In determining whether a risk of injury can be reduced to a sufficient extent under one of the Acts referred to in this section, it is anticipated that the Commission will consider all aspects of the risk, together with the remedial powers available to it under both the bill and the remedial powers under the other law available to the agency administering the law.

CONSUMER PRODUCT SAFETY INFORMATION AND RESEARCH; DISCLOSURE OF INFORMATION

Senate.—Under the Senate bill, the Office of Consumer Information, the National Injury Information Clearinghouse, and the Commissioner of Product Safety all were to participate in gathering and making available to the public information concerning consumer product safety.

(1) Office of Consumer Information

The Office of Consumer Information had the basic responsibility of informing the public concerning consumer product hazards. The Office was to make available to the public through its Consumer Information Center, subject to the limitations on the disclosure of information contained in the bill, information concerning consumer product safety hazards, copies of any communications, documents, reports, or other information received or sent by the Administrator or any Commissioner, and communications received by the Agency from any person outside the Agency concerning any matter under consideration by the Agency in a rulemaking or adjudicatory proceeding.

The Consumer Information Center was to respond to written inquiries from consumers and to conduct consumer education programs designed to inform the public about specific consumer product safety hazards.

The Director of the Office was to establish a Consumer Information Library and a Public Information Room in which the public would have access to Agency information and to a copying machine.

(2) National Injury Information Clearinghouse

The National Injury Information Clearinghouse would carry out a program under which a system of nationwide reporting centers would monitor injuries associated with foods, drugs, and consumer products. The system would identify causes of injury from such products, investigate the manner in which the injury occurred, and ascertain the severity of the injury. In carrying out his functions, the Director of the Clearinghouse would obtain injury data from both governmental and private sources and require persons engaged in the manufacture, distribution, or sale of foods, drugs, or consumer products (and their insurors) to provide information to him concerning injuries from such products which have come to their attention.

(3) Commissioner of Product Safety

The Commissioner of Product Safety was to collect, evaluate, and disseminate information on the types, frequency, severity, and causes of injury associated with the use of consumer products and on means to test, measure, or evaluate the risks of such injury. The Commissioner was authorized to undertake studies and research and otherwise to collect data to provide a basis for establishing consumer product safety standards in reducing the risk of injury; to form special study teams to gather information concerning injuries from consumer products; to provide assistance to persons and agencies engaged in research designed to minimize consumer product injury risks or designed to develop means of testing, measuring, and evaluating such risks; to secure information on consumer product injury risks from other government agencies and from private sources; to publish or otherwise make available information concerning consumer product injury risks (including recommendations for reducing such risks and for testing products for such risks); and to obtain products for research and testing and dispose of such products.

The Commissioner was authorized to obtain information relating to consumer product injuries by subpena from any person. Information disclosed by the Commissioner was subject to the limitations on public disclosure of information. The Commissioner was directed to inform any manufacturer of any unreasonable or significant risk to health or safety determined to be associated with any product of that manufacturer. The Commissioner was authorized to make recommendations to building, electrical, or other similar household environment code-making authorities with respect to any matter subject to such code which he determines to present an unreasonable risk of personal injury or death, without regard to whether that matter is a consumer product.

(4) Limitations on Disclosure of Information

Information related to trade secrets or other confidential business information described in section 1905, title 18, United States Code, could not be released to the public unless it related to a consumer product in such a way as to indicate the presence of an unreasonable risk of injury or death or unless its release was necessary to protect the health and safety of the public. Before any such information could be made public, the manufacturer of the product to which the information related was entitled to notice and an opportunity to comment in writing, or in a closed session, on the information unless it was determined that the delay inherent in this procedure would be detrimental to the public health and safety. Such information could be disclosed to other Federal agencies for official use upon request, to appropriate Congressional committees, in any judicial proceeding under court order, or in any proceeding under the bill.

Information was not required to be publicly disclosed if it is information described in section 552(b), title 5, United States Code (relating to information protected from public access under the Freedom of Information Act), or which is otherwise protected by law from disclosure to the public.

No information could be made public which identified any individual injured by a consumer product or any person treating him for his injury without the express written consent of the individual or person involved.

House.—The House amendment provided for an Injury Information Clearing House which was charged with the duties of collecting, investigating, analyzing, and disseminating information related to the causes and prevention of illness, injury, or death associated with consumer products and with the duty of conducting such studies and investigations of deaths, injuries, diseases, the impairment of health, and economic loss resulting from accidents involving consumer products as it deemed necessary.

(1) Limitations on Disclosure of Information

Information obtained by the Commission which contained or related to a trade secret or other matter referred to in section 1905, title 18, United States Code, could not be publicly disclosed. Such information could be disclosed to agency officers or employees carrying out the provisions of the House amendment or, when relevant, in any proceeding under the provisions of the House

amendment. Not less than 30 days before the public disclosure of information obtained under the provisions of the House amendment (or sooner if necessary to protect the public health and safety), the Commission was to the extent practicable to give notice and a summary of the information to each manufacturer or private labeler of any consumer product to which that information related, if the information to be disclosed would permit the public to identify that manufacturer or distributor, and to permit the manufacturer or distributor to submit comments to the Commission on that information.

The Commission was directed to take steps to assure that publicly disclosed information from which specific manufacturers or distributors could be identified was accurate and that the disclosure was fair in the circumstances and reasonably related to carrying out its duties. No information would be required to be publicly disclosed if it is information described in section 552(b), title 5, United States Code (relating to information which is entitled to be protected from public access under the Freedom of Information Act), or which is otherwise protected by law from disclosure to the public.

The limitations on the disclosure of information did not apply to imminently hazardous consumer products against which the Commission had instituted a seizure action or to products which failed to conform with applicable product safety standards or which were banned hazardous consumer products, or to information in the course of, or concerning any, administrative or judicial proceeding under the provisions of the bill.

The Commission was to publish a retraction of any inaccurate or misleading information disclosed to the public.

(2) *Product Safety Research*

The Commission was authorized to conduct research studies and investigations concerning the safety of consumer products and means of improving the safety of such products, to test consumer products and develop product safety testing methods and devices, and to offer product safety investigation and testing training and otherwise assist public and private organizations in the development of safety standards and testing methods. The Commission could make grants or enter into contracts with any person, including a government agency, to carry out such functions. Whenever a person, other than the Commission, carried out any information, research, or development activity under contract with the Commission or with the aid of a grant from the Commission, provision was to be made for the availability to the public, without charge, on a nonexclusive basis, of the rights to information, uses, processes, patents and other developments resulting from that activity.

Conference substitute (*§ 5, 6*).—The conference substitute incorporates the House provisions respecting consumer product information and research, and disclosure of information.

SAFETY REGULATION OF CONSUMER PRODUCTS

Definitions

Both bills contained definitions applicable to the entire bill. The principal definitions in the bills are described below with the exception of the definitions of "consumer product" and "subject to safety regulation" (discussed under *scope of regulatory authority*) and "risk based analysis" (mentioned under *general powers and duties of agency*).

Senate.—The Senate bill included the following definitions:

(1) "Consumer product safety standard" was defined as a minimum standard promulgated under the bill which prevents such product from presenting an unreasonable risk of injury or death

(2) "Injury" was defined as harm (including adverse reactions and illness) produced by biologic, chemical, thermal, mechanical, electrical, radiological, or other natural or manmade agents.

(3) "State" was defined as a State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, the Trust Territory of the Pacific Islands, or the Canal Zone.

(4) "Unreasonable risk of injury presented by a consumer product" was defined as that degree of risk which the Commissioner determines is incompatible with the public health and safety because the degree of anticipated injury or the frequency of such injury, or both, is unwarranted because the degree of anticipated injury or the frequency of such injury either (A) can be reduced without affecting the performance or availability of the consumer product or (B) cannot be reduced without affecting the performance or availability of the consumer product but the effect on such performance or availability is justified when measured against the degree of anticipated injury or the frequency of such injury.

(5) "Use" meant (A) exposure to, and (B) normal use or reasonably foreseeable misuse.

(6) "Commerce" was defined to include commerce within a State.

House.—The House amendment definitions of "State" and "commerce" were comparable to the Senate's definitions, except that the House did not treat certain possessions of the United States as States. The House did not require consumer product safety standards to be "minimum" standards, and did not define "unreasonable risk of injury presented by a consumer product" or "use". The House defined the term "hazard" (which is used comparably to "injury" in the Senate bill) as a risk of death, personal injury, or serious or frequent illness.

The House amendment contained the following definitions not present in the Senate bill:

(1) "Manufacturer" was any person who manufactures or imports a consumer product.

(2) "Distributor" meant a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, except that the term did not include a manufacturer or retailer of such product.

(3) "Retailer" was defined as a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer.

(4) "Private labeler" was defined as the owner of a brand or trademark on the label of a consumer product which bears a private label. (A consumer product bears a private label under the House amendment if the product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of the product, the person with whose brand or trademark the product (or container) is labeled has authorized or caused the product to be so labeled, and the brand or trademark of a manufacturer of such product does not appear on such label).

(5) "To distribute in commerce" and "distribution in commerce" meant to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(6) A common carrier, contract carrier, or freight forwarder was not, for purposes of the bill, deemed to be a manufacturer, distributor, or retailer of a consumer product solely by reason of receiving or transporting a consumer product in the ordinary course of its business as such a carrier or forwarder.

Conference substitute.—The Senate recedes with an amendment treating certain possessions of the United States as States.

Consumer Product Safety Rules

(1) Authority to prescribe consumer product safety standards.

Senate.—The Senate bill authorized the Commissioner of the new Agency, whenever he found a need for action to eliminate unreasonable risk of injury or death associated with the use of a consumer product (or type or class thereof), to promulgate a consumer product safety standard for such product (or type or class). The Senate bill provided that standards, insofar as practicable, must be compatible with any Federal environmental standards established for the product. A standard must, where feasible, pertain to the safety performance characteristics of the product (or type or class), and it must, to the extent practicable, set forth test procedures to measure such performance characteristics, except that any such standard may apply to the composition, design, construction, or finish of the consumer product (or type or class) if the Commissioner determines that it is not feasible to protect the public health or safety by development of a performance standard or any other consumer product safety standard authorized by the foregoing provisions.

The Senate bill provided, in addition, that a consumer product safety standard may require that a consumer product (or type or class) be marked, tagged, or accompanied by clear and adequate warnings or instructions, or be subject to safety precautions related to physical distribution.

House.—Under the House amendment the Commission was authorized to prescribe consumer product safety standards containing the same type of performance, design, and labeling requirements as were envisaged by the Senate bill (except that there is no House provision for safety precautions relating to physical distribution). Any requirement of such standards had to be reasonably necessary to prevent or reduce an unreasonable hazard to the public associated with the product. Requirements (other than requirements relating to labeling, warnings, or instructions), whenever feasible, had to be expressed in terms of performance requirements.

Conference substitute (*§ 7(a)*).—The Senate recedes. The committee of conference is of the opinion that any safety problems created by methods of physical distribution can be met by a product safety standard related to the performance, composition, design, construction, or finish of a consumer product including packaging or, in appropriate cases, may be dealt with under the provisions of the substitute concerning imminent hazards [sec. 12].

(2) Commencement of standard-setting proceeding.

Both the House and Senate versions provided that a proceeding to develop a consumer product safety standard be commenced by publication of a notice in the Federal Register containing certain information concerning the product hazard and an invitation to the public to participate in the standard-setting process.

Senate.—The Senate required the notice of proceeding to contain an invitation to the public to submit information challenging the need for the standard.

House.—The House amendment did not require the notice of proceeding to invite submission of information challenging the need for the standard, but did require the notice to specify a period during which public or private standard-setting organizations would be given an opportunity to develop a proposed standard. The period would be 150 days unless the Commission found a different period was appropriate.

Conference substitute (*§ 7(b)*).—The Senate recedes.

(3) Development of proposed standard.

Senate.—The Senate bill provided that, un-

less he accepts an existing safety standard, the Administrator of the new agency could accept one or more offers from qualified offerors to develop a proposed standard. An offer could not be accepted if the offeror is a manufacturer, distributor, or retailer of a product to which the standard applies, or an employee of such a manufacturer, distributor, or retailer. The Senate permitted the Agency to proceed with development of a proposed standard whenever a notice of proceeding is published, even though the Agency accepted an offer to develop a standard.

House.—The House amendment differed from the Senate bill in that unless the Commission accepted an existing standard it was required to accept one or more offers from qualified offerors. The House did not prohibit acceptance of offerors who were manufacturers, distributors, or retailers, or employees thereof.

The House also provided that if the Commission accepted an offer to develop a proposed consumer product safety standard, it could not, during the "development period" for the standard publish a proposed rule applicable to the same product hazard, or develop (or contract for the development of) proposals for the standard unless no offeror was making satisfactory progress. The "development period" was defined as a period beginning with the acceptance of an offer to develop the standard and ending (1) with the expiration of the period specified in the notice of proceeding (which period could be extended), (2) the date the Commission determines no offeror is able and willing to continue satisfactory development of the standard, or (3) on the date on which an offeror submits a recommended standard, whichever of the three first occurs.

Conference substitute (§ 7(d)).—The conference substitute is identical to the House amendment except that the Commission is permitted during the development period to proceed independently to develop proposals for a standard in any case in which the sole offeror whose offer is accepted is the manufacturer, distributor, or retailer of a consumer product proposed to be regulated by the consumer product safety standard. These provisions should not be interpreted, however, as preventing the Commission or its staff—while awaiting the submission of recommended standards—from developing or acquiring the technical capability necessary to properly evaluate the standards recommended to it.

(4) Regulations governing offerors' development of standards.

Senate.—The provisions in the Senate bill relating to regulations applicable to offeror's development of proposed standards included requirements that interested persons be given an opportunity to participate in the development of the standard "in accordance with accepted standards of due process".

House.—No comparable provision.

Conference substitute (§ 7(d)).—The Senate recedes.

(5) Proposed consumer product safety rules.

Senate.—The Senate bill required the Agency, within 180 days after publication of a notice of proceeding (which period could be extended), to publish a proposed consumer product safety rule or withdraw the notice of proceedings. The Agency was specifically authorized to publish proposed rules in the alternative. The Agency was given authority to conduct a hearing on the proposed standard subject to conditions or limitations imposed by the Agency.

House.—The House amendment required publication of the proposed standard or withdrawal of notice of proceeding within 210 days (unless extended). The Commission was not specifically authorized to publish proposed rules in the alternative and was required to provide for an opportunity for oral and written presentation of views respecting the proposed rule.

Conference substitute (§ 7(f)).—The Senate recedes.

(6) Findings.

Both the Senate bill and the House amendment required the new agency to make generally similar findings before finally promulgating a consumer product safety rule.

Senate.—The Senate bill required a finding respecting means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

House.—The House amendment required no comparable finding, but did require an additional finding that the rule be in the public interest.

Conference substitute (§ 9(c)).—The conference substitute requires both the Senate finding, respecting competition and commercial practices, and the House finding that the rule be in the public interest.

(7) Effective date of standards.

House.—The House amendment added a provision requiring that the effective date of a consumer product safety standard be set at least 30 days after the date of promulgation unless the Commission for good cause shown determines that an earlier effective date is in the public interest. In no case could the effective date be set at a date which is earlier than the date of promulgation. A consumer product safety standard could apply only to consumer products manufactured after the effective date of the standard. The provision described above did not apply to rules banning a product.

Senate.—No comparable provision.

Conference substitute (§ 9(d)(1)).—The Senate recedes.

(8) Stockpiling.

Senate.—The Senate bill prohibited any manufacturer or importer, in an effort to stockpile a consumer product, from producing or importing such product, between the time a final order establishing a consumer product safety standard is issued and the time the order becomes effective, in quantities significantly greater than quantities he had produced for a base period established by the new Agency prior to the promulgation of the final order establishing the standard.

House.—No comparable provision.

Conference substitute (§ 9(d)(2)).—This provision of the Senate bill is incorporated in the conference report with technical and conforming changes. As so changed, it authorizes the Commission by rule to prohibit a manufacturer (including an importer) of a consumer product from stockpiling any product to which a consumer product safety rule applies so as to prevent the circumvention of the purpose of that rule. "Stockpiling" is defined as manufacturing or importing a product between the date of promulgation of the consumer product safety rule and its effective date at a rate which is significantly greater than the rate at which such product was produced or imported during a base period ending before the date of promulgation of the consumer product safety rule.

(9) Banned hazardous products.

Both bills gave the new agency administrative authority to ban a consumer product if no feasible consumer product safety standard would adequately protect the public.

Senate.—The Senate bill included a provision requiring a person in the distribution chain to repurchase any product sold by him after a proposed rule banning a product was published. The obligation to repurchase was subject to certain limitations if notice of the proposed banning rule was given down the distribution chain.

House.—The House amendment contained no provision applicable only to repurchase of banned hazardous products. However, the notification and remedy provisions of the House amendment (sec. 15(d)) gave the Commission authority to impose somewhat similar requirements in the case of substantial product hazard. The House amendment also authorized a court, upon application of the Commission, to require repurchase of a banned hazardous product if the court found it to be an imminently hazardous product.

Conference substitute (§ 8).—The provision on repurchase is not included in the conference report.

Commission Responsibility—Petition by Interested Person

Senate.—The Senate bill contained two provisions permitting the public to seek initiation of agency action. The first provision generally permitted any individual or class of individuals who alleged that he or they have been exposed by an act or omission of the Agency to a food, drug, or consumer product presenting an unreasonable risk of injury or death, to petition the Agency to take specific action sufficient to eliminate the alleged unreasonable risk. After opportunity for comment, the Agency was required to determine whether an unreasonable risk of injury or death existed as a result of an act or omission of the Agency and issue a decision either refusing to take any action or taking action designed to eliminate any unreasonable risk of injury or death. If the Agency refused to take sufficient action to eliminate the alleged risk, the petitioner could bring a civil action in a United States Court of Appeals. If the court found, based upon a preponderance of the evidence in the Agency's record, that the Agency, by an act or omission, had exposed the petitioner to a food, drug, or consumer product presenting unreasonable risk of injury or death, the court was directed to remand the matter to the Agency for appropriate action. A civil action under this provision would not have been available for the purpose of requiring the Agency to permit the distribution, etc., of any food, drug, or consumer product, or to obtain money damages. Costs of the petition and civil action (including reasonable attorney's fees) would be apportioned to the parties as the interests of justice require.

The second provision of the Senate bill permitted any consumer or other interested party to petition the Commissioner of the new Agency to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety standard or other action. The Commissioner was required to publish petitions in the Federal Register, to allow opportunity for comment, and, if he denied the petition, to publish his reasons therefor.

House.—The House amendment did not have a provision comparable to the first Senate provision described above, but did have one comparable to the second. However, this House provision permitted petitions only for consumer product safety rules (defined as safety standards or banning rules). The Commission was not required to allow opportunity for comment unless it decided to commence a rulemaking proceeding under the bill.

Conference substitute (§ 10).—The conference substitute permits any interested person (including a consumer or consumer organization) to petition the Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule. The petition must be filed in the principal office of the Commission and must set forth (1) facts which it is claimed establish that a consumer product safety rule or an amendment or revocation thereof is necessary, and (2) a brief description of the substance of the rule or amendment thereof which it is claimed

should be issued by the Commission. The Commission may hold a public hearing or may conduct such investigation or proceeding as it deems appropriate in order to determine whether or not the petition should be granted.

The Commission is required, within 120 days after filing of a petition described above to either grant or deny the petition. If the Commission grants such petition, it must promptly commence an appropriate proceeding under section 7 or 8 of the bill. If the Commission denies such petition it must publish in the Federal Register its reasons for such denial.

Subsection (e) of section 10 of the conference substitute provides that if the Commission denies a petition made under this section (or if it fails to grant or deny the petition within the 120 day period the petitioner may commence a civil action in a United States District Court to compel the Commission to initiate a proceeding to take the action requested. Any such action must be filed within 60 days after the Commission's denial of the petition, or (if the Commission fails to grant or deny the petition within 120 days after filing the petition) within 60 days after the expiration of the 120 day period. If the petitioner can demonstrate to the satisfaction of the court, by a preponderance of evidence in a de novo proceeding before the court, that the consumer product presents an unreasonable risk of injury, and that the failure of the Commission to initiate a rulemaking proceeding under section 7 or 8 of the bill unreasonably exposes the petitioner or other consumers to a risk of injury presented by the consumer product, the court is required to order the Commission to initiate the action requested by the petitioner. In a civil action authorized by subsection (e), the court will have no authority to compel the Commission to take any action other than the initiation of a rulemaking proceeding in accordance with section 7 or 8 of the bill. The judicial remedy under subsection (e) applies only with respect to petitions filed more than 3 years after the date of enactment of the bill.

The remedies under section 10 of the conference substitute are in addition to, and not in lieu of, other administrative and judicial remedies provided by law. Section 10 does not authorize the petitioner to recover damages from the Commission or any of its employees.

Judicial Review

Both bills had a provision for pre-enforcement judicial review, under the "substantial evidence" rule, of certain regulations prescribed under the bill.

Senate.—The Senate's provision applied to the following types of rules: consumer product safety standards, banning rules, rules applicable to standards development, rules requiring manufacturers to conduct safety analyses, and rules relating to compliance testing.

The Senate bill permitted the court in its discretion to award the manufacturer of a product declared a banned hazardous consumer product, damages, interest, and the cost of suit, including reasonable attorney fees, for actual damages suffered by him as a result of any banning order of the new Agency if the court determined that the order constituted an abuse of the discretion granted under the bill.

House.—The House judicial review provision applied only to consumer product safety rules. It contained no provision for awarding damages and attorneys fees to manufacturers. It contained a provision, not present in the Senate bill, authorizing the court under certain circumstances to order the Commission to conduct proceedings for additional presentations of data, views, or arguments.

Conference substitute (§ *11*).—The Senate recedes.

Imminent Hazards

Senate.—The Senate bill provided for initiation of judicial proceedings against any imminently hazardous consumer product, and against any manufacturer, importer, or seller of such a product. "Imminently hazardous consumer product" was defined as a consumer product presenting an unreasonable risk of injury or death which requires action to protect adequately the public health and safety prior to the completion of administrative proceedings under the bill. The Senate provision had no specific provision for seizure of an imminently hazardous product.

House.—The House amendment provided for initiation of judicial proceedings against any imminently hazardous consumer product and against any manufacturer (including importer), distributor, or retailer of the product. "Imminently hazardous consumer product" was defined as a consumer product which presents imminent and unreasonable risk of death, serious illness, or severe personal injury. The House provision specifically authorized the court to order seizure of such a product, and also contained provisions relating to venue, process and subpenas, and to multidistrict litigation. The Commission was authorized (but not required) to request the recommendations of the Product Safety Advisory Council (established under the bill) before commencing an action under the imminent hazard provision.

Conference substitute (§ *12*).—The Senate recedes.

Senate.—The Senate bill authorized the new Agency (where applicable) to require by regulation that a consumer product not subject to a consumer product safety standard (or type, class, or component thereof) be subjected to a detailed safety analysis in accordance with regulations of the Agency.

House.—The House amendment had no provision specifically authorizing the Commission to require a safety analysis. However, the House version contained a provision not present in the Senate bill requiring notification to the Commission respecting new products. The Commission could, by rule, prescribe procedures for the purpose of insuring that the manufacturer of any new consumer product furnish notice and a description of such product to the Commission before its distribution in commerce. "New consumer product" was defined as a consumer product which incorporates a design, material, or form of energy exchange which (1) has not previously been used substantially in consumer products and (2) as to which there exists a lack of information adequate to determine the safety of such product in use by consumers. The House amendment also authorized the Commission to require any manufacturer to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of the Act.

Conference substitute (§ *13.27(e)*).—The Senate recedes.

Product Certification

Senate.—The Senate bill required any manufacturer, importer, or distributor of a consumer product subject to a consumer product safety standard to furnish to the distributor or dealer at the time of delivery of such consumer product certification that each such consumer product conforms to all applicable consumer product safety standards. Any certification had to be based upon test procedures prescribed in the standards or (if none are prescribed) upon a reasonable testing program approved by the Agency.

The Senate bill directed the new Agency to conduct (or contract for) compliance testing of consumer products subject to consumer product safety standards. Manufacturers and importers of consumer products subject to standards were required to furnish a reasonable number of such products (drawn from regular production runs) without cost to the Agency upon request. The product tested would be returned to the manufacturer or importer upon the completion of any compliance testing, but the manufacturer or importer, in any subsequent sale or lease of the product, would have to disclose that it had been subjected to compliance testing.

The Senate bill also provided that whenever the new Agency had good cause to believe that a particular manufacturer was producing a consumer product with a significant incidence of noncompliance with a particular consumer product safety standard; it could require the manufacturer to submit a description of his relevant quality control procedures; and if the Agency determined that the noncompliance was attributable to the inadequacy of the manufacturer's control procedures, it could, after an adjudicatory hearing, order the manufacturer to revise his quality control procedures to the extent necessary to remedy the inadequacy.

House.—The House's certification provision was generally similar to the Senate's, except that the requirement to provide the certificate applied only to manufacturers and private labelers. The certificate was required to accompany the product and to be based on a test of each product or upon a reasonable testing program. In cases where more than one person was required to certify any given product, the Commission could designate one or more of them as subject to the requirement and relieve the others of the requirement. The Commission could by rule prescribe reasonable testing programs for products subject to a standard.

The House amendment authorized the Commission, for purposes of carrying out the bill, to purchase any consumer product and to require any manufacturer, distributor, or retailer of a consumer product to sell the product to the Commission at manufacturer's, distributor's, or retailer's cost.

The House amendment authorized product testing, but did not *require* the Commission to conduct compliance testing activities and did not expressly authorize it to order manufacturers to revise their quality control procedures.

Conference substitute (§ *14*).—The Senate recedes.

Product Labeling

House.—The House amendment authorized the Commission by rule to require the use and prescribe the form and content of labels containing the date and place of manufacture of a consumer product, and a suitable identification of the manufacturer of the consumer product (unless the product bears a private label in which case the label must identify the manufacturer by code and also identify the private labeler). If the product is subject to a consumer product safety rule, the rule under this provision may require the label to certify that the product meets all applicable standards and to specify the applicable standards. These labels, where practicable, could be required by the Commission to be permanently marked on or affixed to the consumer product. The Commission could permit any information as to date and place of manufacture and name of manufacture to be coded.

Senate.—The Senate bill contained no comparable provision.

Conference substitute (§ 14).—The Senate recedes.

Notification and Repair, Replacement, or Refund

(1) Notification by manufacturer to agency.

Senate.—The Senate bill required every manufacturer, importer, or distributor of, or dealer in, a consumer product who discovers that such product has a defect which relates to the safety of use of such product or that such product fails to comply with an

applicable consumer safety standard to immediately notify the new Agency of the defect or failure to comply if such product has left the place of manufacture.

House.—The House amendment required every manufacturer of a consumer product distributed in commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that the product fails to comply with an applicable consumer product safety rule, or contains a product defect which could create a substantial hazard to the public, to immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Conference substitute (§ 15(b)).—The Senate recedes.

(2) Notification by manufacturer to public.

Senate.—The Senate bill provided that if a consumer product fails to comply with an applicable order issued under the regulatory provisions of the bill and thereby presents an unreasonable risk of injury or death or has a defect which causes it to present an unreasonable risk of injury or death, the manufacturer, importer, or distributor of, or dealer in, such product could be required by the Agency (by order after an adjudicatory hearing) to give public notice and to mail to consumers and certain persons in the distribution chain notification containing information required by the Agency.

House.—The House amendment authorized the Commission, if it determined (after affording an opportunity for a hearing) that a product distributed in commerce presents a substantial product hazard and that notification is required in order to adequately protect the public from such substantial product hazard, to order the manufacturer or any distributor or retailer of the product to take any one or more of the following actions:

(A) to give public notice of the defect or failure to comply;

(B) to mail notice to each person who is a manufacturer, distributor, or retailer of such product; or

(C) to mail notice to every person to whom the person required to give notice knows such product was delivered or sold. Any such order shall specify the form and content of the notice.

The House bill defined "substantial product hazard" for purposes of the notification and remedy provision of the bill as a failure to comply with an applicable consumer product safety rule which creates a substantial hazard to the public, or a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial hazard to the public.

Conference substitute (§ 15 (a) and (c)).—The Senate recedes.

(3) Repair, replacement, or refund.

Senate.—The Senate bill provided that in any case in which the Agency could order the manufacturer, importer, dealer, or distributor to notify the public of a defect or failure to comply, it could also require him to bring such product into conformity with the requirements of such order without charge to the consumer, or to either replace such product with a like or equivalent consumer product which complies with such order without charge to the consumer or to refund the purchase price of such product upon its tender, whichever option is elected by the manufacturer, importer, distributor, or dealer whose product fails to comply. If an election is made to refund the purchase price, the price shall be less a reasonable allowance for use, if such product has been in the possession of the consumer for more than one year at the time of tender.

House.—The comparable provision of the House amendment authorized the Commission, if it determined (after affording an opportunity for a hearing) that a product distributed in commerce presents a substantial product hazard and that action under this provision would be in the public interest, to order the manufacturer or any distributor or retailer of such product to take whichever of the following actions the person to whom the order is directed elects:

(1) to bring the product into conformity with the requirements of the applicable consumer product safety rule or to repair the defect in such product;

(2) to replace the product with a like or equivalent product which complies with the applicable consumer product safety rule or which does not contain the defect; or

(3) to refund the purchase price of the product (less a reasonable allowance for use, if such product has been in the possession of a consumer for one year or more (A) at the time of public notice under subsection (c), or (B) at the time the consumer receives actual notice of the defect or noncompliance, whichever first occurs).

An order under this provision could also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking action under whichever of the foregoing paragraphs the person elected. The Commission would specify in the order the persons to whom refunds must be made if the person to whom the order is directed elects to take the action described in paragraph (3). If an order under this provision is directed to more than one person, the Commission shall specify which person has the election under this provision.

Conference substitute (§15(d)).—The Senate recedes.

(4) Reimbursement.

Senate.—The Senate required any manufacturer, importer, distributor, or dealer against whom an order is issued under the provisions relating to repair, replacement, etc., to reimburse each consumer of the product which is the subject of such order for any reasonable and foreseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by the order.

House.—The House amendment provided that no charge shall be made to any person (other than a manufacturer, distributor, or retailer) who avails himself of any remedy provided under a repair, replacement, or refund order, and the person subject to the order shall reimburse each person (other than a manufacturer, distributor, or retailer) who is entitled to such a remedy for any reasonable and foreseeable expenses incurred by such person in availing himself of such remedy. In addition, the House provided that any order issued under the notification, and repair, replacement, or refund section may require any person who is a manufacturer, distributor, or retailer of the product to reimburse any other person who is a manufacturer, distributor, or retailer of such product for such other person's expenses in connection with carrying out the order, if the Commission determines such reimbursement to be in the public interest.

Conference substitute (§ 15(e)).—The Senate recedes.

(5) Hearings.

Senate.—The Senate bill required full adjudicatory hearings under section 554 of title 5, United States Code, in a proceeding to order notification or replacement, refund, or repair.

House.—The House provided that a notification order or a replacement, refund, or repair order may be issued only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, except that, if the Commission determines that any person who wishes to participate in such hearing is a part of a class of participants who share an identity of interest, the Commission may limit such person's participation in such hearing to participation through a single representative designated by such class (or by the Commission if such class fails to designate such a representative).

Conference substitute (§15(f)).—The Senate recedes.

Inspection and Recordkeeping

Both bills had provisions dealing with inspection and recordkeeping.

Senate.—The Senate bill provided that a separate written notice was to be given for each inspection, but a notice was not required for each entry made during the period of inspection set forth in the notice. If the officer or employee who made the inspection obtained any sample in the course thereof, he was, prior to leaving the premises, to give to the owner, operator, or agent in charge, a receipt therefor describing the sample.

The Senate bill further provided that the district courts of the United States were to have jurisdiction to issue any warrant in aid of an inspection or investigation, if the warrant was required by the Constitution or laws of the United States, upon a finding that the inspection or investigation was for the purpose of enforcing the bill's provisions.

The Senate bill also authorized the Commissioner to establish, by order at any time, procedures to be followed by manufacturers or importers of a consumer product required to conform to a consumer product safety standard, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards had been promulgated. These procedures were to be reasonable for the particular type or class of consumer products for which they were prescribed. In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner was to consider the severity of the injury that could have resulted if a consumer product had not been manufactured in compliance with an applicable consumer product safety standard, the likelihood that a particular type or class of consumer products would not have been manufactured in compliance with an applicable consumer product safety standard, and the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of the maintenance).

House.—The House inspection and recordkeeping provisions did not contain any specific provisions similar to the above Senate provisions and its recordkeeping provision was applicable to every manufacturer, private labeler, or distributor of a consumer product, whether or not required to conform to a consumer public safety standard. However, the House amendment did authorize the Commission to require by rule manufacturers, private labelers, and distributors to establish and maintain such records as may be required to implement the Act.

Conference substitute (§ 16).—The Senate recedes.

Imported Products

Senate.—The Senate bill provided that any consumer product imported into the United States to which a consumer product safety standard applied or which was declared a banned or imminently hazardous consumer product, was not to be delivered from Customs custody except as provided in sec-

tion 499 of the Tariff Act of 1930. In the event an imported consumer product was delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and was declared a banned or imminently hazardous consumer product or failed to conform with a consumer product safety standard in effect on the date of entry of the merchandise, the Administrator was to inform the Secretary of the Treasury, and unless it appeared to the Administrator that the product could have been brought into compliance with all applicable requirements was to request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury was to assert a claim for liquidated damages for breach of a condition of the bond arising out of the failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages were not to be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer had previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury.

Destruction of products which failed to comply to regulations under this bill took place within ninety days after notice to the importer or consignee.

House.—The House amendment provided that any consumer product offered for importation into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) was to be refused admission into this customs territory if the product failed to comply with an applicable consumer product safety rule, was not accompanied by a certificate labeled in accordance with regulations under section 14 of the House amendment, was or had been determined to be an imminently hazardous consumer product in a proceeding brought under section 12 of the House amendment, had a product defect which constituted a substantial product hazard, or was a product which was manufactured by a person who the Commission has informed the Secretary of the Treasury is in violation of the inspection or recordkeeping requirements of the House amendment.

All actions taken by an owner or consignee to modify the product were subject to the supervision of an officer or employee of the Commission and of the Department of the Treasury and if it appeared to the Commission that the product could not be modified or that the owner or consignee was not proceeding satisfactorily to modify the product it was to be refused admission into the customs territory of the United States, and the Commission could direct the Secretary to demand redelivery of the product into customs custody, and to seize the product if it was not redelivered.

The House amendment further provided that products refuse admission into the customs territory of the United States had to be exported, except that upon application, the Secretary of the Treasury could have permitted the destruction of the product in lieu of exportation. If the owner or consignee did not export the product within a reasonable time, the Department of the Treasury could have destroyed the product.

Under the House amendment, the Commission was allowed to, by rule, condition the importation of a consumer product on the manufacturer's compliance with inspection and recordkeeping requirements and rules of the Commission with respect to these requirements.

Conference substitute (§ *17*).—The Senate recedes.

Prohibited Acts

Both bills contained similar provisions dealing with prohibited acts, and, in particular, they prohibited manufacture, distribution, etc. of consumer products which do not comply with a consumer product safety rule.

Senate.—The Senate bill contained provisions making it unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to fail or refuse to comply with any requirement as to the Senate bill's compliance section (dealing with quality control procedures, names of first purchases, compliance testing, and certification) and stockpiling section, to alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if the act is done while the product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a consumer product safety standard, or renders the product a banned or imminently hazardous consumer product, to fail to provide to the Director of the National Injury Information Clearinghouse the information concerning injuries, or to fail to provide any required safety analysis.

House.—The House amendment made it unlawful for any person to fail or refuse to permit access to or copying of records, fail to furnish information respecting a substantial product defect, fail to furnish a certificate or issue a false certificate if the person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect, or fail to comply with any rule relating to labeling.

The House amendment further provided that the unlawful acts of manufacturing for sale, offering for sale, distributing in commerce, or importing into the United States any consumer product which was not in conformity with an applicable consumer product safety standard or manufacturing for sale, offering for sale, distributing in commerce, or importing into the United States any consumer product which had been declared a banned hazardous product by a rule were not to apply to any person who held a certificate to the effect that the consumer product conformed to all applicable consumer product safety rules, unless the person knew that the consumer product did not conform, or relied in good faith on the representation of the manufacturer or a distributor of the product that the product was not subject to an applicable product safety rule.

Conference substitute (*§ 19*).—The conference substitute incorporates the provisions of the House bill with a conforming amendment making violations of the Commission's stockpiling rules under section 9(d)(2) a prohibited act.

Civil Penalties

Senate.—The Senate bill stated that whoever knowingly committed any act prohibited in its prohibited acts section, or, in case of commission of any act so enumerated in the Senate bill's prohibited act section by a corporation, the corporation and any individual director, officer, or agent of the corporation who knowingly caused in whole or in part the corporation to commit the act, were to be subject to a civil penalty of not more than $10,000 for each act which was to accrue to the United States and could have been recovered in a civil action brought by the United States or the Agency in its own name by any of its attorneys designated by the Administrator for that purpose. "Knowingly" was defined in the Senate bill to include knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

House.—The House amendment provided that any person who knowingly violated the prohibited acts section of the House amendment was to be subject to a civil penalty not to exceed $2,000 for each violation. A violation of section 19(a) (1), (2), (4), (5), or (6) was to constitute a separate violation with respect to each consumer product involved, except that the maximum civil penalty was not to exceed $500,000 for any related series of violations. A violation of section 19(a)(3) was to constitute a separate violation with respect to each failure or refusal to allow or perform an act required; and this violation was a continuing one, each day of the violation was to constitute a separate offense, except that the maximum civil penalty was not to exceed $500,000 for any related series of violations.

The House amendment further provided that the second sentence of the above paragraph did not apply to violations of paragraph (1) or (2) of section 19(a) of the House amendment if the person who violated these paragraphs was not the manufacturer or private labeler or a distributor of the product involved, and if the person did not have either actual knowledge that his distribution or sale of the product violated these paragraphs or notice from the Commission that the distribution or sale would have been a violation of these paragraphs.

Any civil penalty under the House amendment was authorized to be compromised by the Commission. In determining the amount of the penalty or whether it should have been remitted or mitigated and in what amount, the appropriateness of the penalty to the size of the business of the person charged and the gravity of the violation were to be considered. The amount of the penalty when finally determined, or the amount agreed on compromise, could have been deducted from any sums owing by the United States to the person charged.

Conference substitute (*§ 20*).—The Senate recedes.

Criminal Penalties

Senate.—The Senate bill provided that whoever knowingly committed any act prohibited by the prohibited acts section of the Senate bill, or, in case of commission of any prohibited act described in the prohibited act section of the Senate bill by a corporation, the corporation and any individual director, officer, or agent of a corporation who knowingly caused in whole or in part the corporation to commit the act, and, if the act had been willfully committed, was to be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than one year, or both. "Knowingly" was defined to include knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

House.—The House amendment provided that any person who knowingly and willfully violated the prohibited acts section of the House amendment after having received notice of noncompliance from the Commission was to be fined not more than $50,000 or be imprisoned not more than one year, or both. Any individual director, officer, or agent of the corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part a violation of the prohibited acts section and who had knowledge of notice of noncompliance received by the corporation from the Commission would be subject tc criminal penalties under this section.

Conference substitute (*§ 21*).—The Senate recedes.

Injunctions

Senate.—The Senate bill provided that upon application by the Administrator or the Attorney General, the district courts of the United States were to have jurisdiction to enjoin the commission of acts prohibited by prohibited acts section of the Senate bill,

and to compel the taking of any action required by the Senate bill.

House.—The House amendment provided that the United States district courts were to have jurisdiction to restrain any violation of the prohibited acts section of the House amendment, or to restrain any person from distributing in commerce a product which does not comply with a consumer product safety rule, or both. These actions were authorized to be brought by the Attorney General, on request of the Commission, in any United States district court for a district wherein any act, omission, or transaction constituting the violation had occurred, or in the court for the district wherein the defendant was found or transacted business. In any injunctive action process could have been served on a defendant in any other district in which the defendant resided or could have been found.

Conference substitute (§ 21(a)).—The Senate recedes with a conforming amendment.

Seizure

Senate.—The Senate bill provided that any consumer product which was not manufactured in compliance with an applicable consumer product safety standard, or which was not in compliance with such a standard as the result of altering, modifying, destroying, or removing any portion of, or doing any other act with respect to, a consumer product or labeling thereon or attached thereto, if the act was done while the product was being held or transported for sale, and resulted in the consumer product or its labeling failing to conform to a consumer product safety standard, or rendered the product a banned or imminently hazardous consumer product, or which was declared a banned or imminently hazardous consumer product, was to be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Administrator, and condemned in any district court of the United States within whose district the consumer product was found.

House.—The House amendment provided that any consumer product which failed to conform to an applicable consumer product safety rule when introduced into or while in commerce or while held for sale after shipment in commerce was to be liable to be proceeded against on libel of information and condemned in any United States district court within the jurisdiction of which the consumer product was found. Proceedings in cases instituted under this authority was to conform as nearly as possible to proceedings in rem in admiralty. Whenever these proceedings involving identical consumer products were pending in courts of two or more judicial districts they were to be consolidated for trial by order of any of these courts upon application reasonably made by any party in interest upon notice to all other parties in interest.

Conference substitute (§ 21(b)).—The Senate recedes with amendments permitting the commission's attorneys with the concurrence of the Attorney General to represent the Commission in seizure proceedings, and allowing consolidation where proceedings involved "substantially similar" products, rather than "identical" products as in the House amendment.

Private Enforcement of Product Safety Rules and Other Provisions

Both the Senate and the House bills had similar provisions for private suits for enforcement of consumer product safety rules and certain other requirements.

Senate.—The Senate bill provided that any person who could have been exposed to unreasonable risk of injury or death presented by a consumer product was authorized to bring an action to enforce a consumer product safety standard, or to enforce any order with respect to a banned hazardous consumer product under section 306(f) of the Senate bill, to enforce any order with respect to an imminently hazardous product under section 311 of the Senate bill, and to obtain the appropriate injunctive relief. The court could have awarded reasonable attorney's fees to the prevailing party.

House.—The House amendment provided that any interested person may bring an action to enforce a consumer product safety rule or to enforce any order relating to notification and repair, replacement, or refund under section 15 of the House amendment, and to obtain appropriate injunctive relief. The court could under certain conditions award costs of the suit, including reasonable attorney's fees, to the prevailing party.

Conference substitute.—The Senate recedes.

Effect on Private Remedies

Senate.—The Senate bill contained a provision stating that compliance with any consumer product safety standard did not exempt any person from any liability under common law.

House.—The House bill contained a provision stating that compliance with consumer product safety rules or other rules or orders were not to relieve any person from liability at common law or under State law to any other person, and the failure of the Commission to take any action or commence a proceeding with respect to the safety of a consumer product was not to be admissible in evidence in litigation at common law or under State law relating to such consumer product.

The House bill further provided that—

(1) subject to the confidentiality requirements of section 6(a)(2) of the House amendment but notwithstanding 6(a)(1), accident and investigation reports made by any officer, employee, or agent of the Commission were to be available for use in any civil, criminal, or other judicial proceeding arising out of the accident, and any officer, employee, or agent could have been required to testify in proceedings as to the facts developed in the investigations, and

(2) subject to section 6(a)(2) and 6(b) but notwithstanding section 6(a)(1), any accident or investigation report made by an officer or employee of the Commission was to be made available to the public in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified, and all reports on research projects, demonstration projects, and other related activities were to be public information.

Conference substitute. (§ 25).—The House provisions, other than the provisions described in paragraph (1) above are included in the conference substitute.

Effect on State Law

House.—The House amendment provided that whenever a Federal consumer product safety standard is in effect and applies to a hazard associated with a consumer product, no State or political subdivision of a State could either establish or continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same hazard associated with such consumer product; unless such requirements are identical to the requirements of the Federal standards. This provision also provided that it should not be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a consumer product for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

This provision also provided that upon application of a State or political subdivision thereof, the Commission by rule, after notice and opportunity for oral presentation of views, could exempt these preemption provisions (under such conditions as it may impose) a proposed safety standard or regulation described in the application, where the proposed standard or regulation (1) imposes a higher level of performance than the Federal standard, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce.

Senate.—The Senate bill was generally similar except that the exemptive authority was not required to be exercised by rule, and a State or political subdivision to qualify for an exemption had to adopt its standard pursuant to procedures and requirements which in the judgment of the Agency were substantially comparable to those prescribed for Federal consumer product safety standards.

Conference substitute.—The Senate recedes.

Product Safety Advisory Council

House.—The House bill provided that the Commission would establish a Product Safety Advisory Council which it could have consulted before prescribing a consumer product safety rule or taking other action under the House bill. The Council was to be appointed by the Commission and was to be composed of fifteen members, each of whom was to be qualified by training and experience in one or more of the fields applicable to the safety of products within the jurisdiction of the Commission. The Council was to be constituted of five members selected from governmental agencies including Federal, State, and local governments, five members selected from consumer product industries including at least one representative of small business, and five members selected from among consumer organizations, community organizations, and recognized consumer leaders. The Council was to meet at the call of the Commission, but not less often than four times during each calendar year.

The House bill gave the Council authority to propose consumer product safety rules to the Commission for its consideration and to function through subcommittees of its members. All proceedings of the Council were to be public, and a record of each proceeding was to be available for public inspection.

The House bill further provided that members of the Council who were not officers or employees of the United States were, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, to be entitled to receive compensation at a rate fixed by the Commission, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, including traveltime, and while away from their homes or regular places of business they would have been allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. These payments were not to render members of the Council officers or employees of the United States for any purpose.

Senate.—The Senate bill had general authority to establish advisory committees.

Conference substitute (§ 28).—The House provision is incorporated in the conference report.

AMENDMENTS TO OTHER LAWS

Federal Food, Drug, and Cosmetic Act Amendments

Senate.—The Senate bill amended section 602 of the Federal Food, Drug, and Cosmetic Act to provide that a cosmetic is to be considered misbranded unless its label con-

spicuously sets forth the common or usual name of the cosmetic substance and that of each of its ingredients, subject to exemptions which may be prescribed by the Secretary of Health, Education, and Welfare, and sets forth adequate warnings against use where its use might be dangerous to health. Section 201 of that Act was also amended so as to include "soap" within the definition of cosmetics, and thereby subject soap to the provisions of that Act.

House.—No comparable provision.

Conference substitute.—The Senate recedes.

Federal Hazardous Substances Act

Senate.—The Senate bill amended the Federal Hazardous Substances Act to establish a new procedure under which possibly toxic or corrosive substances to be used around a household or by children would be subjected to screening tests for toxicity and corrosiveness before being distributed commercially. Those substances which the tests indicated were toxic or corrosive were to be registered with the Secretary of Health, Education, and Welfare, together with a description of the substance, the results of the tests, and the proper antidote or treatment for any injury or illness which might result from contact or use. Such substances were to be assigned a registration number which was to appear on the label of any container of the toxic or corrosive substances. The Secretary of Health, Education, and Welfare was to establish an office through which the registered information would be available at all times for medical treatment purposes. In other amendments to that Act, the Senate bill provided that any substance registered with the Secretary under the Act, which failed to bear its registration number on the label of its container, was a misbranded hazardous substance; that foods, drugs, and cosmetics regulated under the Federal Food, Drug and Cosmetic Act and fuels in containers, used around a house in heating, cooking, or refrigeration, were to be covered under the Federal Hazardous Substances Act (present law explicitly excludes them from the definition of hazardous substances that failure to conduct the required screening tests was a prohibited act under the Federal Hazardous Substances Act; and that employees of the Department of Health, Education, and Welfare were authorized to enter factories, warehouses, and other establishments to inspect and copy screening test results.

House.—No similar specific provision.

Conference substitute.—The Senate recedes.

Federal Caustic Poison Act

Senate.—The Senate bill repealed the Federal Caustic Poison Act.

House.—No comparable provision.

Conference substitute.—The Senate recedes.

AUTHORIZATION APPROPRIATIONS

Senate.—The Senate bill authorized the appropriation of $250,000,000 for fiscal 1973, $300,000,000 for fiscal 1974, and $350,000,000 for fiscal 1975. The authorization limited the expenditure of appropriated funds by providing that no funds appropriated to carry out the bill could be expended to plan, design, or construct any research or testing facility unless that expenditure was specifically authorized by law. The Senate authorization included sums necessary to carry out the Agency's regulation of foods, drugs, medical devices, and cosmetics, as well as consumer products.

House.—The House amendment authorized the appropriation of $55,000,000 for fiscal 1973, $59,000,000 for fiscal 1974, and $64,000,000 for fiscal 1975. No amount appropriated under that authorization could be expended for the planning or construction of research, development, or testing facilities. A separate provision authorized the appropriation of such sums as might be necessary for the planning and construction of such facilities, subject to the limitation that no appropriation might be made for any such planning or construction involving an expenditure of more than $100,000 unless that planning or construction had been approved by resolutions adopted by the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee.

Conference substitute.—The Senate recedes.

EFFECTIVE DATES

Senate.—Section 119 of the Senate bill provided a general effective date of 90 days after the date on which the Administrator of the Agency first took office, or on such earlier date as the President might prescribe. Officers could be appointed at any time after the date of enactment of the proposed Act. Section 401 of the bill provided that the amendments made by that section to section 602 of the Federal Food, Drug, and Cosmetic Act were to take effect 1 year after the date of enactment of the proposed Act. Section 508 of the bill provided that the provisions in title V, amending the Federal Hazardous Substances Act, and repealing the Federal Caustic Poison Act, were to take effect 180 days after the date of enactment of the proposed Act. The Secretary of Health, Education, and Welfare was authorized to delay the applicability of the changes in law, made by the amendments to the Federal Hazardous Substances Act, to any person in any case in which he determined that the delay was necessary to allow sufficient time for testing and registration of the hazardous substances manufactured, compounded, or processed by that person.

House.—The House amendment provided that the proposed Act would become effective on the sixtieth day after the date of enactment, except for sections 4 (relating to the establishment of the Consumer Product Safety Commission) and 32 (relating to the authorization of appropriations) which were to take effect on the date of enactment of the proposed Act, and section 30 (relating to transfers of functions) which was to take effect 150 days after the date of enactment of the proposed Act or on the date on which at least 3 members of the Commission first took office, whichever was later.

Conference substitute (§ *34*).—The Senate recedes.

HARLEY O. STAGGERS,
JOHN E. MOSS,
W. S. "BILL" STUCKEY, Jr.,
BOB ECKHARDT,
WILLIAM L. SPRINGER,
JAMES T. BROYHILL,
JOHN WARE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN O. PASTORE,
FRANK E. MOSS,
ABRAHAM RIBICOFF,
EDWARD M. KENNEDY,
NORRIS COTTON,
MARLOW W. COOK,
CHARLES H. PERCY,
JACOB K. JAVITS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to :

Mr. MCKEVITT (at the request of Mr. ARENDS), for today, on account of official business.

Mr. Moss, for period from 3 p.m. Friday, October 13, through Friday, October 27, 1972, on account of official business.

Mr. DENHOLM (at the request of Mr ABOUREZK), for today through Saturday, October 14, on account of official business.

SPECIAL ORDERS GRANTED

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

Mr. FINDLEY, for 10 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. HOLIFIELD, for 30 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

Mr. DORN, on Friday next, for 1 hour, in order to afford Members the opportunity to pay their respects to the Honorable JOHN MCMILLAN, dean of the South Carolina delegation.

Mr. RANDALL, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

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

Mr. KEMP, for 60 minutes, on October 12.

Mr. HALPERN, for 30 minutes, on October 12.

Mr. FINDLEY, for 5 minutes, on October 12.

Mr. MCKINNEY, for 5 minutes, on October 12.

Mr. RAILSBACK, for 5 minutes, on October 12.

Mr. SCHWENGEL, for 60 minutes, on October 13.

Mr. HOSMER, for 5 minutes, today.

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

Mr. FRASER, for 5 minutes, today.

Mr. TIERNAN, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BLANTON, for 5 minutes, today.

Mr. STAGGERS, for 10 minutes, today.

Mr. PODELL, for 60 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. HOLIFIELD, for 30 minutes, today.

Mr. PRICE of Illinois, for 60 minutes, on October 13.

Mr. WHITTEN, for 60 minutes, on October 14.

Mr. MONTGOMERY, for 60 minutes, on October 14.

EXTENSION OF REMARKS

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

Mr. FINDLEY, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $425.

MR. MAHON, to include extraneous material with his remarks made today on the conference report on H.R. 14370.

All Members (at the request of Mr. CARLSON), for 5 legislative days to revise and extend their remarks in connection with the special order of Mr. KEMP today.

Mr. VAN DEERLIN (at the request of Mr. HECHLER of West Virginia) to extend his remarks following Mr. HECHLER's special order on Charles E. "Chuck" Yeager.

Mr. HENDERSON (at the request of Mr. HECHLER of West Virginia) to extend his remarks following Mr. VAN DEERLIN.

Mr. DU PONT (at the request of Mr. MOSHER) to extend his remarks on coastal zone management bill conference report.

Mr. MOSHER, to revise and extend his remarks on coastal zone management conference report.

Mr. SMITH of New York, to extend his remarks immediately following the remarks of the gentleman from West Virginia (Mr. HECHLER).

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

Mr. MAILLIARD in five instances.
Mr. ZWACH.
Mr. BUCHANAN in two instances.
Mr. ERLENBORN.
Mr. HARVEY.
Mr. WHITEHURST.
Mr. SCHWENGEL in two instances.
Mr. THOMSON of Wisconsin.
Mr. WYMAN in two instances.
Mr. VEYSEY in two instances.
Mr. ROUSSELOT in two instances.
Mr. BRAY in three instances.
Mr. LUJAN.
Mr. HALPERN in three instances.
Mr. GUDE in two instances.
Mr. FINDLEY.
Mr. GERALD R. FORD.
Mr. HEINZ.
Mr. MCCLURE.
Mr. ZION.
Mr. BYRNES of Wisconsin.
Mr. HOSMER in two instances.
Mr. THONE.
Mr. ESCH.
Mr. RAILSBACK in two instances.
Mr. WYDLER in two instances.
Mr. J. WILLIAM STANTON.
Mr. MILLER of Ohio in six instances.
Mr. DENNIS.
Mr. TALCOTT in three instances.
Mr. CONTE.
Mr. ASHBROOK in three instances.
Mr. PRICE of Texas.
Mr. COUGHLIN.
Mr. MIZELL in three instances.

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

Mr. HENDERSON.
Mr. BEGICH in two instances.
Mr. DENT.
Mr. ROY in two instances.
Mr. CORMAN in 10 instances.
Mr. BIAGGI in five instances.
Mr. BEVILL.
Mr. ROONEY of New York in four instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. ASHLEY in two instances.
Mr. TAYLOR.
Mr. EVINS of Tennessee in five instances.
Mr. BADILLO in five instances.
Mr. REES in two instances.
Mr. DENHOLM in two instances.
Mr. ROYBAL.
Mr. NIX in two instances.
Mr. BURKE of Massachusetts.
Mr. WILLIAM D. Ford.
Mr. EDWARDS of California in five instances.
Mr. REUSS in six instances.
Mr. BRINKLEY.
Mr. WOLFF in two instances.
Mr. DONOHUE.
Mr. ROE in three instances.
Mr. HELSTOSKI.
Ms. ABZUG in five instances.
Mr. RANGEL.
Mr. HARRINGTON.
Mr. STUCKEY in 10 instances.
Mr. MOORHEAD in six instances.
Mr. BOLAND.
Mr. VANIK in two instances.
Mr. THOMPSON of New Jersey.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4006. An act to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation; to the Committee on Veterans' Affairs.

S. 4067. An act to authorize the Secretary of the Interior to convey certain land situated in the vicinity of Georgetown, Colo., to Frank W. Whitenack; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes;

H.R. 10420. An act to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes;

H.R. 13694. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

H.R. 15641. An act to authorize certain construction at military installations, and for other purposes; and

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

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 493. An act to authorize and direct the Secretary of the Treasury to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes;

S. 2700. An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof;

S.J. Res. 247. Joint resolution extending the duration of copyright protection in certain cases; and

S.J. Res. 265. Joint resolution to provide grants for Allen J. Ellender fellowships to Disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended.

H.R. 10420. An act to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; and

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

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.) the House adjourned until tomorrow, Friday, October 13, 1972, at 12 noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the Office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

JOHN B. BREAUX, Seventh District of Louisiana.

EXECUTIVE COMMUNICATIONS, ETC.

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

2419. A letter from the Executive Director, Federal Communications Commission, trans-

mitting a report on the backlog of pending applications and hearing cases in the Commission as of August 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2420. A letter from the Under Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 25, 1972, submitting a report, together with accompanying papers and illustrations, on Salt River, Ky., requested by resolutions of the Committees on Public Works, U.S. Senate, adopted April 13, 1950, and House of Representatives, adopted June 27, 1950, and authorized by section 205 of the Flood Control Act approved May 17, 1950 (H. Doc. No. 92-374); to the Committee on Public Works and ordered to be printed with illustrations.

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. ROBERTS: Committee of conference. Conference report on S. 4018 (Rept. No. 92-1582). Ordered to be printed.

Mr. MILLS of Arkansas: Committee of conference. Conference report to accompany H.R. 9463 (Rept. No. 92-1583). Ordered to be printed.

Mr. FRASER: Committee on Foreign Affairs. 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 (Rept. No. 92-1584). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 13158. A bill to name a bridge across a portion of Oakland Harbor, Calif., the "George P. Miller-Leland W. Sweeney Bridge" (Rept. No. 92-1585). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 16804. A bill to rename the Mineola Dam and Lake as the Carl L. Estes Dam and Lake (Rept. No. 92-1586). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 17038. A bill designating the Oakley Reservoir on the Sangamon River at Decatur, Ill., as the William L. Springer Lake (Rept. No. 92-1587). Referred to the House Calendar.

Mr. ASPINALL: Committee of conference. Conference report on S. 141 (Rept. No. 92-1588). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report on S. 1852 (Rept. No. 92-1589). Ordered to be printed.

Mr. FLOOD: Committee of conference. Conference report on H.R. 16654 (Rept. No. 92-1591). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. Senate Joint Resolution 221. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial (Rept. No. 92-1592). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 3419 (Rept. No. 92-1593). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. DENNIS: Committee on the Judiciary. H.R. 10509. A bill for the relief of Juan Marcos Cordova-Campos; with an amendment (Rept. No. 92-1590). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17101. A bill to amend the Small Business Act, as amended, to provide financial assistance to small business concerns in converting to the metric system of weights and measures; to the Committee on Banking and Currency.

By Mr. BROOKS:

H.R. 17102. A bill to provide for the appointment of several officials of the Congress by the Speaker of the House of Representatives or the President pro tempore of the Senate; to the Committee on House Administration.

By Mr. BYRNES of Wisconsin:

H.R. 17103. A bill to amend section 453(d) of the Internal Revenue Code of 1954 with respect to the distribution of installment obligations in the case of the liquidation of certain small business corporations; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 17104. A bill to provide for decentralization of the agencies of the Federal Government by locating the U.S. Department of Agriculture in the heartland of America; to the Committee on Agriculture.

By Mr. EDWARDS of California.

H.R. 17105. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. HEINZ:

H.R. 17106. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

H.R. 17107. A bill to amend title II of the Social Security Act to improve the computation of an individual's old-age, survivors, and disability insurance benefits by providing a formula under which such benefits will reflect both the current wage levels at the time of such individual's entitlement and the length of such individual's coverage; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. BRASCO, Mr. BURTON, Mr. CORMAN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MURPHY of New York, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROYBAL, and Mr. TIERNAN):

H.R. 17108. A bill to amend the Public Health Service Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Interstate and Foreign Commerce.

H.R. 17109. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 17110. A bill to compensate victims of crimes of violence in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PODELL:

H.R. 17111. A bill to amend the Federal Reserve Act to change the color of Federal Reserve notes, to direct the Secretary of the Treasury to conduct a study concerning ways to vary the size of such notes, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 17112. A bill to provide reimbursement to certain individuals for medical relief for physical injury suffered by them that is directly attributable to the explosions of the atomic bombs on Hiroshima and Nagasaki, Japan, in August 1945 and the radioactive fallout from those explosions; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 17113. A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 17114. A bill to amend the Internal Revenue Code of 1954 to provide that for purposes of the Federal estate tax the value of farm real estate shall be its value for farming purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17115. A bill to amend the Internal Revenue Code of 1954 to provide a personal depletion allowance deduction for individuals who have attained age 45; to the Committee on Ways and Means.

By Mr. CONABLE (for himself and Mr. FRELINGHUYSEN):

H.R. 17116. A bill to amend section 4941(d)(2)(G) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 17117. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 17118. A bill to amend the Education Professions Development Act to establish a program to improve the quality of education in elementary and secondary schools in poor neighborhoods; to the Committee on Education and Labor.

By Mr. FLOOD (for himself, Mr. CLARK, Mr. CLEVELAND, Mr. DENT, Mr. EILBERG, Mr. GAYDOS, Mr. HALEY, Mr. HALPERN, Mr. HANLEY, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HOSMER, Mr. LEGGETT, Mr. MCDADE, Mrs. MINK, Mr. MURPHY of New York, Mr. NIX, Mr. PRYOR of Arkansas, Mr. REES, Mr. SANDMAN, Mr. TIERNAN, Mr. WARE, Mr. YATRON, and Mr. ZABLOCKI):

H.R. 17119. A bill to amend the Housing and Urban Development Act of 1968 with respect to flood insurance by establishing the national disaster insurance fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 17120. A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents; to the Joint Committee on Atomic Energy.

By Mr. FUQUA (for himself and Mr. BROWN of Ohio):

H.R. 17121. A bill to establish an independent Consumer Protection Agency, and for other purposes; to the Committee on Government Operations.

By Mr. HANLEY:

H.R. 17122. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 17123. A bill to prohibit most-favored-nation treatment and commercial and guar-

antee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.R. 17124. A bill to assure that any foreign establishment which produces or processes food, food additives, or drugs for import into the United States meets minimum U.S. standards for health and sanitation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 17125. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 17126. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 17127. A bill to provide for the establishment and enforcement of standards for the sealing of food packages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 17128. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. WALDIE, Mr. PRICE of Illinois, Mr. THOMPSON of New Jersey, Mr. Moss, Mr. BEGICH, Mr. HARRINGTON, Mr. MELCHER, Mr. PREYER of North Carolina, Mr. SEIBERLING, Mr. STOKES, Mr. HALPERN, and Mr. McKINNEY):

H.R. 17129. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 17130. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VANIK (for himself, Mr. BROYHILL of Virginia, Mr. BURKE of Florida, Mr. DANIEL of Virginia, Mr. DANIELSON, Mr. DONOHUE, Mr. DULSKI, Mr. EDMONDSON, Mr. GALLAGHER, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HEINZ, Mr. HOLIFIELD, Mr. METCALFE, Mr. MINSHALL, Mr. MORGAN, Mr. O'KONSKI, Mr. REID, Mr. UDALL, Mr. WHITEHURST, and Mr. GIBBONS):

H.R. 17131. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket-economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.J. Res. 1327. Joint resolution expressing the Sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.J. Res. 1328. Joint resolution designating the last Sunday in January of each year as "Sons' and Daughters' Day"; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. SCHWENGEL, Mr. BIAGGI, Mr. BRASCO, Mr. CAREY of New York, and Mr. ANNUNZIO):

H. Con. Res. 720. Concurrent resolution authorizing the placement of a statute of Christopher Columbus in the Capitol; to the Committee on House Administration.

By Mr. FINDLEY:

H. Res. 1161. Resolution amending the Rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

By Mr. PERKINS (for himself and Mr. QUIE):

H. Res. 1162. Resolution authorizing the Speaker to appoint delegates and alternates to attend the United Nations Educational, Scientific, and Cultural Organization Conference in Paris; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private severally referred as follows:

By Mr. FRELINGHUYSEN:

H.R. 17132. A bill for the relief of Carolina Monaco and her daughters, Lucia Monaco and Patricia Monaco; to the Committee on the Judiciary.

By Mr. NELSEN:

H. Res. 1163. Resolution to refer the bill (H.R. 10943) entitled "A bill for the relief of Robert A. Carleton" to the Chief Commissioner of the Court of Claims pursuant to sec- Judiciary.

EXTENSIONS OF REMARKS

ECUMENICAL CAMPUS OFFERS HEALTH CARE FOR ELDERLY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. HASTINGS. Mr. Speaker, recently I had the honor of being the guest speaker for the cornerstone laying of an Ecumenical Campus, a project which to my mind demonstrates how private initiative can respond in providing health care for the elderly.

The ceremonies took place in Jamestown, N.Y., on a site which eventually will be a home and health care complex for the aged embracing an 84-bed nursing home being built by the Lutheran Church of America; an 84-bed related health facility, including a core building to house a chapel and central service unit, being built by the United Presbyterian Church; and a comfortably appointed high-rise apartment to house the elderly, being built by the Covenant Church of America.

When finished the Ecumenical Campus will represent an $8 million endeavor by these three different denominations, working hand in hand in a joint effort with the community to provide all the modern tools of medicine to serve the aged.

As a member of the House Subcommittee on Public Health, I am familiar with the many problems facing the aged today in the area of health care. Here in this Ecumenical Campus is an inspiring example of what can be done.

These three churches laid more than a cornerstone. They laid the foundation for the kind of cooperative health care effort that can well serve as a lofty example for others throughout the Nation to follow.

What makes this project even more unique is the fact that not a single dollar of Federal or State funds was used in furthering this splendid facility.

I commend all who had a part in this effort and am including in the RECORD the following news account which gives full details of project in the hopes that other communities may see it as a way of achieving their health care goals for the aged:

[From the Jamestown (N.Y.) Post-Journal, Oct. 9, 1972]

CAMPUS CORNERSTONE LAID

Hailing the efforts of the Ecumenical Campus for the elderly being built on Falconer Street, Rep. James F. Hastings. (R-Rushford) promised to take the story of the project back to Washington and tell his colleagues how a "community in Upstate New York has been able to meet one of the most pressing needs of the day."

He made his remarks at the cornerstone laying of the multimillion dollar project held Sunday afternoon on the Lutheran Board of Social Services property.

In addition, he told the crowd of well-wishers, clergymen and politicians that government efforts to solve the health care and housing needs of the elderly continually "run into blank walls" and that the most remarkable aspect of this project was that "not one single Federal or state dollar is involved." He said he hopes to see more examples of this sort around the country.

Congressman Hastings, who was on crutches after being injured in a fall, was the guest speaker at the event where Jamestown Mayor Stanley N. Lundine also told the audience that this community "was lucky to have people with the vision and ability to put these plans into action."

Mayor Lundine promised the cooperation of the city on the project which he termed an "exciting approach."

The project includes the efforts of the Lutheran, Presbyterian and Covenant churches. It includes an 84-bed nursing home being erected by the Lutheran Church in America, an 84-bed health-related facility being erected by the United Presbyterian Church and a core building which includes a chapel and central services. The endeavor will eventually include a highrise apartment for the elderly which will be built by the Covenant Church in America. The total population of this ecumenical campus will eventually reach 500.

The money for the project has come from local citizens and foundations in varying amounts.

The Earle O. Hultquist Care Center was built and enlarged and is maintained by a gift and a bequest of Mrs. Earle O. Hultquist in memory of her husband and the kitchen facilities which will eventually turn out around 1,500 meals per day and the occupational and physical therapy facilities were